

GUILDFORD BOROUGH COUNCIL



BILLINGTON MAYOR

Contact Officer:

John Armstrong,
Democratic Services and Elections Manager

30 November 2020

To the Councillors of Guildford Borough Council

You are hereby summoned to attend a meeting of the Council for the Borough of Guildford on **TUESDAY 8 DECEMBER 2020 commencing at 7.00 pm**. The meeting can be accessed remotely via Microsoft Teams in accordance with the provisions of The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020.

James Whiteman
Managing Director

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Guildford
Surrey GU2 4BB

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WEBCASTING NOTICE

This meeting will be recorded for live and/or 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 Committee Services.

THE COUNCIL'S STRATEGIC FRAMEWORK

Vision – for the borough

For Guildford to be a town and rural borough that is the most desirable place to live, work and visit in South East England. A centre for education, healthcare, innovative cutting-edge businesses, high quality retail and wellbeing. A county town set in a vibrant rural environment, which balances the needs of urban and rural communities alike. Known for our outstanding urban planning and design, and with infrastructure that will properly cope with our needs.

Three fundamental themes and nine strategic priorities that support our vision:

- | | |
|---------------------|--|
| Place-making | Delivering the Guildford Borough Local Plan and providing the range of housing that people need, particularly affordable homes |
| | Making travel in Guildford and across the borough easier |
| | Regenerating and improving Guildford town centre and other urban areas |
| Community | Supporting older, more vulnerable and less advantaged people in our community |
| | Protecting our environment |
| | Enhancing sporting, cultural, community, and recreational facilities |
| Innovation | Encouraging sustainable and proportionate economic growth to help provide the prosperity and employment that people need |
| | Creating smart places infrastructure across Guildford |
| | Using innovation, technology and new ways of working to improve value for money and efficiency in Council services |

Values for our residents

- We will strive to be the best Council.
- We will deliver quality and value for money services.
- We will help the vulnerable members of our community.
- We will be open and accountable.
- We will deliver improvements and enable change across the borough.

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
Secunder 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
Secunder 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

AGENDA

1. 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 5 - 28)

To confirm the minutes of the meeting of the Council held on 6 October 2020.

4. MAYOR'S COMMUNICATIONS

To receive any communications or announcements from the Mayor.

5. LEADER'S COMMUNICATIONS

To receive any communications or announcements from the Leader of the Council.

6. PUBLIC PARTICIPATION

To receive questions or statements from the public.

7. QUESTIONS FROM COUNCILLORS

To hear questions (if any) from councillors of which due notice has been given.

8. **LOCAL COUNCIL TAX SUPPORT SCHEME 2021-22** (Pages 29 - 66)
9. **PAY POLICY STATEMENT 2020-21** (Pages 67 - 82)
10. **LICENSING ACT 2003 - REVIEW OF STATEMENT OF LICENSING POLICY**
(Pages 83 - 124)
11. **PERIODIC ELECTORAL REVIEW BY THE LOCAL GOVERNMENT
BOUNDARY COMMISSION FOR ENGLAND** (Pages 125 - 186)
12. **SELECTION OF THE MAYOR AND THE DEPUTY MAYOR 2021-22** (Pages
187 - 190)
13. **TIMETABLE OF COUNCIL AND COMMITTEE MEETINGS 2021-22** (Pages
191 - 196)
14. **MINUTES OF THE EXECUTIVE** (Pages 197 - 206)
To receive and note the attached minutes of the meetings of the Executive held
on 22 September and 27 October 2020.
15. **COMMON SEAL**
To order the Common Seal to be affixed to any document to give effect to any
decision taken by the Council at this meeting.

GUILDFORD BOROUGH COUNCIL

Draft Minutes of a meeting of Guildford Borough Council held virtually via MS Teams. on Tuesday 6 October 2020

Councillor Richard Billington (Mayor)
* Councillor Marsha Moseley (Deputy Mayor)

- | | |
|----------------------------------|-------------------------------|
| * Councillor Paul Abbey | * Councillor Ted Mayne |
| * Councillor Tim Anderson | * Councillor Julia McShane |
| * Councillor Jon Askew | * Councillor Ann McShee |
| * Councillor Christopher Barrass | * Councillor Bob McShee |
| * Councillor Joss Bigmore | * Councillor Masuk Miah |
| * Councillor David Bilbé | * Councillor Ramsey Nagaty |
| * Councillor Chris Blow | * Councillor Susan Parker |
| * Councillor Dennis Booth | * Councillor George Potter |
| * Councillor Ruth Brothwell | * Councillor Jo Randall |
| * Councillor Colin Cross | * Councillor John Redpath |
| * Councillor Graham Eyre | * Councillor Maddy Redpath |
| * Councillor Andrew Gomm | * Councillor Caroline Reeves |
| * Councillor Angela Goodwin | * Councillor John Rigg |
| * Councillor David Goodwin | * Councillor Tony Rooth |
| * Councillor Angela Gunning | * Councillor Will Salmon |
| * Councillor Gillian Harwood | * Councillor Deborah Seabrook |
| * Councillor Jan Harwood | * Councillor Pauline Searle |
| * Councillor Liz Hogger | * Councillor Paul Spooner |
| * Councillor Tom Hunt | * Councillor James Steel |
| Councillor Gordon Jackson | * Councillor James Walsh |
| Councillor Diana Jones | * Councillor Fiona White |
| * Councillor Steven Lee | * Councillor Catherine Young |
| * Councillor Nigel Manning | |

*Present

CO23 ELECTION OF CHAIRMAN FOR THE MEETING

Upon the motion of Councillor Joss Bigmore, seconded by Councillor Caroline Reeves, the Council

RESOLVED: That Councillor Paul Spooner be elected chairman for this meeting.

CO24 APOLOGIES FOR ABSENCE

Apologies for absence were received from The Mayor, Councillor Richard Billington and from Councillor Gordon Jackson.

CO25 DISCLOSURES OF INTEREST

There were no disclosures of interest.

CO26 MINUTES

The Council confirmed, as a correct record, the minutes of the meeting held on 28 July 2020. The chairman signed the minutes.

CO27 MAYOR'S COMMUNICATIONS

On behalf of the Mayor, the chairman reported the following communications:

Mrs Marie Watts

Councillors were reminded of the sad news that Marie Watts, wife of former Chief Executive, and Honorary Freeman, David Watts had passed away recently. Mrs Watts had supported David throughout his career at the Council and had been a familiar, friendly face at many civic events. The Council's thoughts were with David and his family at this difficult time.

Covid-19

Covid continued to impact on the daily lives of our residents and continuing local support for those most in need was vital. On 19 September 2020, Guildford Gag House held a Comedy Night in aid of one of the Mayor's charitable causes, The Coronavirus Response Fund. The event helped to raise the profile of this vital fund and boosted donations on the Mayor's fundraising page, which now stood at £407. With match funding from the Council, this meant we were well on the way to raising £1,000 for the fund. Further donations would be most welcome. The Mayor had thanked Nick Wyschna and everyone at Guildford Fringe for making this happen.

The Mayor had also thanked the Guildford Fringe and the Community Wellbeing team for the fantastic Silver Sunday show held on 4 October 2020. The performances were still available for viewing and they had raised £300 so far for Ash Parish Dementia Action Alliance.

Remembrance Sunday and Armistice Day

Following the most recent announcement by the Government with regard to the Rule of Six, plans to commemorate Remembrance Sunday had been revised. Given the current restrictions, it was now planned to hold a private Service of Remembrance for no more than six civic and military representatives, to represent the people of Guildford and all three Services.

The ceremony would be live streamed on corporate social media channels to capture the spirit of the day and enable our communities to participate and Remember from their homes. However, this was an ever-changing situation, and the current plan might have to be revised, in compliance with any change to the regulations. More details would follow nearer the time for all involved.

It was also intended to hold a private ceremony to commemorate Armistice Day on Wednesday 11 November 2020.

CO28 ELECTION OF LEADER OF THE COUNCIL

Following the resignation of the Councillor Caroline Reeves as Leader of the Council on 22 September 2020, the Democratic Services and Elections Manager reported that Councillor John Rigg and proposed, and Councillor Maddy Redpath had seconded, the nomination of Councillor Joss Bigmore for election as the Leader of the Council.

Following comments from councillors in respect of the nomination, the Council

RESOLVED: That Councillor Joss Bigmore be elected Leader of the Council for a period ending on the day of the next post-election annual meeting of the Council.

Under the Remote Meetings Protocol, a roll call was taken to record the vote on the election of Leader, the results of which were 35 councillors voting in favour of Councillor Bigmore, 5 against, and 4 abstentions, as follows:

For Councillor Joss Bigmore (35 votes):

Councillor Paul Abbey
Councillor Tim Anderson
Councillor Jon Askew
Councillor Christopher Barrass

Councillor Ann McShee
Councillor Bob McShee
Councillor Masuk Miah
Councillor Ramsey Nagaty

Councillor Joss Bigmore
Councillor Chris Blow
Councillor Dennis Booth
Councillor Ruth Brothwell
Councillor Colin Cross
Councillor Angela Goodwin
Councillor David Goodwin
Councillor Gillian Harwood
Councillor Jan Harwood
Councillor Liz Hogger
Councillor Tom Hunt
Councillor Steven Lee
Councillor Ted Mayne
Councillor Julia McShane

Councillor Susan Parker
Councillor George Potter
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 James Steel
Councillor Fiona White
Councillor Catherine Young

Against Councillor Joss Bigmore (5 votes):

Councillor David Bilbé
Councillor Graham Eyre
Councillor Angela Gunning
Councillor Paul Spooner
Councillor James Walsh

Abstentions (4 votes):

Councillor Andrew Gomm
Councillor Nigel Manning
Councillor Marsha Moseley
Councillor Jo Randall

CO29 LEADER'S COMMUNICATIONS

The newly elected Leader of the Council announced the appointment of Councillor Caroline Reeves as Deputy Leader of the Council and confirmed that there would no other changes to the current Executive.

The Leader also summarised the main challenges faced by the Council moving forward and the key objectives of the administration.

CO30 PUBLIC PARTICIPATION

Katharine Paulson asked the Lead Councillor for Climate Change, Councillor Jan Harwood, the following question:

“In light of the recent Local Authority Green Belt: England 2019-20*, stats published on 20 September 2020, where Guildford Borough Council gets a special mention as accounting for 46 % of the changes to the greenbelt across the country and causing a 6 % loss of the country’s greenbelt, a figure that does not even take into account reallocations where timely planning enforcement action has not taken to protect unlawful sites from CLUEDs, could the Lead Councillor please confirm at what point will GBC and their planning department decide that green belt and agricultural land is a finite resource? The boroughs adjacent to London have a duty to keep this green space, to increase biodiversity, carbon sequestration, for production of food, and for the benefit of the future generations. Once this land is gone, it is gone forever, do the councillors really want to leave this legacy for future generations?”

*Source: <https://www.gov.uk/government/news/pm-commits-to-protect-30-of-uk-land-in-boost-for-biodiversity>

The Lead Councillor's response was as follows:

"Guildford Borough is fortunate to be one of the greenest boroughs in the UK and as a council we are committed to protecting the biodiversity. The figures published are somewhat misleading in the absence of context. Firstly, 5.5% of the total greenbelt designation within our Borough (not the entire country, also the 6% figure is a rounding) was revoked. This has to be taken in the context that Guildford Borough was 89% greenbelt designated before the adoption of the Local Plan and is now 83.5%. To help understand the scale of this – it represents a loss of 0.09% of the country's greenbelt. Additionally, of the total, 4% was the insetting of villages previously washed over by the greenbelt policy which was spatially defined in Guildford in the 1987 Local Plan. The only other amendment that has been made to the greenbelt since it was defined in 1987 was the removal of Manor Park at the University of Surrey in the Local Plan 2003 – this removed 63.3ha (or 0.004% of the country's total greenbelt). This adjustment for insetting was made as those built up areas were not considered to contribute to the openness of the greenbelt and therefore no longer met the requirement for inclusion in the greenbelt as set out by national policy. This 4% was not earmarked for specific development and is subject to the same policies as other urban areas such as extensions and rebuilding. The remaining 1.5% of previous greenbelt land makes up a significant part of the housing supply in the now adopted Local Plan.

In other words, whilst the headline figures and accompanying pie charts may garner attention, the real takeaway from the published figures is a stark indication of just how few Boroughs are able to adopt local plans in a given year. The change (-6%) is still proportionally less than that experienced at a number of other authorities (e.g. Stevenage at -31%; Nuneaton and Bedworth at -10%). Fortunately for Guildford, having a sound Local Plan protects us from precisely the type of development that would endanger the biodiversity and openness we have the privilege of enjoying.

Additionally, I would argue that all Boroughs within the UK have the same duties regardless of proximity to London. We are not and will not be the breadbasket for the capital. Neither will we be the excuse or mitigation for poor development elsewhere.

Finally, I would like to remind everyone that the Greenbelt is absolutely not a finite environmental resource. It is simply a policy designation not an environmental designation. Areas of Outstanding Natural Beauty and Sites of Special Scientific Interest are protected for their environmental quality. Designation of greenbelt can both be made and taken away. The focus should be on the protection and enhancement of our environment precisely for the reason Mrs Paulson states: for the benefit of future generations".

Councillor Jan Harwood
Lead Councillor for Climate Change

CO31 CONSIDERATION OF PETITION: "CITIZENS' ASSEMBLY ON THE CLIMATE CRISIS"

The Council considered a report on the receipt of a joint petition and e-petition on 9 March 2020, containing a combined total of 503 signatories and e-signatories, requesting the Council to

"implement a binding citizens' assembly to formulate a plan for the council to tackle the climate emergency. This could be instructed as the first meaningful action of the Climate Change Innovation Board which has the mandate to build a borough-wide plan for tackling climate change."

As there were in excess of 500 signatures, the Council's Petition Scheme required the full Council to debate the matters raised by the petition/e-petition and to indicate to the petition organiser what action the Council proposed to take in response.

The report included the petition organiser's supporting statement accompanying the petition, which had stated:

"We applaud Guildford Borough Council in telling the truth and declaring a Climate Emergency in July 2019. We now need to act without delay and involve the residents of Guildford in a citizens' assembly. We do not need another slow moving local authority committee.

We need action.

Your initiative to have a Climate Change and Innovation Board (CCIB) has minimal public involvement and is to report to the GBC Executive within 12 months.

It is an emergency, not business as usual. 12 months is too late. The public need to be with you to formulate climate policies for the council, the area and for individuals – not be held at arm's length while a committee deliberates.

The residents of Guildford have to be involved to drive climate policy by holding binding citizens' assemblies on how to tackle our borough's emissions. This will remove any party-political bias and corporate interest from the process, and sidestep decisions being made based on the short-term focus of re-election.

Expert individuals and organisations will be employed to present Guildford constituents with the most appropriate ways to mitigate the threat of climate breakdown and devise a strategy for Guildford reaching net zero, as per the council's commitment on 23rd July 2019.

This will also empower the community in their efforts in tackling the climate emergency, whilst allowing for a truly democratic decision on how we, as a community, combat the climate emergency. The council must be a leader on the crisis, and take every possible opportunity to give the public the power in deciding how our tax-payer funds are used to tackle an existential crisis which affects all of us, as well as our children and generations to come.

At least a dozen other councils have already done this. A citizens' assembly could be convened within 4 months and report back to the council with binding recommendations within 6 months.

Camden Council is renowned as the leading London borough on climate action (Friends Of The Earth study, Sep '19). They initiated a binding Citizens Assembly from which a detailed and realistic 17-point action plan was drawn, and which allowed for immediate action. GBC also ranked well in the FoE study, and as such it is appropriate to follow Camden's lead and try to climb the league table.

Citizens Assemblies have already proved highly effective in finding democratic solutions to the hardest issues to resolve.

This is an opportunity for GBC to be completely transparent - as per 2019 manifesto pledges - and to work with its constituents in this crisis. There are multiple individuals and bodies locally who can be consulted on this.

We demand that Guildford Borough Council set up a citizens' assembly on the climate emergency without delay".

The petition organiser, Jessie West, made a statement to the Council in support of the petition.

The Lead Councillor for Climate Change, Councillor Jan Harwood proposed and the Deputy Leader of the Council, Councillor Caroline Reeves seconded the following motion for the purpose of the Council's formal response to the petition:

"This Council recognised the urgency for action on climate change through the declaration of an emergency. However, given the scope and scale of the challenges we face, Guildford Borough Council cannot tackle the climate change crisis alone.

Because climate change is a global issue and requires the cooperation of everyone on the planet, in order to make a meaningful difference we must work as far as possible to develop partnerships and alliances across the county and region.

The Council recognises that we are not only facing great uncertainty over the borough's recovery from the impact of the coronavirus pandemic, but also imminent discussions on possible unitary local government structures in Surrey, arising from the Government's Devolution White Paper. Unitary local government in Surrey would bring about significant change to roles and responsibilities for areas and services contributing to carbon emissions. It also has the potential to create and improve strong partnerships and alliances that are better able to tackle climate change.

Therefore, we believe "*implementing a binding citizens' assembly to formulate a plan for the council to tackle the climate emergency*" is not appropriate or practicable at this time in these circumstances. The Council notes that the Lead Councillor for Climate Change has already held informal discussions, at lead councillor level, with a number of councils in Surrey to explore possible joint working arrangements to address the climate emergency. This work will continue. We believe that we should work proactively with our partners in this regard and ensure we are best placed to meet and adapt to any changes in local government structure in the future and be strongly placed to lead action on climate change locally and across the county. Accordingly, the Council

RESOLVES: That the Managing Director be instructed to open discussions with all Surrey councils:

- (1) to explore possible formal joint working arrangements on climate change;
- (2) to seek formal agreement that the implementation of robust and sustainable policies on climate change should be the leading priority for any new unitary council(s) in Surrey with a recommendation that they explore the benefits of using a citizens' assembly as a means of engaging with the community and harnessing the power of local activism in the formulation of such policies; and
- (3) to report the outcome of these discussions to the Executive."

Under Council Procedure Rule 15 (o), Councillor Harwood as the mover of the original motion, indicated that, with the consent of his seconder and of the meeting, he wished to alter his motion as follows:

- (1) In the first sentence of the fourth paragraph, after "...*climate emergency*", insert "*for Guildford borough alone*".

(2) At the end of the third sentence of the fourth paragraph, after “*This work will continue*”, insert “*and will include consideration of holding a citizens’ assembly jointly with neighbouring authorities*”.

(3) After that sentence, insert the following new paragraph:

“The Council also notes that Lead Councillor for Climate Change has commenced discussions on a programme of community engagement, education and action with all Guildford stakeholders, including (but not limited to) parish councils, residents’ associations, local businesses and environmental groups, to enable Guildford borough to reach net Carbon Zero.”

(4) In paragraph (c) of the resolution within the motion, substitute “*full Council*” in place of “*the Executive*”.

The motion, as altered, would read as follows:

“This Council recognised the urgency for action on climate change through the declaration of an emergency. However, given the scope and scale of the challenges we face, Guildford Borough Council cannot tackle the climate change crisis alone.

Because climate change is a global issue and requires the cooperation of everyone on the planet, in order to make a meaningful difference we must work as far as possible to develop partnerships and alliances across the county and region.

The Council recognises that we are not only facing great uncertainty over the borough’s recovery from the impact of the coronavirus pandemic, but also imminent discussions on possible unitary local government structures in Surrey, arising from the Government’s Devolution White Paper. Unitary local government in Surrey would bring about significant change to roles and responsibilities for areas and services contributing to carbon emissions. It also has the potential to create and improve strong partnerships and alliances that are better able to tackle climate change.

Therefore, we believe “*implementing a binding citizens’ assembly to formulate a plan for the council to tackle the climate emergency*” for Guildford borough alone is not appropriate or practicable at this time in these circumstances.

The Council notes that the Lead Councillor for Climate Change has already held informal discussions, at lead councillor level, with a number of councils in Surrey to explore possible joint working arrangements to address the climate emergency. This work will continue and will include consideration of holding a citizens’ assembly jointly with neighbouring authorities.

The Council also notes that Lead Councillor for Climate Change has commenced discussions on a programme of community engagement, education and action with all Guildford stakeholders, including (but not limited to) parish councils, residents’ associations, local businesses and environmental groups, to enable Guildford borough to reach net Carbon Zero.

We believe that we should work proactively with our partners in this regard and ensure we are best placed to meet and adapt to any changes in local government structure in the future and be strongly placed to lead action on climate change locally and across the county. Accordingly, the Council

RESOLVES: That the Managing Director be instructed to open discussions with all Surrey councils:

- (a) to explore possible formal joint working arrangements on climate change;
- (b) to seek formal agreement that the implementation of robust and sustainable policies on climate change should be the leading priority for any new unitary council(s) in Surrey with a recommendation that they explore the benefits of using a citizens' assembly as a means of engaging with the community and harnessing the power of local activism in the formulation of such policies; and
- (c) to report the outcome of these discussions to **full Council**."

The Council agreed to accept the alteration to the original motion, as indicated above. The motion, as altered, therefore became the substantive motion for debate.

Following the debate on the substantive motion, Councillor Susan Parker proposed, and Councillor Ramsey Nagaty seconded, the following amendment:

- (1) After the second paragraph add the following paragraph:

"We also recognise the need – as expressed by Sir David Attenborough in his recent broadcast – that our response to climate change must not just be global, national, or even regional, but that it is a personal and local responsibility including that of local government and that it must start now."

- (2) In the third paragraph of the substantive motion, after "coronavirus pandemic" delete the comma and "but", and insert a full stop followed by "There are also imminent discussions on possible unitary local government structures in Surrey, arising from the Government's Devolution White Paper."
- (3) At the end of the first sentence of the fourth paragraph, add after "...these circumstances", "particularly due to the impact of Covid".
- (4) At the end of the seventh paragraph, add "This is a good start."
- (5) After the seventh paragraph, add the following paragraphs:

"However, we feel that this is not enough and that we must also support the petition in agreeing to establish a Citizens' Assembly as soon as it will be practicable to hold this due to Covid. We feel that the council should seek to change hearts and minds in the community to encourage residents to make appropriate individual choices.

We also wish to implement policies which will have an immediate impact on reducing climate change now. We recognise that Guildford is a key partner in the drive to reduce carbon emissions, and that our capacity to reduce the local carbon footprint is magnified by the planning policies which we are able to introduce".

- (6) Add the following paragraph to the resolution within the motion:

"(2) That, in addition, the Council itself commits that it will take urgent action in the short term to minimise climate change, such action shall include the development of policies by the Climate Change Board, who will present a progress report to full Council within three months, such policies will include:

- (i) measures to reduce the carbon footprint of:
 - (a) the borough's own activities (moving to a zero-carbon position);
 - (b) the borough's assets;
 - (c) buildings within the borough, so that the carbon footprint impact is assessed on all planning applications and given substantial weight in determining those applications; and
- (ii) new building policies, using the Council's planning and policy role including detailed planning requirements to minimise embedded carbon and impose the highest possible standards on all new building within the borough".

The substantive motion, as amended, would read as follows:

"This Council recognised the urgency for action on climate change through the declaration of an emergency. However, given the scope and scale of the challenges we face, Guildford Borough Council cannot tackle the climate change crisis alone.

Because climate change is a global issue and requires the cooperation of everyone on the planet, in order to make a meaningful difference we must work as far as possible to develop partnerships and alliances across the county and region.

We also recognise the need – as expressed by Sir David Attenborough in his recent broadcast – that our response to climate change must not just be global, national, or even regional, but that it is a personal and local responsibility including that of local government and that it must start now.

The Council recognises that we are not only facing great uncertainty over the borough's recovery from the impact of the coronavirus pandemic. **There are** also imminent discussions on possible unitary local government structures in Surrey, arising from the Government's Devolution White Paper. Unitary local government in Surrey would bring about significant change to roles and responsibilities for areas and services contributing to carbon emissions. It also has the potential to create and improve strong partnerships and alliances that are better able to tackle climate change.

Therefore, we believe "*implementing a binding citizens' assembly to formulate a plan for the council to tackle the climate emergency*" for Guildford borough alone is not appropriate or practicable at this time in these circumstances, **particularly due to the impact of Covid.**

The Council notes that the Lead Councillor for Climate Change has already held informal discussions, at lead councillor level, with a number of councils in Surrey to explore possible joint working arrangements to address the climate emergency. This work will continue and will include consideration of holding a citizens' assembly conjointly with neighbouring authorities.

The Council also notes that Lead Councillor for Climate Change has commenced discussions on a programme of community engagement, education and action with all Guildford stakeholders, including (but not limited to) parish councils, residents' associations, local businesses and environmental groups, to enable Guildford borough to reach net Carbon Zero.

We believe that we should work proactively with our partners in this regard and ensure we are best placed to meet and adapt to any changes in local government structure in the future and be strongly placed to lead action on climate change locally and across the county. **This is a good start.**

However, we feel that this is not enough and that we must also support the petition in agreeing to establish a Citizens' Assembly as soon as it will be practicable to hold this due to Covid. We feel that the council should seek to change hearts and minds in the community to encourage residents to make appropriate individual choices.

We also wish to implement policies which will have an immediate impact on reducing climate change now. We recognise that Guildford is a key partner in the drive to reduce carbon emissions, and that our capacity to reduce the local carbon footprint is magnified by the planning policies which we are able to introduce.

Accordingly, the Council

RESOLVES:

- (1) That the Managing Director be instructed to open discussions with all Surrey councils:
 - (a) to explore possible formal joint working arrangements on climate change;
 - (b) to seek formal agreement that the implementation of robust and sustainable policies on climate change should be the leading priority for any new unitary council(s) in Surrey with a recommendation that they explore the benefits of using a citizens' assembly as a means of engaging with the community and harnessing the power of local activism in the formulation of such policies; and
 - (c) to report the outcome of these discussions to the full Council.

- (2) That, in addition, the Council itself commits that it will take urgent action in the short term to minimise climate change, such action shall include the development of policies by the Climate Change Board, who will present a progress report to full Council within three months, such policies will include:
 - (i) measures to reduce the carbon footprint of:
 - (a) the borough's own activities (moving to a zero-carbon position);
 - (b) the borough's assets;
 - (c) buildings within the borough, so that the carbon footprint impact is assessed on all planning applications and given substantial weight in determining those applications; and

 - (ii) new building policies, using the Council's planning and policy role including detailed planning requirements to minimise embedded carbon and impose the highest possible standards on all new building within the borough".

Under Council Procedure Rule 15 (o), Councillor Parker as the mover of the amendment indicated that, with the consent of her seconder and of the meeting, she wished to alter her amendment as follows:

Substitute the following in place of paragraph (2) (i) (a) of the resolution:

“(a) the borough's own activities (moving to a **net** zero-carbon position);”

The Council agreed to accept the alteration to the amendment, as indicated above.

Following the debate on the amendment, as altered, it was put to the vote and was carried. Under the Remote Meetings Protocol, a roll call was taken to record the vote on the amendment, the results of which were 19 councillors voting in favour, 17 against, and 6 abstentions, as follows:

For the amendment

Cllr Christopher Barrass
Cllr David Bilbé
Cllr Chris Blow
Cllr Ruth Brothwell
Cllr Colin Cross
Cllr Graham Eyre
Cllr Andrew Gomm
Cllr Angela Gunning
Cllr Tom Hunt
Cllr Ann McShee
Cllr Bob McShee
Cllr Ramsey Nagaty
Cllr Susan Parker
Cllr John Redpath
Cllr John Rigg
Cllr Deborah Seabrook
Cllr James Walsh
Cllr Fiona White
Cllr Catherine Young

Against the amendment

Cllr Tim Anderson
Cllr Joss Bigmore
Cllr Angela Goodwin
Cllr David Goodwin
Cllr Gillian Harwood
Cllr Jan Harwood
Cllr Liz Hogger
Cllr Steven Lee
Cllr Ted Mayne
Cllr Julia McShane
Cllr Masuk Miah
Cllr George Potter
Cllr Jo Randall
Cllr Caroline Reeves
Cllr Will Salmon
Cllr Pauline Searle
Cllr James Steel

Abstentions

Cllr Paul Abbey
Cllr Jon Askew
Cllr Dennis Booth
Cllr Maddy Redpath
Cllr Tony Rooth
Cllr Paul Spooner

Following the vote on the amendment, but before the vote was taken on the substantive motion, the petition organiser, Jessie West exercised her right of reply on the debate.

The Council

RESOLVED: That the Council's response to the petition is as follows:

"This Council recognised the urgency for action on climate change through the declaration of an emergency. However, given the scope and scale of the challenges we face, Guildford Borough Council cannot tackle the climate change crisis alone.

Because climate change is a global issue and requires the cooperation of everyone on the planet, in order to make a meaningful difference we must work as far as possible to develop partnerships and alliances across the county and region.

We also recognise the need – as expressed by Sir David Attenborough in his recent broadcast – that our response to climate change must not just be global, national, or even regional, but that it is a personal and local responsibility including that of local government and that it must start now.

The Council recognises that we are not only facing great uncertainty over the borough's recovery from the impact of the coronavirus pandemic. *There are* also imminent discussions on possible unitary local government structures in Surrey, arising from the Government's Devolution White Paper. Unitary local government in Surrey would bring about significant change to roles and responsibilities for areas and services contributing to carbon emissions. It also has the potential to create and improve strong partnerships and alliances that are better able to tackle climate change.

Therefore, we believe "*implementing a binding citizens' assembly to formulate a plan for the council to tackle the climate emergency*" for Guildford borough alone is not appropriate or practicable at this time in these circumstances, particularly due to the impact of Covid.

The Council notes that the Lead Councillor for Climate Change has already held informal discussions, at lead councillor level, with a number of councils in Surrey to explore possible joint working arrangements to address the climate emergency. This work will continue and will include consideration of holding a citizens' assembly conjointly with neighbouring authorities.

The Council also notes that Lead Councillor for Climate Change has commenced discussions on a programme of community engagement, education and action with all Guildford stakeholders, including (but not limited to) parish councils, residents' associations, local businesses and environmental groups, to enable Guildford borough to reach net Carbon Zero.

We believe that we should work proactively with our partners in this regard and ensure we are best placed to meet and adapt to any changes in local government structure in the future and be strongly placed to lead action on climate change locally and across the county. This is a good start.

However, we feel that this is not enough and that we must also support the petition in agreeing to establish a Citizens' Assembly as soon as it will be practicable to hold this due to Covid. We feel that the council should seek to change hearts and minds in the community to encourage residents to make appropriate individual choices.

We also wish to implement policies which will have an immediate impact on reducing climate change now. We recognise that Guildford is a key partner in the drive to reduce carbon emissions, and that our capacity to reduce the local carbon footprint is magnified by the planning policies which we are able to introduce.

Accordingly, the Council

RESOLVES:

- (1) That the Managing Director be instructed to open discussions with all Surrey councils:
 - (a) to explore possible formal joint working arrangements on climate change;
 - (b) to seek formal agreement that the implementation of robust and sustainable policies on climate change should be the leading priority for any new unitary council(s) in Surrey with a recommendation that they explore the benefits of using a citizens' assembly as a means of engaging with the community and harnessing the power of local activism in the formulation of such policies; and
 - (c) to report the outcome of these discussions to the full Council.
- (2) That, in addition, the Council itself commits that it will take urgent action in the short term to minimise climate change, such action shall include the development of policies by the Climate Change Board, who will present a progress report to full Council within three months, such policies will include:
 - (i) measures to reduce the carbon footprint of:
 - (a) the borough's own activities (moving to a net zero-carbon position);
 - (b) the borough's assets;
 - (c) buildings within the borough, so that the carbon footprint impact is assessed on all planning applications and given substantial weight in determining those applications; and
 - (ii) new building policies, using the Council's planning and policy role including detailed planning requirements to minimise embedded carbon and impose the highest possible standards on all new building within the borough".

Under the Remote Meetings Protocol, a roll call was taken to record the vote on the substantive motion, the results of which were 40 councillors voting in favour, none against, and two abstentions, as follows:

For the motion

Cllr Tim Anderson
Cllr Jon Askew
Cllr Christopher Barrass
Cllr Joss Bigmore
Cllr David Bilbé
Cllr Chris Blow
Cllr Ruth Brothwell
Cllr Colin Cross
Cllr Graham Eyre
Cllr Andrew Gomm
Cllr Angela Goodwin
Cllr David Goodwin
Cllr Angela Gunning
Cllr Gillian Harwood
Cllr Jan Harwood
Cllr Liz Hogger
Cllr Tom Hunt
Cllr Steven Lee
Cllr Ted Mayne
Cllr Julia McShane
Cllr Ann McShee
Cllr Bob McShee
Cllr Masuk Miah
Cllr Ramsey Nagaty
Cllr Susan Parker
Cllr George Potter
Cllr Jo Randall
Cllr John Redpath
Cllr Maddy Redpath
Cllr Caroline Reeves
Cllr John Rigg
Cllr Tony Rooth
Cllr Will Salmon
Cllr Deborah Seabrook
Cllr Pauline Searle
Cllr Paul Spooner
Cllr James Steel
Cllr James Walsh
Cllr Fiona White
Cllr Catherine Young

Against the motion

Abstentions

Cllr Paul Abbey
Cllr Dennis Booth

CO32 QUESTIONS FROM COUNCILLORS

There were no questions from councillors.

CO33 CAPITAL AND INVESTMENT OUTTURN REPORT 2019-20

The Council considered the Capital and Investment Outturn report for 2019-20, which had set out:

- a summary of the economic factors affecting the approved strategy and counterparty updated
- a summary of the approved strategy for 2019-20
- a summary of the treasury management activity for 2019-20
- compliance with the treasury and prudential indicators
- non-treasury investments
- capital programme

Agenda item number: 3

- 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 £48.1 million, which was less than the revised budget by £38.7 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 £1.02 million and the outturn was £926,639. This was due to slippage in the capital programme in 2018-19.

The Council's investment property portfolio stood at £153 million at the end of the year. Rental income had been £8.4 million, and income return had been 6% against the benchmark of 4.7%.

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. As at 31 March 2020, the Council held £107.6 million in investments, £44 million of short-term borrowing and £192 million of long-term borrowing resulting in net debt of £129 million.

The report had confirmed that the Council had complied with its prudential indicators, treasury management policy statement and treasury management practices (TMPs) for 2019-20. 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 30 July and 22 September 2020, and both had endorsed the recommendation in the report.

Upon the motion of the Lead Councillor for Resources, Councillor Tim Anderson, seconded by the Leader of the Council, Councillor Joss Bigmore, the Council

RESOLVED:

- (1) That the treasury management annual report for 2019-20 be noted.
- (2) That the actual prudential indicators reported for 2019-20, 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.

CO34 REVIEW OF THE COUNCILLORS' CODE OF CONDUCT AND CONSIDERATION OF BEST PRACTICE RECOMMENDATIONS OF THE COMMITTEE ON STANDARDS IN PUBLIC LIFE

Arising from a number of concerns raised by councillors since the 2019 elections in relation to ethical standards, communications, and transparency, the Council noted that the Corporate Governance and Standards Committee at its meeting in November 2019 had established a cross-party task group, including a co-opted parish representative and an independent member of the Committee, with a wide remit to consider, review and make recommendations in respect of these matters.

The Task Group had met on a number of occasions since it was established and had considered, reviewed, and made recommendations to the Corporate Governance and Standards Committee on 30 July 2020 on, inter alia, the following matters:

- (a) the Councillors' Code of Conduct, including the policy on acceptance of gifts and hospitality by councillors;
- (b) the 15 Best Practice Recommendations of the Committee on Standards in Public Life contained within its Report on *Local Government Ethical Standards*

The Committee supported the Task Group's recommendations, some of which were for full Council to make the final decision, and which were the subject of the report now before the Council.

Upon the motion of the Leader of the Council, Councillor Joss Bigmore, seconded by the Vice-Chairman of the Corporate Governance and Standards Committee, Councillor Deborah Seabrook, the Council

RESOLVED:

- (1) That the draft revised Councillors' Code of Conduct, as set out in Appendix 3 to the report, submitted to the Council be adopted and implemented with immediate effect (this incorporates CSPL Best Practice Recommendations 1 and 2).
- (2) That parish councils in the borough be invited to consider adopting at the earliest opportunity the revised Code of Conduct set out in Appendix 3 to the report, with such modifications as they deem necessary.
- (3) That the Monitoring Officer be authorised to prepare, maintain and make available for inspection at the Council's offices and online a revised register of councillors' interests to comply with the requirements of the Localism Act 2011 and of the Council's revised code of conduct.
- (4) That the Council agrees that the code of conduct should normally be reviewed every four years during the year following the Borough Council Elections, with any such review involving formal consultation with parish councils within the borough (CSPL Best Practice Recommendation 3 refers).
- (5) That the Council's Arrangements for Dealing with Allegations of Misconduct by Councillors ("the Arrangements") be amended as follows:
 - (a) paragraph 7.3 (g) iii) to read: "Whether the complaint appears to be *trivial*, malicious, vexatious, politically motivated or 'tit-for-tat'"
 - (b) paragraph 7.4 (6) to read: "The complaint appears to be *trivial*, malicious, vexatious, politically motivated or 'tit-for-tat'"

- (c) paragraph 7.10 to read: “The decision of the Monitoring Officer, or Assessment Sub-Committee (as the case may be) shall be recorded in writing, and a decision notice will be sent to the Complainant and the Subject Member within 10 working days of the decision. *The Independent Person shall be given the option to review and comment on allegations which the Monitoring Officer (or Assessment Sub-Committee) is minded to dismiss as being without merit, vexatious, or trivial.* The decision notice will summarise the allegation, give the decision of the Monitoring Officer or Assessment Sub-Committee, and the reasons for their decision. There is no right of appeal against the decision of the Monitoring Officer or Assessment Sub-Committee.”
- (d) Substitute the following in place of paragraph 31 of Appendix 3 to the Arrangements (Procedure and Powers of the Corporate Governance and Standards Committee and Hearings Sub-Committee): “*The Monitoring Officer will also arrange for a decision notice to be published as soon as possible on the Council’s website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.*”

(CSPL Best Practice Recommendations 2, 8, and 9 refer).

- (6) That no change be made to the Arrangements in respect of CSPL Best Practice Recommendation 6: that councils should publish a clear and straightforward public interest test against which allegations are filtered.
- (7) That the Council notes that the role of the Monitoring Officer includes providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority, and agrees that the Monitoring Officer should be provided with adequate training, corporate support and resources to undertake this work (CSPL Best Practice Recommendation 12 refers).

Reasons:

- To address various corporate governance and ethical standards related concerns raised by councillors.
- To address the Best Practice Recommendations of the Committee on Standards in public Life in their report *Local Government Ethical Standards (January 2019)*

CO35 REVIEW OF THE PROTOCOL ON COUNCILLOR-OFFICER RELATIONS

Arising from a number of concerns raised by councillors since the 2019 elections in relation to ethical standards, communications, and transparency, the Council noted that the Corporate Governance and Standards Committee at its meeting in November 2019 had established a cross-party task group, including a co-opted parish representative and an independent member of the Committee, with a wide remit to consider, review and make recommendations in respect of these matters.

The Task Group had met on a number of occasions since it was established and had considered, reviewed, and made recommendations to the Corporate Governance and Standards Committee on 24 September 2020 in respect of the Protocol on Councillor/Officer Relations.

Councillors noted that although the Protocol was not a statutory document, its purpose was to provide guidance for councillors and officers on their respective roles and expected conduct in their relationship with one another. The Committee had commended the Task Group’s recommendations, which were the subject of the report now before the Council.

The Leader of the Council, Councillor Joss Bigmore proposed, and the Vice-Chairman of the Corporate Governance and Standards Committee, Councillor Deborah Seabrook, seconded the adoption of the following motion:

- (1) That the draft revised Protocol on Councillor/Officer Relations, attached as Appendix 2 to the report submitted to the Council, be adopted.
- (2) That the Protocol be reviewed at least every four years at the same time as the Council reviews its codes of conduct for councillors and staff.

Reasons:

- To ensure that properly reviewed and up to date guidance is made available to councillors and officers.
- To ensure that the Protocol is kept under review at least every four years

Under Council Procedure Rule 15 (o), Councillor Bigmore as the mover of the original motion, indicated that, with the consent of his seconder and of the meeting, he wished to alter his motion as follows:

Change paragraph (1) of the motion so that it reads:

“(1) That the draft revised Protocol on Councillor/Officer Relations, attached as Appendix 2 to the report submitted to the Council, be adopted *subject to the following amendment to paragraph 10.1 of the Protocol:*

“10.1 *All confidential information held by the Council, in whatever form, remains confidential to the Council and subject to the requirements of the Data Protection regulations, unless and until such confidentiality is waived by the Monitoring Officer. Any dispute will be determined by the Monitoring Officer in consultation with the Corporate Governance and Standards Committee*”

The Council agreed to accept the alteration to the original motion, as indicated above. The motion, as altered, therefore became the substantive motion for debate.

Following the debate on the substantive motion, Councillor Susan Parker proposed, and Councillor Ramsey Nagaty seconded, the following amendment:

In paragraph (2) of the substantive motion, substitute “two” in place of “four”.

Paragraph (2), as amended, would read as follows:

“(2) That the Protocol be reviewed at least every *two* years at the same time as the Council reviews its codes of conduct for councillors and staff.”

Following the debate on the amendment, it was put to the vote and was lost. Under the Remote Meetings Protocol, a roll call was taken to record the vote on the amendment, the results of which were 1 councillor voting in favour, 33 against, and 7 abstentions, as follows:

For the amendment
Cllr Susan Parker

Against the amendment
Cllr Paul Abbey
Cllr Tim Anderson
Cllr Jon Askew
Cllr Joss Bigmore
Cllr Chris Blow
Cllr Dennis Booth
Cllr Colin Cross

Abstentions
Cllr Christopher Barrass
Cllr Ruth Brothwell
Cllr Ramsey Nagaty
Cllr John Redpath
Cllr Maddy Redpath
Cllr John Rigg
Cllr Catherine Young

<u>For the amendment</u>	<u>Against the amendment</u>	<u>Abstentions</u>
	Cllr Graham Eyre	
	Cllr Andrew Gomm	
	Cllr Angela Goodwin	
	Cllr David Goodwin	
	Cllr Angela Gunning	
	Cllr Gillian Harwood	
	Cllr Jan Harwood	
	Cllr Liz Hogger	
	Cllr Tom Hunt	
	Cllr Steven Lee	
	Cllr Ted Mayne	
	Cllr Julia McShane	
	Cllr Ann McShee	
	Cllr Bob McShee	
	Cllr Masuk Miah	
	Cllr George Potter	
	Cllr Jo Randall	
	Cllr Caroline Reeves	
	Cllr Tony Rooth	
	Cllr Will Salmon	
	Cllr Deborah Seabrook	
	Cllr Pauline Searle	
	Cllr Paul Spooner	
	Cllr James Steel	
	Cllr James Walsh	
	Cllr Fiona White	

Following the vote on the amendment, the Council

RESOLVED:

- (1) That the draft revised Protocol on Councillor/Officer Relations, attached as Appendix 2 to the report submitted to the Council, be adopted subject to the following amendment to paragraph 10.1 of the Protocol:

*“10.1 All confidential information held by the Council, in whatever form, remains confidential to the Council and subject to the requirements of the Data Protection regulations, unless and until such confidentiality is waived by the Monitoring Officer. Any dispute will be determined by the Monitoring Officer **in consultation with the Corporate Governance and Standards Committee**”.*

- (2) That the Protocol be reviewed at least every four years at the same time as the Council reviews its codes of conduct for councillors and staff.

Reasons:

- To ensure that properly reviewed and up to date guidance is made available to councillors and officers.
- To ensure that the Protocol is kept under review at least every four years

Under the Remote Meetings Protocol, a roll call was taken to record the vote on the substantive motion, the results of which were 37 councillors voting in favour, none against, and 4 abstentions, as follows:

<u>For the motion</u>	<u>Against the motion</u>	<u>Abstentions</u>
Cllr Tim Anderson		Cllr Paul Abbey
Cllr Jon Askew		Cllr Ramsey Nagaty

For the motion

Cllr Christopher Barrass
Cllr Joss Bigmore
Cllr Chris Blow
Cllr Dennis Booth
Cllr Ruth Brothwell
Cllr Colin Cross
Cllr Graham Eyre
Cllr Andrew Gomm
Cllr Angela Goodwin
Cllr David Goodwin
Cllr Angela Gunning
Cllr Gillian Harwood
Cllr Jan Harwood
Cllr Liz Hogger
Cllr Tom Hunt
Cllr Steven Lee
Cllr Ted Mayne
Cllr Julia McShane
Cllr Ann McShee
Cllr Bob McShee
Cllr Masuk Miah
Cllr George Potter
Cllr Jo Randall
Cllr John Redpath
Cllr Maddy Redpath
Cllr Caroline Reeves
Cllr John Rigg
Cllr Tony Rooth
Cllr Will Salmon
Cllr Deborah Seabrook
Cllr Pauline Searle
Cllr Paul Spooner
Cllr James Steel
Cllr James Walsh
Cllr Fiona White

Against the motion

Abstentions

Cllr Susan Parker
Cllr Catherine Young

CO36 EXECUTIVE ADVISORY BOARDS (EABS) - REVIEW OF STRUCTURE AND REMIT

Further to an officer review of the effectiveness of Executive Advisory Boards (EABs) which took place in the latter part of 2018-19, recommendations had been made in respect of reconfiguring the EABs and introducing measures to strengthen the Forward Plan process. In response to these recommendations, the Council had resolved to establish a councillor task and finish group to consider the recommendations and report its findings to the EABs and Council before any related decisions were made.

Having considered the group's subsequent findings, the Council made some resolutions concerning work programming, the Forward Plan and the configuration of EABs. The most notable resolutions were that the existing arrangement of the two EABs be retained for the time being, whilst the Forward Plan process was strengthened pending further review 12 months following the Borough Council Elections in May 2019 to ascertain whether changes to the Forward Plan process and/or EAB structure were required.

Following the second phase of the review, the EABs combined to meet as the Joint EAB on 9 July 2020 to consider the future structure and remit of EABs. The Joint EAB's recommendations had also been considered by the Executive on 22 September and then by the Corporate

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Governance and Standards Committee on 24 September. Both had commended the recommendations for adoption by the Council at this meeting.

The Leader of the Council, Councillor Joss Bigmore, proposed, and the Chairman of the Community EAB, Councillor Angela Goodwin seconded the following motion:

- “(1) That the concept of retaining two EABs, each meeting on alternate months with the flexibility to have a balanced inter-changeable remit as appropriate to the agenda items, without the risk of losing topic continuity and expertise, and possibly ahead of Executive meetings to offer a pre-decision opportunity to make recommendations, be agreed.
- (2) That the remit of EABs be realigned to reflect the Executive portfolios and Directorates of the Council and that, accordingly, the Place-Making and Innovation EAB be renamed as the Strategy and Resources EAB and the Community EAB be renamed the Service Delivery EAB.
- (3) That the existing Joint EAB arrangement be continued and implemented when significant and wide-ranging agenda items, such as budgetary matters, are under consideration.
- (4) That closer two-way working between the Executive and EABs, including an expectation that relevant Lead Councillors (or other Executive members in the absence of the relevant Lead Councillor) proactively attend EAB meetings and EAB Chairmen and / or Vice-Chairmen attend Executive meetings to elaborate on advice given and to receive feedback, be established and adopted.
- (5) That a clear formalised procedure of reporting EAB advice and views to the Executive and EABs receiving Executive feedback be adopted.
- (6) That, in addition to exploring relevant Forward Plan items and Corporate Plan priorities, the EABs have free range to select their own review topics on which to advise the Executive, including the establishment of task groups where considered necessary (and subject to available resources).
- (7) That the EABs receive items sufficiently in advance of determination by the Executive in order to have the opportunity to advise on, and influence, its decisions from a broader knowledge base.
- (8) That the Democratic Services and Elections Manager be authorised to make appropriate amendments to the Constitution to give effect to the above recommendations.

Reason:

To introduce a more efficient and effective EAB configuration and contribution.

Following the debate on the motion, Councillor Ramsey Nagaty proposed, and Councillor Catherine Young seconded, the following amendment:

Omit “*possibly*” from paragraph (1) of the motion.

Paragraph (1), as amended, would read as follows:

- “(1) That the concept of retaining two EABs, each meeting on alternate months with the flexibility to have a balanced inter-changeable remit as appropriate to the agenda items, without the risk of losing topic continuity and expertise, and ahead of Executive meetings to offer a pre-decision opportunity to make recommendations, be agreed.”

Following the debate on the amendment, it was put to the vote and was lost. Under the Remote Meetings Protocol, a roll call was taken to record the vote on the amendment, the results of which were 8 councillors voting in favour, 28 against, and 5 abstentions, as follows:

For the amendment

Cllr Christopher Barrass
Cllr Dennis Booth
Cllr Ruth Brothwell
Cllr Graham Eyre
Cllr Ramsey Nagaty
Cllr Susan Parker
Cllr John Redpath
Cllr Catherine Young

Against the amendment

Cllr Paul Abbey
Cllr Tim Anderson
Cllr Jon Askew
Cllr Joss Bigmore
Cllr Colin Cross
Cllr Andrew Gomm
Cllr Angela Goodwin
Cllr David Goodwin
Cllr Gillian Harwood
Cllr Jan Harwood
Cllr Liz Hogger
Cllr Tom Hunt
Cllr Ted Mayne
Cllr Julia McShane
Cllr Ann McShee
Cllr Bob McShee
Cllr Masuk Miah
Cllr George Potter
Cllr Jo Randall
Cllr John Rigg
Cllr Caroline Reeves
Cllr Tony Rooth
Cllr Will Salmon
Cllr Pauline Searle
Cllr Paul Spooner
Cllr James Steel
Cllr James Walsh
Cllr Fiona White

Abstentions

Cllr Chris Blow
Cllr Angela Gunning
Cllr Steven Lee
Cllr Maddy Redpath
Cllr Deborah Seabrook

Following the vote on the amendment, the Council

RESOLVED:

- (1) That the concept of retaining two EABs, each meeting on alternate months with the flexibility to have a balanced inter-changeable remit as appropriate to the agenda items, without the risk of losing topic continuity and expertise, and possibly ahead of Executive meetings to offer a pre-decision opportunity to make recommendations, be agreed.
- (2) That the remit of EABs be realigned to reflect the Executive portfolios and Directorates of the Council and that, accordingly, the Place-Making and Innovation EAB be renamed as the Strategy and Resources EAB and the Community EAB be renamed the Service Delivery EAB.
- (3) That the existing Joint EAB arrangement be continued and implemented when significant and wide-ranging agenda items, such as budgetary matters, are under consideration.
- (4) That closer two-way working between the Executive and EABs, including an expectation that relevant Lead Councillors (or other Executive members in the absence of the relevant Lead Councillor) proactively attend EAB meetings and EAB Chairmen and / or Vice-Chairmen attend Executive meetings to elaborate on advice given and to receive feedback, be established and adopted.

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- (5) That a clear formalised procedure of reporting EAB advice and views to the Executive and EABs receiving Executive feedback be adopted.
- (6) That, in addition to exploring relevant Forward Plan items and Corporate Plan priorities, the EABs have free range to select their own review topics on which to advise the Executive, including the establishment of task groups where considered necessary (and subject to available resources).
- (7) That the EABs receive items sufficiently in advance of determination by the Executive in order to have the opportunity to advise on, and influence, its decisions from a broader knowledge base.
- (8) That the Democratic Services and Elections Manager be authorised to make appropriate amendments to the Constitution to give effect to the above recommendations.

Reason:

To introduce a more efficient and effective EAB configuration and contribution.

Under the Remote Meetings Protocol, a roll call was taken to record the vote on the motion, the results of which were 40 councillors voting in favour, none against, and 1 abstention, as follows:

For the motion

Cllr Paul Abbey
Cllr Tim Anderson
Cllr Jon Askew
Cllr Christopher Barrass
Cllr Joss Bigmore
Cllr Chris Blow
Cllr Dennis Booth
Cllr Ruth Brothwell
Cllr Colin Cross
Cllr Graham Eyre
Cllr Andrew Gomm
Cllr Angela Goodwin
Cllr David Goodwin
Cllr Angela Gunning
Cllr Gillian Harwood
Cllr Jan Harwood
Cllr Liz Hogger
Cllr Tom Hunt
Cllr Steven Lee
Cllr Ted Mayne
Cllr Julia McShane
Cllr Ann McShee
Cllr Bob McShee
Cllr Masuk Miah
Cllr Ramsey Nagaty
Cllr George Potter
Cllr Jo Randall
Cllr John Redpath
Cllr Maddy Redpath
Cllr Caroline Reeves
Cllr John Rigg
Cllr Tony Rooth
Cllr Will Salmon
Cllr Deborah Seabrook

Against the motion

Abstentions

Cllr Susan Parker

For the motion

Cllr Pauline Searle
Cllr Paul Spooner
Cllr James Steel
Cllr James Walsh
Cllr Fiona White
Cllr Catherine Young

Against the motion

Abstentions

CO37 NOTICE OF MOTION DATED 18 SEPTEMBER 2020: OPPOSITION TO SINGLE UNITARY AUTHORITY FOR SURREY

In accordance with Council Procedure Rule 15 (p), the proposer and seconder of the motion had requested the withdrawal of this motion. The Council

RESOLVED: That the motion be withdrawn.

CO38 NOTICE OF MOTION DATED 22 SEPTEMBER 2020: PROPOSAL TO SUPPORT THE LOCAL ELECTRICITY BILL

In accordance with Council Procedure Rule 15 (p), the proposer of the motion had requested the withdrawal of this motion. The Council

RESOLVED: That the motion be withdrawn.

CO39 MINUTES OF THE EXECUTIVE

The Council received and noted the minutes of the meetings of the Executive held on 21 July and 25 August 2020.

CO40 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 10.28 pm

Signed
Mayor

Date

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Council Report

Ward(s) affected: All

Report of Director of Service Delivery

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Lead Councillor responsible: Tim Anderson/Caroline Reeves

Tel: 07710 328560 /07803 204 433

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Date: 8 December 2020

Local Council Tax Support Scheme for 2021-22

Executive Summary

Local Council Tax Support (LCTS) enables us to help around 4,500 households to pay their Council Tax, by providing £5.7 million of support. These are households where low incomes do not cover essential housing costs. We share the cost with Surrey County Council, Guildford's share being around 10%.

The Council has a statutory duty to consider annually whether to revise its LCTS scheme (otherwise known as Council Tax Reduction (CTR)), replace it with another or make no changes at all. The Council is obliged to consult with interested parties if it wishes to revise or replace the scheme, although it makes sense to consult even if we do not propose to change the current scheme. The Council must approve a scheme for the 2021-22 financial year by 31 January 2021, to enable annual bills to be calculated correctly.

In 2020-21 we made some small changes to the scheme. We increased Premiums and Non-Dependant Deductions and amended Income and Capital Disregards to include the Windrush Compensation Scheme. For 2021-22 we propose the following changes, which we forecast will have a revenue cost of £65,000:

- Increase Personal Allowances and Premiums to ensure that the help given does not unduly reduce due to inflation.
- Increase Non-Dependant Deductions to reflect an expectation that their contribution to the household expenses should increase each year.
- Remove the cap on Band E entitlement for 2021-22, to provide additional help during the pandemic. This allows anyone in a Band E property who is eligible for 100% help to receive 100% instead of having the help restricted to a maximum of a lower banded Band D property.

Changes to Personal Allowances, Premiums and the Band E restriction will increase the cost of the scheme. In previous years the nature of changing caseload and personal circumstances of claimants meant that the increase could be accommodated within the existing revenue budget. Whilst this remains a possibility for 2021-22, the pandemic means

that we cannot make this assumption.

Predicting the overall cost of LCTS for 2021-22 is impossible given the COVID-19 pandemic, and the ever-evolving government initiatives to support individuals and businesses. The above forecast does not therefore include an estimate of increased cost due to increased case load. In such unprecedented times officers believe it is important to support people to stay in their own homes until the economy bounces back, and to minimise the transfer of costs to our homeless prevention service.

An increased discretionary hardship fund will help support any applicant suffering adversely from the consequences of savings in Local Council Tax Support over the past eight years, in addition to the proposed changes for 2021-22. It will also provide some additional capacity for increased applications as a result of the pandemic. Officers propose that the fund is increased from £40,000 to £60,000 for 2021-22.

In 2020 the government provided us with COVID19 Council Tax Hardship Funds. These are separate from the LCTS Hardship Fund and allow us to support taxpayers with additional Council Tax discounts. At the time of writing, with over five months of the year remaining, we cannot predict whether all the funds will be used. It is therefore proposed that any residual funds be carried forward into 2021.

We carried out a stakeholder consultation between 22 September and 15 October 2020. The results of the consultation are set out in section 7 of this report. The County Council and the Police and Crime Commissioner support the changes. Despite additional publicity for the consultation response numbers were disappointingly low. Those that responded supported the proposed changes for 2021.

At its meeting on 24 November 2020, the Executive considered this matter and endorsed the recommendations below.

Recommendation to Council:

- (1) That the current LCTS scheme (a summary of which is on our website), be amended for 2021-22 as set out in detail in Appendix 1, with effect from 1 April 2021.
- (2) That the Council continues to maintain a discretionary hardship fund in 2021-22, increases it to £60,000, and carries forward any residual 2020 COVID19 Council Tax Hardship Funds.

Reasons for Recommendation:

- (1) To ensure that the Council complies with government legislation to implement a LCTS scheme from 1 April 2021.
- (2) To maintain a discretionary fund to help applicants suffering from severe financial hardship.

Is the report (or part of it) exempt from publication? No

1. Purpose of Report

- 1.1 This report reminds the Council of our current LCTS Scheme, discusses the changes proposed for 2021-22, and reports on the consultation that we are obliged to carry out with stakeholders prior to adopting a scheme for the new financial year.
- 1.2 The report also advises of the level of financial support provided during the year (and previous years) to the most financially vulnerable in the community. It includes a narrative on the impact of the pandemic on the annual review.

2. Strategic Priorities

- 2.1 The work of the Benefits service contributes two of our fundamental themes: place-making and community.
- 2.2 LCTS provides residents with help with the Council Tax element of their housing costs. By processing claims for financial support quickly and accurately the Benefits service supports the most financially vulnerable and less advantaged of our residents. It is important that the scheme continues to support those most in need.

3. LCTS Background

- 3.1 In April 2013 the government replaced Council Tax Benefit (CTB) with locally determined support schemes. In addition, the government reduced the funding available for such schemes to support those of working age by 10%. For the borough, this equated to a reduction in funding of approximately £700,000, of which approximately 10% related to Guildford Borough Council (as our element of the total council tax is roughly 10%), and 90% to Surrey County Council. The aims of the government's changes were to:
 - help decentralise power and give councils increased financial autonomy;
 - support deficit reduction;
 - give councils a greater stake in the success of their local economy.
- 3.2 The schemes implemented from 2013-14 to 2020-21, minimised the impact on vulnerable people as much as possible. Additionally, the Council set aside sums each year to ensure that extra support was available for any resident or family that faced financial hardship because of the benefit reforms. A summary of the changes made is included in Appendix 2.
- 3.3 From 2014 the government rolled central funding for LCTS into the Revenue Support Grant (RSG) for local authorities and it was subject to the same cuts. Despite LGA requests it was not separately itemised, but as our RSG is zero from 2018 we receive no further funding for the LCTS payments we make. We do however receive a separate payment to subsidise administration. This has reduced from £83,088 in 2019-20 to £80,868 for 2020-21. The Ministry of Housing, Communities & Local Government (MHCLG) calculates the grant using

a formula based on working and pension age caseload, which also factors in labour and accommodation costs. We do not expect the grant to increase.

- 3.4 We have successfully embedded the LCTS scheme into the HB service we operate, with very few complaints from customers about how we administer it or indeed the radical nature of the government's reform. Naturally, we will always be in dialogue with disaffected customers, but they are able to take advantage of the various complaints and appeals mechanisms that are available to them. We have a strong record of accomplishment in dealing with such sensitive issues in a compassionate way.
- 3.5 The embedding of the scheme is good news, as the abolition of CTB in 2013 was a major strand of the government's changes to the welfare state, and the most significant change to the Benefits service in over 20 years. Every council operates a different scheme now, with many variations designed to encourage more people back into work and address the deficit reduction.

4. Universal Credit (UC) and National Welfare Reform

- 4.1 Universal Credit replaces six benefits, including HB but not LCTS, with one national benefit.
- 4.2. Rollout is in two phases:
- Natural migration (when entitlement to one of the underlying benefits changes) began in Guildford on 24 October 2018. New working age claims for HB can now only be made in limited circumstances.
 - Managed migration for the remaining caseload was originally due to be complete in October 2017. The government has repeatedly delayed plans, and on 11 March 2019 announced that 10,000 claimants in Harrogate would pilot the process from July 2019. In February 2020 the DWP told "Inside Housing" that only 69 people were in the pilot and only a handful had moved to UC. The Harrogate pilot is due to finish at the end of 2020. Migration of all working age claimants to UC is currently due to complete by September 2024. At the time of writing we do not have details on how this will work, and a lot of uncertainty remains around the process.
- 4.3 The Commons Library is publishing constituency level data on the number of households on UC, legacy benefits and tax credits (table 1 below). These show that just over 50% are now on UC.

Table 1

Constituency level data at May 2020	Households on UC	Households on legacy benefits and tax credits
Guildford	3,589	3,324
Mole Valley	2,908	2,500
Surrey Heath	3,837	3,131
Woking	3,921	3,961

- 4.4 We will continue to assess ongoing working age HB claims until they migrate to UC. We expect the government to incorporate HB for pension age into pension

credit once the roll out of UC is complete. With a caseload roughly made up of 49% pension age and 51% working age (table 2 below), it is likely that the resources we currently have in place to administer benefits will be with us for quite some time.

Table 2

Caseload	at 01/04/19	at 01/04/20
Working Age Claimants	2,399	2,246
Pension Age Claimants	2,149	2,089

- 4.5 HB is a national benefit administered locally to help those in need with payment of their rent. Although UC will replace HB, in the meantime the government continues to make amendments to both the HB and pension age LCTS regulations. These include annual increases in things such as premiums and personal allowances to protect against increases in the cost of living.

5. The Impact of the COVID-19 Pandemic

- 5.1 We reported last year on plans for a more fundamental review of future options for LCTS (Appendix 3). The reasons for the review remain valid, however the project has been delayed firstly by preparations for Phase B of Future Guildford, and secondly by the impact of the pandemic on Exchequer Services capacity – with resources diverted to work on grants for businesses, continued support and advice for residents on low incomes, and more recently the NHS Test and Trace Support Payments.

Although the number of claims with a UC income on them has increased (from 244 on 4 July 2019 to 695 on 31 August 2021), numbers remain relatively low and do not indicate that delaying the fundamental review is having a major impact.

It is important that we use our limited resources to help those affected by the pandemic as a priority.

- 5.2 There remains a lot of uncertainty around the economic consequences of the pandemic for individuals. The impact on our LCTS scheme remains essentially unknown and impossible to predict beyond knowing that more residents are likely to need help.
- 5.3 To date we have seen a relatively small increase in LCTS payments since 1 April. Generally, the trend in year is for a reduction in total support (table 3 below).

Table 3

Year	LCTS at 01/04 £	LCTS at 31/03 £	In Year Change £	Retrospective LCTS changes for previous years £
2013-14	6,720,705	6,578,398	-142,307	n/a
2014-15	6,399,286	6,181,992	-217,294	-69,066

2015-16	6,140,508	5,901,366	-239,142	-171,760
2016-17	5,542,321	5,518,566	-23,755	-51,999
2017-18	5,679,604	5,533,577	-146,027	-71,346
2018-19	5,747,267	5,648,418	-98,849	-64,515
2019-20	5,716,933	5,534,922	- 182,011	-84,931
2020-21 At 30/09/20	5,620,688	5,707,771	87,083	-30,410

The government put measures into place that minimised the increase in working age welfare claims. The main measure being the furlough scheme. This started to unwind in September. From 1 November it is being replaced by the Job Support Scheme which will run for 6 months. At the time of writing (12 October) the government has just announced further support through the scheme.

Comparing the 31 August and 30 September figures (table 4 below) the situation appears to have improved. Whilst this is good news it is too early to draw any conclusions.

Table 4

	2020-21 LCTS £	In Year Change £	Retrospective LCTS changes for previous years £
At 01/04/20	5,620,688	n/a	
At 31/08/20	5,734,591	113,903	-20,888
At 30/09/20	5,707,771	87,083	-30,410

- 5.4 In March 2020 unemployment locally was 1.8% (ONS data). The highest figure previously was 5.6% in March 2013. This leads to a pessimistic assumption that expenditure on LCTS working age could increase three-fold. Giving an overall expenditure of £12 million (£9 million working age plus £3 million pension age). However, these are unprecedented times and the past may not be a good predictor.
- 5.5 We considered information from the Office for National Statistics (ONS) Labour market overview, UK: August 2020. This stated that in June 2020:
- New analysis shows that the youngest workers, oldest workers and those in manual or elementary occupations were those most likely to be temporarily away from paid work during the coronavirus (COVID-19) pandemic.
 - Vacancies are showing increases in the latest period, driven by the smaller businesses, some of which are reporting taking on additional staff to meet COVID-19 guidelines.
 - Overall employment April to June 2020 was higher than the same quarter in 2019, but less than January to March 2020.
 - Despite the lack of overall increase in the number of unemployed people, the estimated number of people unemployed aged 16 to 24 years increased by

41,000 on the year, to 543,000. Other age groups saw falls or very little change over the year.

- Looking at the duration of unemployment, it is those unemployed for up to six months who are seeing the largest increases, up 150,000 over the year to 943,000. The decrease in longer-term unemployment means that overall unemployment remains unchanged.

The report also states that the level of vacancies began to pick up in July after an all-time low due to the pandemic.

The question is whether these trends will continue. If they do then this should help to minimise the impact on LCTS by at least meaning that support is needed for only a part year.

- 5.6 In the absence of definitive information we anticipate that there will be an increase in applications over the autumn as businesses restructure or fail

We know that one of the hardest hit areas is hospitality, and the hospitality and event supply chain. We envisage that this will affect younger workers who may not be householders and therefore not liable for Council Tax but will also affect individuals who have never been unemployed. Logically it is more likely that those with decades of stable work will be owner occupiers (rather than tenants), with savings, and in potentially higher banded properties. This is a different profile to many of our existing claimants who move in and out of low paid work, with no opportunity to build up savings to fall back on.

- 5.7 The government allocated us a £469,380 COVID-19 hardship fund for us to administer locally in line with published guidance. They expected all working age LCTS claimants in 2020-21 to receive a hardship fund discount of up to £150, after we applied all other discounts and exemptions. Where the liability for the remainder of the financial year was less than £150 the discount should bring the liability down to nil. The discount is to be applied to all existing claimants and then to any who qualify throughout the rest of the year. We adopted a discretionary scheme under delegated authority at the end of June 2020 and issued recipients with revised bills.

To date around £140,000 of the COVID-19 hardship fund has been allocated. This sum will increase if there is an increase in unemployment or low incomes before 31 March 2021, as this will result in more households qualifying for LCTS and the up to £150 discount. Around 62% of people who get Local Council Tax Support and are working have 100% of their Council Tax paid. None of these would qualify for the £150 as they have no Council Tax to pay.

We can use residual funds to provide additional help. In June we thought that by October we would have a clearer idea of who needed a council tax discount due to COVID-19. It now appears possible that other government initiatives around employment (such as the Job Support Scheme) will delay the impact of COVID-19 for many individuals until 2021-22, moving the greatest need into the next financial year. We will keep the matter under review; however, we propose that if there are any residual funds at the end of the year then they be carried forward into 2021-22.

6. LCTS Annual Review Options

6.1 We delayed forecasting the impact of scheme changes until 31 August to try and maximise accuracy. We could not delay further due to the consultation and committee requirements to get a scheme in place for 2021. Although legislation allows us to adopt a scheme as late as 11 March, in practical terms this does not allow us to calculate and issue council tax bills for the first instalment date of the new financial year. To accomplish this the report needs to go to full Council by 31 January.

6.2 In reviewing our LCTS scheme there are essentially three options available. We can reduce, maintain or increase the current level of financial support available.

6.3 We are not in receipt of additional funding and we have already made substantial reductions in the support that we grant. We made these reductions through targeted and considered scheme changes. These ensure that those most in need continue to have their Council Tax reduced to zero.

6.4 The New Policy Institute reported that in 2018, 264 (80 percent) local authorities had implemented schemes where everyone had to pay a percentage of the council tax, no matter what their financial situation was. Asking everyone to pay something is an “easy” way to save a large proportion of LCTS expenditure. However, the consequence of this is a large number of relatively small council tax debts to collect, generating additional work for the Council Tax collection team, and almost inevitably a drop in collection rates.

By contrast our collection rates remain amongst the highest in the country and, we believe, the most vulnerable continue to be supported in full. For those adversely affected by our scheme the Discretionary LCTS Hardship Fund allows for a detailed review of their income and expenditure needs, and financial help where necessary.

6.5 The immediate thought when considering the economic impact of the pandemic on individuals, is that we must change our scheme to radically increase the level of help. However, our scheme continues to help those residents in greatest financial need:

- Around 62% of people who get Local Council Tax Support and are working age have 100% of their Council Tax paid.
- Over 90% have 50% or more of their Council Tax paid.
- The LCTS Hardship fund remains underspent.

New applicants will be assessed in the same way as existing. The consequence is that the overall cost of the scheme will increase, and around 10% of the cost will fall to Guildford Borough Council.

It could be argued that we should be radically reducing the scheme to keep our expenditure under control. However, officers believe it is important to support people to stay in their own homes until the economy bounces back, and to minimise the transfer of costs to our homeless prevention service.

In conclusion, whilst the unknown cost remains a concern reducing the financial support provided by the scheme is not a viable option at this time.

- 6.6 Our LCTS scheme is complex, containing many variables to tailor assessment to the individual, as did the national Council Tax Benefit that preceded it. Making no changes to the scheme does not “maintain” the level of financial help being given as it freezes some of the allowances used in the assessment calculation. In HB and the national Pension Age Scheme these figures are uprated annually to offset increases in the cost of living. To ensure that we continue to help those most in need we propose that councillors agree to change our scheme to reflect the latest values being used for either HB or Pension Age LCTS (set out in Appendix 1) for:
- Personal Allowances
 - Premiums
 - Non-Dependant Deductions

A Personal Allowance is the basic amount that a specific type of household is expected to need each week – for example a family, couple or single person. Premiums are the additional sums required for specific needs such as having a disability or needing a carer. Increasing either of these results in claimants receiving more help than they would if the figures were frozen.

Non-Dependant Deductions are the contribution that someone over 18 makes to the household finances. These work on a banded scale which will also be increased. The contributions range from £4.05 per week for someone who is unemployed to £12.50 for someone earning around £24,000 pa. Increasing non-dependant deductions means that we expect any non-dependant living in the household to contribute slightly more to household expenses (HB already assumes that they should do so). The effect is generally to reduce the amount of LCTS, however if a non-dependant does not have a pay increase and moves into a lower band then the LCTS can increase as their contribution reduces. The complexity of the calculations can also mean that a claimant continues to receive 100% LCTS because their needs exceed their income.

The combined cost of the three changes is forecast at £14,000.

It should be remembered that individual claims are always changing with individual circumstances, meaning that it is likely that claimants will only be affected by the changes for part of the year.

- 6.7 Currently working age claimants in properties in bands F to H do not qualify for help, although they can apply for support from the LCTS Hardship Fund.

Claimants in band E properties, have the maximum amount they can receive limited to a band D charge. This means that where a claimant is eligible for 100% help but lives in a Band E property, they will still have something to pay (the difference between a Band E and Band D charge). They can also apply for support from the LCTS Hardship fund.

In practice we get very few applications for help from the fund due to band, which suggests that the current rules are working well. The hardship fund is discussed further in section 9, as it sits alongside the Working Age LCTS scheme.

In paragraph 5.6 we explained how the pandemic may affect a different group of residents: those who may never have been unemployed and may be in higher banded properties. Bearing this in mind officers suggest that the Band E restriction be removed for 2021-22. Based on current caseload this is estimated to cost £50,000 for the year.

Given that we have few applications for LCTS hardship from residents in higher banded properties, changing the scheme for Bands F to H would be a completely unknown entity. Individuals in these higher banded properties who find themselves on low incomes due to the pandemic can still be considered for help via the LCTS Hardship Fund.

- 6.8 In any normal financial year, retrospective recalculations of support occur because of claimant changes in circumstance. Table 3 (replicated below) sets out the sums granted during the financial year, plus adjustments for previous years. In previous years we have been able to accommodate scheme changes within existing revenue budget, however due to the pandemic this looks unlikely for 2021-22.

Table 3

Year	LCTS at 01/04 £	LCTS at 31/03 £	In Year Change £	Retrospective LCTS changes for previous years £
2013-14	6,720,705	6,578,398	-142,307	n/a
2014-15	6,399,286	6,181,992	-217,294	-69,066
2015-16	6,140,508	5,901,366	-239,142	-171,760
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2019-20	5,716,933	5,534,922	- 182,011	-84,931
2020-21 At 30/09/20	5,620,688	5,707,771	87,083	-30,410

7. Stakeholder Consultation

- 7.1. We undertook a consultation, from 22 September and 15 October 2020, via our website as well as seeking the views of our major preceptors (Surrey County Council and the Police and Crime Commissioner), and selected partner agencies such as the Citizens Advice Bureau (CAB) and Surrey Welfare Rights Group (SWRG).
- 7.2 Surrey County Council (SCC) has no objection to the proposed revisions.

- 7.3 The Office of the Police and Crime Commissioner for Surrey (PCC) is concerned about the impact COVID is having on Council Tax collection and the tax base and by extension on the Police Budget. However, they also understand the impact that COVID is having on some residents and the difficulties that some of them face and are therefore happy to support the changes.
- 7.4 Copies of the SCC and PCC responses are included in this report at **Appendices 4 and 5** respectively.
- 7.5 The main aim of the online consultation was to ensure residents had the opportunity to give their views about the proposed LCTS scheme changes for 2021-22. The key objectives of the consultation were as follows (full report is attached at **Appendix 6**):
- To understand residents' views on the proposed changes for 2021-22.
 - To assess the level of agreement towards future options for the LCTS scheme, specifically that all claimants should have to pay a certain fixed percentage of their council tax and the extent to which this may have an impact.
 - To provide residents with the opportunity to suggest other savings or options that could be included in future reviews of the LCTS scheme, including the Future Options Review.
- 7.6 There is a statutory requirement that we consult on our scheme. In earlier years we commissioned SMSR Ltd, an independent research company, to carry out the consultation on our behalf. This involved an online survey and the Citizens Panel and cost around £5000 per year. Writing to individual claimants to advise them of the consultation incurred an additional cost of over £1000.00. In 2017-18 271 residents responded to the consultation.

In 2018-19 it was suggested that we could retain the work in house:

- In 2018-19, despite publicity on the home page of our website, only 8 participated. This was disappointing, but the suggested changes were minor and therefore unlikely to generate substantial feedback.
- In 2019-20 as the changes were again minimal, we decided to run the survey in house for a second year. A banner was on the home page for the duration of the survey and we received 23 responses. Although this was an improved response rate, engagement remained very low especially from those affected by the changes. Fourteen of the 23 responses came from people not affected. Whilst eight people made additional suggestions, these highlighted a lack of understanding.

Officers concluded that any future consultation around more substantial scheme changes must:

- Include current working age recipients of LCTS, as well as the general population.
- Provide more information on the context – for example our legal obligations, how the welfare system works in general, the contribution Council Tax makes to service funding, and areas where we do or do not have discretion.

- Provide examples of what the proposed changes may mean for people, so that consultees can understand them better.
- 7.7 As explained in section 5 of this report the pandemic delayed forecasting. This left a very small window for the 2020-21 consultation. The consultation ran 22 September and 15 October 2020, and was delivered in house:
- Publicity was increased significantly with a press release (picked up and run as an article by Guildford Dragon) and social media. The consultation was also publicised on the MD's internal all staff email.
 - Additional information regarding the changes and context was added.
- 7.8 Following the press release councillors indicated that they would like an EAB on LCTS. Officers propose that this occurs in May or early June 2021 for the 2022 scheme. This will be before any modelling or forecasting takes place and will allow the EAB to have input at an early stage.
- 7.9 The public consultation received only twelve responses. This is incredibly disappointing given that more information and publicity was provided. All the responses were received between 24 September and 1 October.
- 7.10 The public consultation responses support the changes and make some suggestions for future years.
- 7.11 In conclusion, given the minor nature of the changes it is probably not surprising that few residents responded to the consultation. However, it remains a challenge to engage the public and explain the intricacies of the scheme. Going forward with our Future Options Review, we will consider how we get as much feedback as possible from stakeholders. With regards to the annual reviews we need to continue to balance the cost of consultation against the scale of proposed changes.

8. Key Risks

- 8.1 The key risk is our inability in the light of the COVID-19 pandemic to predict the demand for Local Council Tax Support, and therefore the revenue cost.
- 8.2 These are unprecedented times and government support for individuals, businesses and local authorities is changing all the time. This is likely to help mitigate the risk but does not remove it.
- 8.3 The level of support is already being monitored, and this will continue. This will allow officers to flag up any extreme changes with the S151 Officer. These will then be managed alongside other pandemic financial matters.

9. Financial Implications

- 9.1 The amount of LCTS has reduced since its inception in 2013. Table five below shows the total amount paid out over the years when compared to the final year of CTB. As can be seen, even with additional increases in Council Tax to pay for Adult Social Care we have far exceeded the original required saving of £700,000 in 2012-13.

Not all the reduction will be down to the changes we have made directly, but also the government's central reforms to encourage more people into work and become less reliant on benefits, as well as improvements in the economy up to March 2020.

Table 5

Year	Figures as at:	£amount of CTB/LCTS
2012-13 (CTB)	31 March 2013	6,964,525
2013-14	31 March 2014	6,578,398
2014-15	31 March 2015	6,181,992
2015-16	31 March 2016	5,901,366
2016-17	31 March 2017	5,518,566
2017-18	31 March 2018	5,533,577
2018-19	31 March 2019	5,648,418
2019-20	31 March 2020	5,534,922
2020-21	30 September 2020	5,707,771

- 9.2 From 2010 to 2018, Guildford's Council Tax collection rates were consistently amongst the top twenty in England. In 2019 end of year collection was affected by the pandemic and we slipped to 32nd place. Performance up to 2018 indicates that the changes made to the LCTS scheme are not creating significant levels of bad debt.

This is consistent with the Institute for Fiscal Studies 2019 report "The impacts of localised council tax support schemes". They found that Council Tax arrears increased in Council adopting minimum payments (everyone must pay something regardless of circumstance) and was unchanged in those that did not (such as Guildford).

- 9.3 Over the past 7 years we have set aside £40,000 to support the most vulnerable in the community should they be facing short-term difficulties in paying their council tax. Despite publicising our scheme widely and making sure claiming hardship funds is as inclusive as possible, we have not yet spent anywhere near our budget, as the following table illustrates.

Table 6

Year	No. of applications	Successful applications	Amount of extra support £	Budget £
2013-14	26	8	2,073	40,000
2014-15	64	33	13,371	40,000
2015-16	54	26	10,646	40,000
2016-17	90	49	14,660	40,000
2017-18	68	35	15,903	40,000
2018-19	90	29	11,087	40,000

2019-20	106	30	14,585	40,000
2020-21 at 07/09/20	60	9	7,430	40,000

- 9.4 The Discretionary LCTS Hardship Fund enables us to assess the income and expenditure needs of any claimants adversely affected by our scheme rules and provide further financial assistance where necessary. Applicants are encouraged not to depend upon the fund in the long term. Awards have generally been for 75% of the shortfall between entitlement under our amended scheme rules and the governments default rules.

Standard benefit schemes use set assumptions regarding expenditure ie a couple with one child need x amount to live on, but under the hardship scheme we look at actual expenditure. This does enable us to take extraordinary expenditure into account – for example a sick child having to be taken regularly to a distant hospital. In exceptional circumstances we pay 100% of the shortfall.

- 9.5 Schedule 1A to the Local Government Finance Act 1992 requires us to consider transition for anyone disadvantaged by a change to the local scheme. The Hardship Fund ensures that we can do this, however it is important to note that help is only available to those affected by the scheme and is restricted to the amount that they are affected.

Our local rules do not affect all claimants, and many claimants are not entitled to 100% LCTS. The fund does not exist to top up help to those not affected by the scheme, or to help taxpayers facing hardship for any other reason. By way of clarification table 7 shows the reasons for refusing applications in 2020.

Table 7

Reason for refusal	Number of applications
Information not provided to enable assessment	19
Income is sufficient for expenses	11
No LCTS claim	10
Not affected by scheme rules	6
Already received 100% LCTS	4
Capital £6k+	1
Grand Total	51

- 9.6 The Council Tax team is aware of the fund and advises customers about it. Where customers face hardship for other reasons, they try to work with them to find solutions (which could include rescheduling instalments or advising them to take independent advice).
- 9.7 It could be argued that we should reduce the fund as we consistently do not allocate all the funds. However, given the uncertainty about the economy with Brexit and the pandemic, officers are recommending that it be increased to £60,000 for 2021-22. This will ensure that if there is an increased demand,

especially from those in higher banded properties, we will be able to help applicants.

- 9.8 Whilst the proposed changes are relatively minor (£65,000 for the scheme changes plus an increase of £20,000 to the Discretionary LCTS Hardship Fund), a dramatic increase in applicants could escalate the cost of LCTS considerably. 10 percent of the scheme cost falls to Guildford Borough Council.
- 9.9 LCTS is funded from the Collection Fund, and any variance from costed assumptions affects the surplus or deficit of this fund. Any deficit is recovered from the General Fund, however as a result of the pandemic we are being permitted to spread any deficit over three years.

10. Legal Implications

- 10.1 The *Local Government Finance Act 2012* introduced local council tax reduction (CTR) schemes to replace CTB from April 2013. The *Council Tax Reduction Scheme (Prescribed Requirements) (England) Regulations 2012* contains the mandatory elements for any local scheme and details the scheme that must be adopted for pensioners.
- 10.2 Schedule 1A to the Local Government Finance Act 1992 as amended makes further provision regarding the LCTS schemes. The Council is under a statutory duty to review its LCTS scheme annually. If the authority wishes to revise or replace its scheme for 2019-20, the Council must (in the following order):
- (a) consult any major precepting authority, which has the power to precept it
 - (b) publish a draft scheme in such manner as it thinks fit and
 - (c) consult such other persons as it considers are likely to have an interest in the operation of the scheme.

The Council must decide on any revision or replacement of the scheme by a meeting of the Council. In 2017 *The Council Tax Reduction Schemes (Amendment) (England) Regulations 2017 SI 1305* changed the deadline for the Council to decide on a scheme from 31 January to 11 March.

- 10.3 Under Schedule 1A to the 1992 Act, the Council must publish the scheme in such a manner as it thinks fit. It is understood that the Council will publish our scheme on our website once Council has approved it and we have made all the agreed amendments. In addition, each Council Tax bill that we issue explains that help with the Council Tax may be available and advises taxpayers where further information can be found.

11. Human Resource Implications

- 11.1 The proposed amendments to the LCTS Scheme for 2021-21 will not change the workload for the benefits team themselves. However, we anticipate an increase in new claims for both the main scheme and the hardship fund, as the economic consequences of the pandemic unwind. This could lead to a requirement for additional resources, albeit on a temporary basis.

The team remains key in delivering the migration of UC and other DWP initiatives that we are obliged to carry out, often at short notice. Additionally, they have become involved in non-benefit government initiatives, such as the NHS Test and Trace Support Payments for those on low incomes who are directed to self-isolate, as verification requires access to secure government systems already used by benefits assessors.

- 11.2 Natural migration to UC is reducing the HB caseload in the long term. In the short term, each case moving to UC creates additional work due to the two-week run on of HB. The government put the run on into place to mitigate the delays in the DWP making UC payments, but it has created an additional administrative process for us.
- 11.3 Once claimants are on UC, the workload associated with their LCTS claims increases due to the initial delay in the DWP awarding UC, and subsequently the monthly reassessment of entitlement. We will address this through our separate Future Options for LCTS Review.
- 11.4 The DWP is responsible for the timetable and detailed plans for the managed migration of working age caseload to UC. Migration is currently due to complete by September 2024, having been postponed several times from October 2017.

A pilot managed migration of 10,000 cases began in Harrogate in July 2019, and information from this should inform the eventual roll out. However, there remains a lot of uncertainty and scepticism around the process.

1.1 million claimants received UC on 9 August 2018, and this rose to 2.3 million on 11 July 2019. It was estimated to rise to just under 7 million when roll out was complete, indicating that there was a substantial amount of work for the DWP to take on. This was prior to the impact of the pandemic. On 9 July 2020 5.6 million claimants received UC. Universal Credit Statistics: 29 April 2013 to 9 July 2020 suggest that prior to the pandemic there were 3 million claimants.

In the absence of any information about the migration process, the Housing Benefit industry has mooted various options from random selection of cases across all authorities to the complete removal of caseload from individual authorities in turn, with a range of options between these extremes. Each scenario is hypothetical and has a completely different set of impacts on individual benefit services.

Without any factual details we cannot plan. If changes are imminent as regards the managed migration of Universal Credit, officers will advise councillors accordingly.

12. Equality and Diversity Implications

- 12.1 We must demonstrate that we have consciously thought about the three aims of the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010, as part of the decision-making process to develop an LCTS Scheme. The three aims the authority must have due regard for are to:

- eliminate discrimination, harassment and victimisation
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- foster good relations between persons who share a relevant protected characteristic

12.2 The Council must pay due regard to a risk of discrimination arising from the decision before them. There is no prescribed manner in how we must exercise our equality duty, though producing an Equalities Impact Assessment (EIA) is the most usual method. The LCTS EIA, is not affected by the minor changes being recommended for 2021-22.

12.3 The *protected characteristics* are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race (including ethnic or national origins, colour or nationality), religion or belief, sex, sexual orientation.

13. Climate Change/Sustainability Implications

13.1 There are no Climate Change/Sustainability implications

14. Summary of Options

14.1 This report provides an overview of the current position regarding our LCTS scheme and the successes we have experienced with its implementation, from both a customer and financial point of view. It also explains the difficulties faced in making changes during the COVID-19 pandemic.

14.2 The Council can implement some relatively small changes to the scheme to:

- address the impact of increases in the cost of living,
- provide some additional support to claimants in band E properties.

14.3 Creating a Local Council Tax Support Scheme is not without risk:

- Due to an increase in claims as a result of the pandemic it is unlikely that the cost of changes can be made within the existing revenue budget. Indeed, there is a risk that the ongoing cost of an unchanged scheme will considerably exceed the budget. However, there is much uncertainty around this, and not supporting the most financially vulnerable is not a viable option. There is a balance to be found between an affordable local welfare arrangement and significant hardship for residents. Given a scheme that currently supports those most in need and this uncertainty officers are recommending only minor changes to our scheme.
- Officers have concluded that the hardship fund helps minimise the risk by providing help for those facing financial hardship because of our scheme rules. This could include individuals affected by the pandemic.
- The impact of Universal Credit remains uncertain, and therefore a further risk. A more radical review of our scheme is being undertaken to try and mitigate any problems, but due to the complexity of the work involved this is more than a one-year project.

- 14.4 To continue with the momentum of the past seven years, the Council is asked to agree that an appropriate hardship fund be maintained in 2021-22, to enable us to continue to support families affected by our local scheme. Officers suggest increasing this to a £60,000 pot to allow more scope for dealing with the uncertainties caused by the pandemic.
- 14.5 In addition, if there are any residual COVID-19 hardship funds left at the end of the financial year officers suggest carrying them forward into 2021-22 to provide further Council Tax discounts for those affected by the pandemic.

15. Conclusion

- 15.1 We have intermittently reduced the amount of support available to meet our financial targets, without overly complicating our scheme and causing customers severe hardship.
- 15.2 We are now in unprecedented times, and it is impossible to forecast the likely demand on, or cost of, our Working Age LCTS scheme.
- 15.3 New claimants as a result of the pandemic, will receive the same level of help as pre pandemic claimants. The scheme is detailed and has proved robust since it was introduced in 2013, with limited requests for hardship funds. New claimants will increase the cost of the scheme.
- 15.4 It is important that we continue to provide help with the Council Tax to those who are financially vulnerable.
- 15.5 To try and balance cost and support officers suggest the Council approves relatively small changes to the scheme to address the impact of increases in the cost of living and to provide some additional support to those in Band E properties.

16 Background Papers

- Report to Council 6 December 2012; Local Council Tax Support Scheme Assessment
- Report to Council 12 December 2013; Review of the 2013-14 Local Council Tax
- Report to Corporate Improvement Scrutiny Committee 18 September 2014; Welfare Reform – Impact and Service Review; One Year On
- Report to Council 9 December 2014; Local Council Tax Support Scheme for 2015-16
- Report to Customer and Community Scrutiny Committee 8 September 2015; Review of the 2015-16 Local Council Tax Support Scheme and proposed changes for 2016-17
- Report to Council 9 December 2015; Local Council Tax Support Scheme for 2016-17
- The 2016 government review of LCTS.
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/514767/Local_Council_Tax_support_schemes_-_review_report.pdf

- Report to Council 6 December 2016; Local Council Tax Support Scheme for 2017-18
- Report to Council 5 December 2017; Local Council Tax Support Scheme for 2018-19
- Report to Council 4 December 2018; Local Council Tax Support Scheme for 2019-20
- Report to Council 3 December 2019; Local Council Tax Support Scheme for 2020-21
- Guildford Borough Council LCTS scheme 2020-21.
<https://www.guildford.gov.uk/article/18603/What-is-Local-Council-Tax-Support-and-how-has-it-changed->
- Localised Council Tax support provisional allocations
<https://www.gov.uk/government/publications/localised-council-tax-support-administration-subsidy-grant-2019-to-2020>
- Localised Council Tax support provisional allocations
<https://www.gov.uk/government/publications/localised-council-tax-support-administration-subsidy-grant-2020-to-2021>
- New Policy Institute <https://www.counciltaxsupport.org/schemes/>
- Commons Library Briefing 8299 June 2018
<https://researchbriefings.parliament.uk/ResearchBriefing/Summary/CBP-8299>
- Universal Credit: supporting self-employment
<https://publications.parliament.uk/pa/cm201719/cmselect/cmworpen/997/997.pdf>
- <https://www.gov.uk/government/publications/universal-credit-29-april-2013-to-11-july-2019/universal-credit-statistics-29-april-2013-to-11-july-2019>
- Inside Housing <https://www.insidehousing.co.uk/news/news/low-number-of-tenants-moved-to-universal-credit-in-harrogate-pilot-65041>
- <https://commonslibrary.parliament.uk/constituency-data-universal-credit-roll-out/>
- <https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/employmentandemployeetypes/bulletins/regionallabourmarket/july2020>
- <https://www.ons.gov.uk/employmentandlabourmarket/peoplenotinwork/unemployment/datasets/modelledunemploymentforlocalandunitaryauthoritiesm01>
- <https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/employmentandemployeetypes/bulletins/uklabourmarket/august2020>
- Institute of Fiscal Studies Report “The impacts of localised council tax support schemes” <https://www.ifs.org.uk/uploads/publications/comms/R153.pdf>
- <https://www.gov.uk/government/publications/universal-credit-statistics-29-april-2013-to-9-july-2020/universal-credit-statistics-29-april-2013-to-9-july-2020>

17. Appendices

- Appendix 1: Proposed Changes to The Guildford Borough Council (Council Tax Reduction Scheme) (Persons who are not Pensioners) for 2021-22
- Appendix 2: Summary of Scheme Changes 2013 to 2020
- Appendix 3: Reasons for Reviewing Future Options for LCTS
- Appendix 4: Response from Surrey County Council
- Appendix 5: Response from Police and Crime Commissioner for Surrey
- Appendix 6: Local Council Tax Support Scheme (LCTSS) Survey 2021

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Proposed Changes to The Guildford Borough Council (Council Tax Reduction Scheme) (Persons who are not Pensioners) for 2021-22

1. Personal Allowances

Column (1) - Person or couple	2020 Amount	Amount Proposed 2021
(1) A single claimant who -	(1)	(1)
(a) Is entitled to main phase employment and support allowance	(a) £73.10	(a) £74.35
(b) Is aged not less than 25	(b) £73.10	(b) £74.35
(c) Is aged not less than 18 but less than 25	(c) £57.90	(c) £58.90
(2) Lone Parent	(2) £73.10	(2) £74.35
(3) Couple	(3) £114.85	(3) £116.80

Column (1) - Child or young person	Column (2) – Amount 2020	Column (2) – Amount Proposed 2021
Person in respect of the period -		
(a) beginning on that person's date of birth and ending on the day preceding the first Monday in September following that person's sixteenth birthday;	£66.90	£68.27
(b) beginning on the first Monday in September following that person's sixteenth birthday and ending on the day preceding that person's twentieth birthday	£66.90	£68.27

2. Premiums

Family premium

Where the Family Premium still applies and the applicant is not a lone parent the proposal is to increase the premium from £17.45 to £17.60.

Other premiums

17. Premium	Amount 2020-21	Proposed 2021-22
(1) Disability Premium—	(1)	(1)
(a) where the applicant satisfies the condition in paragraph 9(a);	(a) £34.35	(a) £34.95
(b) where the applicant satisfies the condition in paragraph 9(b).	(b) £48.95	(b) £49.80
(2) Severe Disability Premium	(2)	(2)
(a) where the applicant satisfies the condition in paragraph 11(2)(a);	(a) £65.85	(a) £66.95
(b) where the applicant satisfies the condition in paragraph 11(2)(b)—		
(i) in a case where there is someone in receipt of a carer's allowance or if he or any partner satisfies that condition only by virtue of paragraph 11(5);	(b)(i) £65.85	(b)(i) £66.95
(ii) in a case where there is no-one in receipt of such an allowance	(b)(ii) £131.70	(b)(ii) £133.90
(3) Disabled Child Premium	(3) £64.19 in respect of each child or young person in respect of whom the condition specified in paragraph 13 of Part 3 of this Schedule is satisfied	(3) £65.52 in respect of each child or young person in respect of whom the condition specified in paragraph 13 of Part 3 of this Schedule is satisfied
(4) Carer Premium	(4) £36.85 in respect of each person who satisfies the condition specified in paragraph 14.	(4) £37.50 in respect of each person who satisfies the condition specified in paragraph 14.
(5) Enhanced Disability Premium	(5)	(5)
	(a) £26.04 in respect of each child or young person in respect of whom the conditions specified in paragraph 12 are satisfied	(a) £26.60 in respect of each child or young person in respect of whom the conditions specified in paragraph 12 are satisfied
	(b) £16.80 in respect of each person who is neither	(b) £17.10 in respect of each person who is neither
	(i) a child or a young person; nor	(i) a child or a young person; nor
	(ii) a member of a couple or a polygamous marriage	(ii) a member of a couple or a polygamous marriage
	In respect of whom the conditions specified in paragraph 12 are satisfied	In respect of whom the conditions specified in paragraph 12 are satisfied
	(c) £24.10 where the applicant is a member of a couple or a polygamous marriage and the conditions specified in paragraph 12 are satisfied in respect of a member of that couple or polygamous marriage	(c) £24.50 where the applicant is a member of a couple or a polygamous marriage and the conditions specified in paragraph 12 are satisfied in respect of a member of that couple or polygamous marriage

Part 6 - Amount of components

	Amount 2020-21	Proposed 2021-22
18. The amount of the work-related activity component is	29.05	29.55
19. The amount of the support component is	38.55	39.20

3. Non-Dependant Deductions

	Amount 2020-21	Proposed 2021-22
(1) Subject to the following provisions of this paragraph, the non-dependant deduction in respect of a day referred to in paragraph 47 is -		
(a) in respect of a non-dependant aged 18 or over in remunerative work,	£12.20 x 1/7	£12.40 x 1/7
(b) in respect of a non-dependant aged 18 or over to whom sub-paragraph (a) does not apply,	£4.00 x 1/7	£4.05 x 1/7
(2) In the case of a non-dependant aged 18 or over to whom sub-paragraph (1)(a) applies, where it is shown to the appropriate authority that his normal gross weekly income is		
(a) less than X, the non-dependant deduction to be made under this paragraph is the amount specified in sub-paragraph (1)(b)	X £207.70	X £217.00
(b) not less than X but less than Y, the non-dependant deduction to be made under this paragraph is b;	X £207.70 Y £360.10 b £8.10	X £217.00 Y £377.00 b £8.25
(c) not less than Y but less than Z, the non-dependant deduction to be made under this paragraph is	Y £360.10 Z £447.40 c £10.20	Y £377.00 Z £469.00 c £10.35

3. Band E Restriction

Amend Part 12 - Maximum council tax reduction, Paragraph 47. Maximum council tax reduction under this scheme, sub-paragraph (1)(a)(i)

From

(i) a maximum amount that is equal to the council tax charge of a dwelling in council tax band D, and

To

(i) a maximum amount that is equal to the council tax charge of a dwelling in council tax band E, and

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Summary of Changes 2013-14 to 2020-21

Guildford Borough Council based its Working Age Local Council Tax Support Scheme on the old Council Tax Benefit Scheme. Local modifications to the scheme are summarised in the table below. Some supplementary information is included as notes below the table.

Element of LCTS Scheme	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21
Overall nature of changes	Measures to pass on about £300,000 of the government's funding reduction	Measures to pass on a further £170,000 of the government's funding reduction	Minimal changes	Modest changes to pass on a further £300,000 of the governments funding reduction	No changes	Minimal changes to ensure that the level of help was not unduly reduced by inflation, and to keep the scheme understandable by mirroring changes to some HB rules	Minimal changes to ensure that the level of help was not unduly reduced by inflation, and income or capital from emergency funds treated consistently	Minimal changes to ensure that the level of help was not unduly reduced by inflation, and income or capital from emergency funds treated consistently
Second Adult Rebate (Alternative Maximum Council Tax Benefit)	Withdrawn							
Backdating	Reduced from 6 to 3 months					Reduced from 3 months to 1 month to mirror HB changes		
Minimum Weekly Award (entitlement calculated to be less than this amount per week is not paid)	Introduced a £5.00 minimum	Increased from £5.00 to £10.00						
Capital Limit (a limit above which assistance will not be provided)	Reduced from £16,000 to £6,000							
Maximum level of Council Tax Support, against which entitlement is calculated	Restricted to the Band D charge for the area in which a property is located	No entitlement for properties in Bands F,G, H. Band E restricted to a Band D charge						

Element of LCTS Scheme	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21
Income and Capital Disregards (income that is disregarded for the purpose of calculating LCTS entitlement)	100% income disregard for War Disablement Pensions and War Widows/ Widowers Pensions		Introduced 100% income disregard of “personal budget payments in relation to Education, Health and Care plans for children with special education needs.”	Removed 100% income disregard for both Child Benefit and Maintenance			Introduced 100% income and capital disregard for funds from “The London Emergencies Trust” and the “We Love Manchester Emergency Fund”	Introduced 100% income and capital disregard for the “Windrush Compensation Scheme”
Personal Allowances and Premiums (the calculated sum for household needs, income is compared to this)		Increased		Frozen		Increased Personal Allowances and Premiums Introduced the exclusion of Family Premium for new entitlements or additional new children to mirror HB changes	Increased Premiums	Increased Premiums
Non-Dependent Deductions (the amount non-dependents are expected to contribute to the household)		Increased		Increased		Increased	Increased	Increased
Minimum Income for the Self Employed *1				Introduced Higher of actual income or 35 hours x National Minimum Wage		Introduced an annual increase in the minimum income floor		

Element of LCTS Scheme	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21
Allowable Temporary Absence outside Great Britain (the period of absence before LCTS is affected)						Reduced from 13 weeks to 4 (with some exceptions) to mirror HB changes		
Discretionary Hardship Fund * ² (supports those affected by the changes in the Local Council Tax Scheme)	Fund introduced	Fund maintained	Fund maintained	Fund maintained	Fund maintained	Fund maintained	Fund maintained	Fund maintained

*¹Minimum Income Floor

- The minimum income floor is an assumption that, after an initial set up period of 12 months, a person who is self-employed works for a specific number of hours for a set wage. Where this assumed income exceeds the actual income, we use the assumed income to calculate entitlement to LCTS. We request annual income and review annually. If annual figures are not available we accept whatever can be provided for a shorter period of time, and make a note to review this sooner. Our minimum income floor increases in line with the minimum wage in place on 1 January of the scheme year. Claimants disadvantaged by the rule can apply for help from the Discretionary Hardship Fund.
- We have not had a lot of queries since introducing the minimum income floor. We would expect significant issues to materialise through requests for help from the Discretionary Hardship Fund or via difficulties with Council Tax collection, and this has not been the case.
- During 2017 Surrey Welfare Rights provided feedback on the way our scheme worked compared to Universal Credit (UC), especially regarding carers and the disabled who were self-employed. In response, we looked more closely at these cases and concluded that:
 - the numbers affected are small as claimants need to satisfy multiple criteria: be carers and self-employed working for less than 35 hours per week on less than the minimum wage.
 - we have a satisfactory mechanism in place through our Hardship Fund to ensure that no one suffers financially
 - a further review of our scheme was likely with the roll out of UC and that it was appropriate to consider Surrey Welfare Rights suggestions at that time
- Universal Credit uses a minimum income floor, with some modification where claimants are disabled or carers. This has not been without criticism. On 10 May 2018 the House of Commons Work and Pensions Committee published a report “Universal Credit: supporting self-employment”. This looks at the difficulties of balancing support for entrepreneurship with protecting the public purse. The minimum income floor is intended to incentivise the self-employed to increase their earnings and develop their business, while ensuring that the Government does not subsidise unsustainable low-paid self-employment indefinitely. It highlighted some issues:
 - The DWP has no plans to publish any significant analysis of UC’s effect on self-employment until at least autumn 2019.
 - The DWP calculates UC awards monthly, but the self-employed have volatile incomes and the result is that they do not receive the same help as the employed. The report suggests longer reporting periods of up to a year where claimants demonstrate irregular payment patterns.

- For the first year of self-employment claimants are exempt from the minimum income floor. The report suggests that in some instances this period should be extended and that a taper off could also be used.
- We will consider our treatment of the self-employed when we carry out our more fundamental review of the scheme.

*2Payments from the Discretionary Hardship Fund are:

- means tested (an assessment of income and expenditure)
- awarded for a maximum of one year at a time
- not usually for more than 75% of any Council Tax Benefit lost
- not awarded if non-essential expenditure exceeds the loss of Council Tax Benefit incurred
- not backdated.

Excerpt from Executive Report Local Council Tax Support Scheme for 2020-21

5. Reviewing Future Options for LCTS

- 5.1 The government has designed UC to take advantage of a wealth of electronic data returns and automation. As a result, the DWP calculates UC awards on an ongoing basis and they increase or decrease each month in response to changes in income and other factors. This contrasts with the benefits UC replaces where entitlement typically only changed when the claimant advised the DWP of a change of circumstance.
- 5.2 We take income from UC into account when assessing entitlement to LCTS. We anticipate that monthly changes in entitlement will reduce Council Tax collection rates, frustrate LCTS claimants, and increase administrative costs. An increasing number of Councils are looking at alternative models for their LCTS schemes as a result.
- 5.3 The New Policy Institute reported in 2018 that around five authorities had moved to a banded income scheme. We know that due to the impact of monthly changes in UC others have changed or are considering changing their schemes. Typically, a banded scheme:
- States that a claimant will receive an award of £x if their income falls in a certain income band, and £y for a different band. This means that there is tolerance for fluctuations in income.
 - Includes rules to reflect different household expenditures linked to household composition (eg single, couple, children) and needs (eg disability, carers).
 - Includes transitional protection for anyone losing out as a result of the change in entitlement from a previous scheme.
- 5.4 Although we have been dealing with LCTS for UC claims since 24 October 2018, it is still relatively early days and we have not identified any significant trends. As at 4 July 2019 we had 244 claims with a UC income on them. These numbers will increase with time.
- 5.5 Local Council Tax Schemes are complex to ensure that everyone is treated consistently and, if necessary, that the scheme is robust and resilient to challenge in Court. Our current scheme runs to 136 pages of rules, and is based on the Council Tax Benefit that preceded it in 2012.
- 5.6 Officers have concluded that, in the light of UC and the time that has elapsed since 2013 a more fundamental review of our LCTS scheme is necessary. Given the scale of the work required (research, modelling, consultation and rule writing), we cannot accomplish this within a single year, and is therefore running alongside the annual reviews. The review will include consideration of a banded income scheme.

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From: Sarah Bryan <sarah.bryan@surreycc.gov.uk>
Sent: 08 October 2020 10:26
To: Daniel Rolfe <Daniel.Rolfe@guildford.gov.uk>
Subject: RE: Local Council Tax Support Consultation 2021/22 [UNC]

Hi Daniel

Thank you for sending across the information. I have shared with various stakeholders within SCC, including our 151 officer, and the feedback is as follows:

Thank you for the opportunity to comment on GBC's proposals to revise its Local Council Tax Support scheme for 2021/22. SCC welcome GBC's intention to continue to provide financial support for the most vulnerable households and support the proposals.

Sarah Bryan | Senior Finance Business Partner (Corporate Finance)

Resources | Finance "Successful Together"

Mobile: 07771 649886

Email: sarah.bryan@surreycc.gov.uk

Address: Surrey County Council, Room G48, County Hall, Penrhyn Road, Kingston upon Thames KT1 2DN

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From: Menon, Kelvin 17270 <Kelvin.Menon@surrey.pnn.police.uk>
Sent: 15 October 2020 10:48
To: Daniel Rolfe <Daniel.Rolfe@guildford.gov.uk>
Subject: FW: Local Council Tax Support Scheme consultation 2021/22 changes [UNC]

Hi Daniel,

Hope you are well. Apologies for not replying sooner but Ian retired in March and I have taken over from him.

Thanks for sharing your consultation on the LCTS with us.

Like all preceptors we are concerned about the impact COVID is having on Council Tax collection and the tax base and then by extension on the Police Budget. Hence we are keen to ensure that Council Tax income is maintained in order to protect services.

However we also understand the impact that COVID is having on some residents and the difficulties that some of them face. With this in mind we are happy to support the changes as outlined in your paper.

Yours

Kelvin Menon

Kelvin Menon

Chief Finance Officer

Office of the Police and Crime Commissioner for Surrey

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Local Council Tax Support Scheme (LCTSS) Survey 2021

Website Introduction Page

Local Council Tax Support Scheme (LCTSS) Survey 2021

We would like your views on our Local Council Tax Support Scheme. Find out how to have your say.

Background

In April 2013 the national system of council tax benefit ended. Since then we have had to manage our own local council tax support schemes with less government funding. We have had to make difficult decisions about who gets financial support and how we can help those in need.

We have consulted on the scheme every year since 2013. Your feedback has helped us make changes. See the changes on our: [what is local council tax support and how has it changed page](#).

How to have your say

Fill in the [online consultation](#).

The deadline to give your views is 5pm Thursday 15 October 2020.

We have been asked to give extra information to help you give your feedback. Please see the explanations of our proposed changes. We would also like to know what information would help you with future changes to the scheme.

The 2021-22 scheme - suggested changes

Remove the Band E restriction for 2021 only

Currently the highest award that a claimant living in a Band E property can get is capped at the Band D charge. Removing the cap will enable us to give taxpayers more help. We expect that more help may be needed due to the COVID-19 pandemic. Only 6% of recipients are currently in a band E property.

Update the amounts used to calculate entitlement

For our 2021-22 Local Council Tax Support Scheme, we are suggesting the following changes:

- Increase personal allowances. These are the basic amount that we expect a specific type of household to need each week. This includes, a family, couple or single person. The increase is to make sure personal allowances do not reduce due to inflation. We base this on government welfare allowances for Housing Benefit (help with rent). This assumes that a single person over 25 needs £74.35 per week and a couple £116.80. There are extra allowances for children.
- Increase premiums. These are extra sums for specific needs such as being a carer or having a disability. Increasing these means the help given is not reduced in relation to inflation.
- Increase non-dependant deductions. We expect non-dependents aged 18 or over to contribute more to the household in which they live. We band these deductions so that someone with a very low income pays a smaller amount each week. The contributions range from £4.05 for an unemployed person, to £12.50 for someone earning around £24,000 a year. We increase the bands as well as the amounts and this means that some contributions reduce. For example:
 - Non-dependant earns £210.00 per week in 2020. The 2020 band is £207.70 to £360.10, and the deduction is £8.10.
 - In 2021 the band increases to £217 to £377 and the deduction to £8.25. But the non dependant does not have a pay increase and moves down a band to a £4.05 deduction

In very simple terms, we add the premiums to the personal allowances and deduct any non dependant deductions. This creates an income allowance which is compared to income, to decide the level of help we will give.

Around 62% of people who get Local Council Tax Support and are working have 100% of their Council Tax paid. Over 90% have 50% or more of their Council Tax paid. We don't ask everyone to pay something whatever their situation, unlike most councils.

Hardship Fund

As well as our working age Local Council Tax Support Scheme we also have a Hardship Fund. This fund gives help for those adversely affected by our scheme rules. We look at actual income and expenditure when we make awards from this fund. The fund is not intended for long term support. It does mean that those who are most in need can receive help with their Council Tax.

We would like to hear your views on the proposed changes for 2021-22. We would also like to hear your suggestions to reduce, maintain or increase the level of support we offer in the future.

The scheme for pensioners will not change unless the Government makes changes.

Survey Responses

We received a total of 12 responses as follows

- Q1. Do you agree with updating the amounts used to calculate entitlement within the scheme? Using this year's figures we estimate this will cost an initial £14,000**

	Response Total
Don't know	2
Strongly disagree	1
Disagree	0
Agree	3
Strongly agree	6

- Q2. Do you agree with removing the Band E restriction? Using this year's figures, we estimate this will cost an initial £50,000**

	Response Total
(blank)	1
Don't know	1
Strongly disagree	2
Disagree	0
Agree	3
Strongly agree	5

- Q3. Currently a person can receive help with 100% of their council tax, so they don't pay anything. Do you agree that all claimants should have to pay at least a certain fixed percentage of their council tax bill - for example 10%?**

	Response Total
Don't know	0
Strongly disagree	6
Disagree	2
Agree	1
Strongly agree	3

Q4. What do you feel would be an appropriate percentage should a claimant have to pay towards their council tax bill?

	Response Total
Don't know	1
0%	6
5%	1
10%	1
20% or higher	3

Q5. What impact would this change have on your household?

	Response Total
(blank)	1
Not sure	4
No impact	5
Low impact	1
High impact	1

Q6. Do you have any comments or suggestions for other savings or options that could be included in future reviews of our LCTS scheme?

Responses
Review / remove the inclusion of child benefit from the income calculation
Review / remove the inclusion of Child maintenance from the income calculation
Look at minimum income floor on a case by case basis - especially if claimant in receipt of carers allowance.
Seems all the support is given to those who get everything so no incentive to work. The reality is we both work but would be better off being unemployed. There should be more for those who work but struggle as they don't qualify for any benefits but due to housing market pay extortionate rent.
The inclusion of CHB and child maintenance when calculating LCTS should be reviewed/ended. Those on legacy benefit are not affected and it is an unfair charge. The minimum income floor should be looked at on a case by case basis. EG: those on carer allowance are providing care 35 hours per week and are then hit by this rule.

Q7. What additional information would you like us to make available in future consultations to help you respond?

	Response Total
(blank	9
How much LCTSS has cost GBC over the last 3 years and how many homes have been supported.	1
None	1
NOT SURE	1

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Council Report

Ward(s) affected: n/a

Report of Managing Director (Head of Paid Service)

Author: Francesca Smith, Lead Specialist HR

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Lead Councillor responsible: Joss Bigmore

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Date: 8 December 2020

Pay Policy Statement 2020-21

Recommendation to Council

That the amendments required within the Pay Policy Statement for the 2020-21 financial year be approved.

Reasons for Recommendation:

To comply with the Restriction of Public Sector Exit Payments Regulations 2020.

Is the report (or part of it) exempt from publication? No

1. Purpose of Report

1.1 The Public Sector Exit Pay Cap regulations ([Restriction of Public Sector Exit Payments Regulations 2020](#)) came into force on 4 November 2020. The regulations will apply to all exit payments that fall due on or after that date. The regulations implement a £95,000 cap on exit payments and we are awaiting the publication of the Guidance and Directions documents to accompany the regulations. Our Pay Policy Statement for the current financial year needs to be amended to reflect the regulations.

2. Strategic Priorities

2.1 By setting out clearly how the Council is spending public money, the statement supports the Council's mission and values to be efficiently run and to deliver value for money while also demonstrating that we have effective governance in place to manage pay and remuneration for all our staff.

3. Background

3.1 Payments which are covered by the £95,000 cap include:

- redundancy payments
- payments in lieu of notice exceeding three months
- pension costs
- severance payments
- compensation under the Acas arbitration scheme (a direction is expected to be made excluding those payments made in respect of discrimination or whistleblowing)
- any other payment made as a consequence of loss of employment

3.2 Under the current Local Government Pension Scheme Regulations employees aged 55 or over who are members of the Local Government Pension Scheme (LGPS) are currently entitled to immediate access to an unreduced pension where they are dismissed on redundancy or business efficiency grounds. The employer then has to make additional payments to the pension fund to make up the resulting shortfall in the pension funding. This extra payment is also known as the 'pension strain' and this cost is included in the £95,000 pay cap. Changes are required to the Local Government Pension Scheme rules to accommodate the £95,000 cap and these will not be in place when the cap comes into effect. The following link provides further information on [MHCLG's consultation](#).

3.3 In certain circumstances the pay cap may be waived. There are likely to be two types of waiver (although full details have not yet been published):

- Mandatory Waivers can be made where it is likely that an award would be made by an Employment Tribunal in response to a claim made for whistleblowing, discrimination, health and safety and other similar cases. They can also be made where employees are protected by TUPE Regulation obligations.
- Discretionary Waivers can be made where the cap will cause undue hardship, to assist workforce reform, and where the exit has been delayed by the employer. Waivers must be approved by the Council, MHCLG Accounting Officer (permanent secretary), MHCLG and HMT Ministers.

4. Updates made to the current Pay Policy Statement

4.1 The Pay Policy Statement currently contains a termination pay cap of £95,000 but this figure includes all payments associated with the termination and specifically refers to pay in lieu of notice, holiday pay and any other contractual payments. This needs to be amended and aligned with the requirements of the Regulations to only reflect the payments set out in 3.1 above.

4.2 The Pay Policy Statement sets out the requirement to refer any proposed payment exceeding the cap to the Council for approval. Under the Regulations these payments would now need to follow the approval process to apply for a Discretionary Waiver as set out in 3.3 above.

5. Equality and Diversity Implications

- 5.1 The Council's duty under section 149 of the Equality Act 2010 is to have due regard to the matters set out in relation to equalities when considering and making decisions. The Pay Policy Statement is designed to bring fairness and equality to the application of pay and remuneration within the Council. There are no direct equality impacts associated with agreeing the Pay Policy Statement amendment itself.
- 5.2 However concern has been raised by the Local Government Association (LGA) and Unison regarding the potential unequal equality impact of the Public Sector Exit Pay Cap Regulations. Further information and guidance is expected to follow.

6. Financial Implications

- 6.1 The effect of the Regulations requires further clarification and specifically in relation to the impact of the delay to the required changes to the LGPS rules. Once this has been received the financial impact of the Regulations can be assessed however it is likely to result in lower costs to the Council associated with the termination of employment of our employees.

7. Legal Implications

- 7.1 The Pay Policy Statement requires immediate amendment to include the requirements of the Restriction of Public Sector Exit Payments Regulations 2020. Failure to comply could lead to a legal challenge to the Council and therefore it is important that the statement reflects the Regulations and all the associated statutory guidance.
- 7.2 The absence of a robust Equalities Impact Assessment of the Regulations is a cause for concern and is one of several areas where the LGA is concerned that these Regulations increase legal risks facing councils,
- 7.3 Over the next few months we will continue to monitor and review all aspects of the Pay Policy Statement in the light of relevant legislation, statutory guidance, best practice and the changing landscape of pay policy in local government and the wider public sector. This will ensure that future statements continue to meet the changing business needs and future challenges facing the Council.

8. Human Resource Implications

- 8.1 The Pay Policy Statement clearly relates to human resource management issues. We have considered the impact of the Regulations on our staff, particularly those currently affected by Phase B of the Future Guildford transformation programme, and have advised them accordingly. We will continue to review the likely impact once the changes to the LGPS are published and plan for these. There are therefore no additional human resource implications to amending the Pay Policy Statement itself.

9. Conclusion

- 9.1 The Pay Policy Statement is required to comply with legislation and also supports our long-standing approach of openness and transparency about pay.
- 9.2 The Council is fulfilling its legal obligation by amending the Pay Policy Statement 2020-21.

10. Background Papers

[Restriction of Public Sector Exit Payments Regulations 2020](#)

Consultation paper setting out the Government's proposals for reforming local government exit payment. [MHCLG's consultation](#)

11. Appendices

Appendix 1: Pay Policy Statement 2020-21



PAY POLICY STATEMENT FINANCIAL YEAR 2020-2021

1. Introduction

- 1.1 In determining pay and remuneration, the Council recognises the need to exercise the greatest care in managing scarce public resources while securing and retaining high quality employees. We believe that the principle of fair pay is important to the provision of well-managed services and are committed to ensuring fairness and equity in our remuneration practices.
- 1.2 The level of remuneration is a very important factor in both recruitment and retention. We therefore need to balance affordability and value for money with creating a remuneration framework that ensures we can recruit, retain, motivate and develop employees who have the skills and capabilities necessary to ensure the continued provision of high quality services.
- 1.3 We aim to design our pay policies, processes and procedures to ensure that pay levels are appropriately aligned with, and properly reflect, the relative demands and responsibilities of posts, together with the knowledge, skills and capabilities necessary to ensure that the post's duties are undertaken to the required standard.

2. Purpose

- 2.1 The aim behind this Pay Policy Statement is to ensure that our approach to pay is transparent, to enable local taxpayers to take an informed view of whether local decisions on all aspects of remuneration are fair and to make the best use of public funds.
- 2.2 This policy statement is in accordance with sections 38 to 43 of the Localism Act 2011 (the Act), that requires local authorities to publish an annual pay policy statement for the forthcoming financial year including:
 - the remuneration of our most senior employees (which the Act defines as the Head of Paid Service, the Monitoring Officer, Chief Officers, and Deputy Chief Officers, i.e. managers who report directly to a Chief Officer)
 - the remuneration of our lowest-paid employees and the relationship between the remuneration of our senior employees and that of other employees.

3. Legislation

3.1 The Secretary of State has produced guidance on the Act's provisions relating to openness and accountability in local pay, to which we must have regard. This statement takes full account of this guidance as well as the provisions of the Act. This includes ensuring that there is an appropriate relationship between the pay levels of our senior managers and of all other employees.

3.2 It also takes account of:

- the Local Government Transparency Code 2015 issued by the Department for Communities and Local Government in February 2015
- Openness and Accountability in Local Pay: Guidance under S40 of Localism Act 2011 issued in February 2012
- Openness and Accountability in Local Pay: Guidance under S40 of Localism Act 2011 Supplementary Guidance issued in February 2013
- guidance issued by the Joint National Council (JNC) for Local Authority Chief Executives on pay policy statements, published in November 2011 and supplementary notes published in January and March 2012
- The [Restriction of Public Sector Exit Payments Regulations 2020](#)
- The Repayment of Public Sector Exit Payments Regulations 2015 (delayed implementation)
- Employment and equalities legislation affecting local authority employers, where relevant.

This statement also refers to information we are already required to publish under other legislation for example the information on the level of remuneration paid to senior managers, as required by The Accounts and Audit Regulations 2015.

4. Overall approach to pay

4.1 In relation to other organisations in all sectors across the UK, we are a large, complex organisation providing a very diverse range of services. Many of these services are vital to the wellbeing of individuals and groups of residents in our local community. These can be delivered in very challenging circumstances, which means the Council must take account of the levels of need and ensure the availability of resources to meet them.

4.2 We compete with other local employers to recruit and retain managers capable of meeting the challenges of delivering our services to the required standards. This has an important bearing on the levels of remuneration we offer. At the same time, as outlined in section 1.2 we are obligated to secure the best value for money for our residents and taxpayers in taking decisions on our pay levels. We believe that we achieve a fair balance between these competing pressures.

4.3 Our overall approach to remuneration for all employees, including senior management is based on:

- compliance with equal pay, discrimination and other relevant employment legislation such as the Equality Act 2010, plus
- ensuring that our overall remuneration packages align with market norms for local government and public sectors while at the same time taking account of:

1. pay levels in the local area, including neighbouring public sector employers
 2. the relative cost of living in the local area, particularly housing costs
 3. the fact that responsibilities and accountabilities of particular posts may be very demanding
 4. individual performance.
- 4.4 In the application of our pay framework, the council takes into account market rates, individual performance and the need for consistency in the way pay bandings are applied. All pay differentials can be objectively justified using job evaluation mechanisms that directly establish the relative levels of posts in pay bands according to the requirements, demands and responsibilities of the post.
- 4.5 Our pay rates and grading structure are determined locally.

5. Remuneration of senior management

- 5.1 This section covers the remuneration of our most senior employees, who are responsible for working with elected councillors to determine the overall strategic direction of the Council. They develop and manage a wide range of services to ensure they are economic, efficient and effective and have appropriate governance arrangements. In the context of this policy, senior management is defined as:
- the Managing Director (who is the designated Head of Paid Service)
 - the Council's Monitoring Officer (that is the officer responsible for ensuring the Council's compliance with the law in all its activities)
 - first tier officers; our Directors who report to and are directly accountable to the Head of Paid Service
 - second tier officers; our officers who are directly accountable to our first tier officers for the management and provision of individual elements of the Council's services.
- 5.2 In terms of pay differentials, we recognise that the Managing Director leads our workforce and has the greatest level of accountability, and so warrants the highest pay level in the organisation. Our Directors undertake a senior, collective and corporate responsibility for supporting the Managing Director in delivering high quality services to our communities. We have reflected this in the level of remuneration for these roles.
- 5.3 Below this level, we recognise that the demands on and accountabilities of different management roles vary considerably, and we seek to align pay levels with the relative importance and responsibilities of jobs using the Greater London Provincial Council (GLPC) job evaluation scheme.
- 5.4 Annual salary levels for our senior management are set in accordance with the overall principles set out in section 4 above. For our Managing Director, Directors and second tier officers, salaries consist of grade ranges that are determined locally. These grade ranges consists of a number of incremental salary points, through which employees may progress, subject to satisfactory performance, until they reach the top of the grade.

- 5.5 The salary ranges for our senior management posts are summarised in the following table. The pay award for 2020 has not yet been determined and will be implemented on 1 July 2020:

Senior role	Salary range
Managing Director	£127648 - £133709
Director	£85057 - £97731
Second tier officers as defined in section 5.1	£41154 - £76059

- 5.6 The following paragraphs outline the elements of remuneration that we offer to senior management in addition to those that are available to all our employees as outlined in section 11 of this statement.

Element of remuneration								
<p>Deputy Managing Director payment: Our Directors have a shared responsibility to deputise for the Managing Director in his absence. An annual payment of £3260 will be made to each Director to reflect these additional responsibilities.</p>								
<p>Acting-up or payment for additional responsibility: Where employees are required to act-up into a higher-graded post or take on additional responsibilities beyond those of their substantive post, for a temporary or time-limited period, they may receive an additional payment in recognition of the extra responsibilities. Before we make any such payment, we will assess whether the additional work entailed is sufficiently demanding to warrant an additional payment.</p> <p>Our policy is to make a payment to those senior management officers for additional responsibilities in respect of statutory roles as follows:</p> <p>Section 151 Officer (Chief Financial Officer) - £5,300 per annum Monitoring Officer - £5,300 per annum Deputy Monitoring Officer - £1,500 per annum Deputy Section 151 Officer - £1,500 per annum Data Protection Officer - £3,000 per annum Senior Information Risk Officer and Senior Authorising Officer for RIPA - £3,000 per annum</p> <p>These payments will not be reduced where there is a requirement for two officers to share the responsibilities of Deputy Monitoring Officer and/or Deputy Section 151 Officer.</p>								
<p>Car provision: We offer a subsidised lease car scheme to our senior employees at pay band 9 and above. Below shows the level of subsidy for our senior management for 2020-2021:</p> <table> <tbody> <tr> <td>Managing Director</td> <td>£6000</td> </tr> <tr> <td>Directors</td> <td>£5652</td> </tr> <tr> <td>Head of Service and Band 10</td> <td>£4579</td> </tr> <tr> <td>Band 9</td> <td>£3325</td> </tr> </tbody> </table>	Managing Director	£6000	Directors	£5652	Head of Service and Band 10	£4579	Band 9	£3325
Managing Director	£6000							
Directors	£5652							
Head of Service and Band 10	£4579							
Band 9	£3325							

We insure any vehicle provided, however, the employee is required to pay the excess should any claims be made. If senior management employees do not take up their lease car entitlement and use their own car for travel on Council business, we compensate them in the same way as other employees who are authorised to use their own car on Council business. This is in accordance with the provisions and rates for Essential Users agreed by the National Joint Council for Local Government Services.

Lump sum payments:

We pay lump sum allowances to the Managing Director, Directors, Heads of Service and employees on Band 10 level to cover travel, subsistence or other incidental costs. The sum ranges from £524 up to £1780 per annum for employees who have taken up their lease car entitlement, with adjustments made if employees choose to use their own cars as an alternative to taking up their lease car entitlement.

Health Screening

We fund biennial health checks for the Managing Director and our Directors.

6. Remuneration of our lowest paid employees

- 6.1 This section outlines our policy in relation to the remuneration of our lowest-paid employees. We define our lowest paid employees as those paid on the lowest grade, that is Band 1, of the Council's pay and grading structure, currently starting at £18,221 per annum.
- 6.2 In setting pay levels and determining any pay award, we take into account the needs of our lowest paid employees. For example, we pay a minimum of £5.00 per hour for apprentices rather than the minimum national hourly rate of £4.15.
- 6.3 We also pay above the National Minimum Wage (the Government's minimum rate for under 25's), the National Living Wage (the Government's minimum rate for over 25's) and above the Real Living Wage (for outside London) at the bottom of our pay scale.

7. Pay relationships

- 7.1 This section sets out our overall approach to ensuring pay levels are fairly and appropriately dispersed across the organisation including the Council's current pay multiple. The 'pay multiple' is the ratio between the highest paid salary (the Managing Director) and the median average salary of our workforce.
- 7.2 The Council's current pay multiple (as at January 2020) is 1:4.87.
- 7.3 We consider that the current pay multiple, as identified above, represents an appropriate, fair and equitable internal pay relationship between the highest salary and that which applies to the rest of the workforce.

8. Remuneration on appointment and re-employment

- 8.1 All newly appointed staff normally start on the lowest point in the pay range for their job evaluated post. Successful candidates may be appointed at a

higher point, where it is considered that they already possess the skills and experience needed to justify a higher salary.

- 8.2 In certain circumstances, should a new employee, including senior management need to move house in order to take up an appointment with the Council, we will reimburse their removal, legal and other associated relocation costs. This is in accordance with the Council's Relocation Scheme that sets maximum limits on the levels of payment and requires repayment in part or in full if the employee leaves the Council within five years of appointment. Occasionally the Council may agree a more flexible arrangement if the appointment is on a fixed-term basis.
- 8.3 The Repayment of Public Sector Exit Payment Regulations are likely to be implemented during 2020. Under these regulations termination payments made to staff on salaries above £80,000 per annum will be fully or partly recovered if those staff are re-employed within the public sector within the 12 months following the date of their termination. This restriction affects the posts of Managing Director and Directors. The Council can agree to waive the recovery payment in exceptional circumstances.
- 8.4 In the event that we employed a senior manager who is already in receipt of a pension under the LGPS, the rules on abatement of pensions adopted by the Council's Administering Authority for the LGPS, pursuant to Regulations 70 and 71 of the the Local Government Pension Scheme (Administration) Regulations 2008 must be applied. These currently provide that there will be no abatement of pension in these circumstances.

9. Pay progression and award

- 9.1 The Council's pay policy is based on a locally determined pay and grading structure that comprise of pay bands with a number of incremental points. An employee's pay progression will normally be one increment (pay spine column point within a band) on 1 July each year, until the top of the grade band is reached. Pay progression is subject to satisfactory performance and behaviours that are assessed as part of the Council's performance review process. There is no scope for accelerated progression beyond one increment per annum or for progression beyond the top of the pay band.
- 9.2 We review salaries in the light of pay movements for other employees, pay movement elsewhere, and other changes in the economy, to determine whether any general or cost-of-living pay award is necessary or justified.
- 9.3 Depending on the Council's financial situation, we may agree a cost-of-living increase for all staff from 1 July each year or there may be no increase at all. The Managing Director agreed an award of 2 per cent for all staff in 2019-20.
- 9.4 We do not pay any bonuses or non-consolidated performance contribution payments.

10. Payment upon termination of employment

- 10.1 Senior management who cease to hold office or be employed by the Council will receive payments calculated using the same principles as any other employee, based on entitlement within their contract of employment, their

general terms and conditions and existing policies.

- 10.2 Any termination or severance payment we make to any of our employees (in the interests of efficiency of the service or on grounds of redundancy) will be made in accordance with the statutory terms under the Local Government Pension Scheme (LGPS) or the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2006, as applicable [and will be subject to The Restriction of Public Sector Exit Payments Regulations 2020](#) .
- 10.3 Statements of policy on the exercise of discretions within the LGPS and the Discretionary Compensation Regulations do not amount to any contractual commitment to individual employees on future severance payments.
- 10.4 Termination payments made to staff will be capped at £95,000. This figure will include all payments associated with the termination such as payments relating to pension augmentation and pension strain, redundancy payments [and severance payments](#). (See section 12.5).

11. Remuneration policies common to all employees

- 11.1 The following elements of remuneration are determined by corporate policies or arrangements that apply to all permanent staff of the Council (including the Managing Director and Director), regardless of their pay level, status or grading within the Council:
- **Contracts:** Our standard policy is to engage employees on standard contracts of employment and to apply pay-as-you-earn (PAYE) taxation arrangements to all remuneration under those contracts in accordance with HMRC rules, unless there are exceptional circumstances approved by the Managing Director, such as a contract for service which mean that an alternative mode of engagement is appropriate.
 - **Engagement of workers through intermediaries:** Where individuals are working for the Council through an intermediary such as their own limited company or a consultancy firm, or an employment agency, and are working in the same way as our own employees, the payer will be liable to pay associated income tax and National Insurance Contributions (NICs). Genuinely self-employed workers will not be covered by this requirement (commonly known as IR35) and will continue to make their own assessment and payment arrangements for income tax and NICs
 - **Pension Scheme:** Employees have a right to join the Local Government Pension Scheme (LGPS) in accordance with the statutory provisions of the scheme. The percentage an employee pays is based on individual earnings and ranges from 5.5 per cent to 12.5 per cent of pay. The employer's contribution rate for all staff that join the scheme is currently 15.1 per cent of salary.
 - **Flexible retirement:** The LGPS regulations permit us to offer flexible retirement to all employees aged 55 or over, so that they can reduce their hours of work and/or their level of responsibility and receive some or all of their pension benefits. We would expect to see a reduction of 40-50 per cent in salary through either reduced hours or responsibility.

11.2 The other elements of remuneration we offer to all our employees, in addition to those already outlined in section 5, are set out in the following table.

Element of remuneration
<p>Overtime or additional hours working: Employees below Band 6 who are required to work beyond the Council's normal full-time equivalent working week of 37 hours or work other non-standard working patterns, as listed below, may receive enhanced payments in accordance with the provisions of our local schemes of conditions of service covering:</p> <ul style="list-style-type: none"> • overtime or additional hours • weekend working • bank holidays (public and extra statutory holidays). <p>Conditions of service vary across services and any entitlements to enhanced payments are set out in the employee's statement of terms and conditions of employment (the contract).</p>
<p>Market rate supplements: Our job evaluation scheme does not take into account market factors such as market pay rates relating to specific jobs or fluctuating demand for skills in the marketplace. The Council recognises therefore, that there may be occasions where it is necessary to pay a market rate supplement in addition to base salary in order to recruit or retain staff.</p> <p>The Market Rate Supplement Policy ensures a clear and systematic process is followed in considering the potential for a supplement and for identifying the relevant 'market rate' for any specific post, or group of posts. The policy ensures that relevant considerations are taken into account, both initially and at every subsequent two-yearly review and ensures that a consistent approach is applied across the Council with regard to:</p> <ul style="list-style-type: none"> • the circumstances in which a market rate supplement is considered, • the monetary value of any supplement, and • the duration of the supplement and the review period that will apply.
<p>Standby and/or call-out payments: Employees who are required to be on standby at times which are outside their normal working week or who may be called-out to attend to an issue at the Council's premises or other location may receive an additional payment in accordance with the provisions of the relevant Council policy.</p>
<p>Car travel reimbursement: We compensate all our employees who are authorised to use their own car on Council business in accordance with the provisions and rates for Essential and Casual Users agreed by the National Joint Council for Local Government Services.</p>
<p>Payment of professional subscriptions or membership fees:</p>

<p>We will pay one professional membership fee or subscription on behalf of employees graded at Band 6 or above, up to and including the Managing Director. Below Band 6, we will pay one professional membership fee or subscription on behalf of employees where it can be shown that the membership or subscription is necessary for the effective performance of the employee in their job.</p> <p>In exceptional circumstances the Council will pay two subscriptions where there is a requirement for one of the subscriptions due to the persons role.</p>
<p>Subsistence or other expenses allowance: We reimburse expenditure on meals (except alcohol) and accommodation, within reasonable set limits, and any other expenses necessarily incurred by all employees on Council business if agreed in advance.</p>
<p>Provision of mobile telephones: Mobile telephones are provided to employees on the basis of business need where they are necessary to enable them to undertake their duties effectively. We fund the cost of business calls only.</p>
<p>Fees for Election duties: Sources of funding for elections in England vary according to the type of election.</p> <p>The Managing Director is the Council's Returning Officer who has overall responsibility for the conduct of elections and is appointed under the Representation of the People Act 1983. The Ministry of Justice, who set the fees to be paid to the Returning Officer, provides the costs of running UK Parliamentary general elections and European Parliamentary elections. Elections fees are paid for these additional duties and they are paid separately to salary.</p> <p>The costs of parish, borough and county elections are met through local authority budgets and vary according to the size of the electorate and number of postal voters. A scale of fees for Returning Officers, polling station and count staff is set annually in line with the Surrey wide scheme.</p>
<p>Child care: A childcare salary sacrifice scheme is available to those employees who are eligible via the HMRC-approved scheme. We make no direct subsidy towards childcare costs.</p>
<p>Subsidised staff catering facility: All employees currently have access to a subsidised staff restaurant at the Council's Millmead offices.</p>
<p>Staff loans All employees have access to loans that are offered at preferential rates for:</p> <ul style="list-style-type: none">• the purchase of cars/bicycles and/or• the purchase of season tickets for the purposes of travel to work.

<p>Private medical insurance: We offer private medical insurance to employees who are employed in posts at Band 6 or above in our pay and grading structure. Premiums are kept to a minimum by regular tendering exercises, and individual employees can pay additional premiums to enhance the basic level of cover which the Council funds.</p>
<p>Other staff discount and benefits schemes: We currently provide all employees access to an employee discount scheme. This offers employees the chance to purchase a range of goods and services at discounted rates from a variety of suppliers.</p> <p>We provide access for all of our employees to an Employee Assistance Programme (EAP). EAPs are intended to help employees deal with personal problems that might adversely impact their work performance, health, and wellbeing.</p> <p>The EAP offers cover for the employee and their immediate family members who reside at the same address, including children in full-time education up to the age of 24. The service provides access to:</p> <ul style="list-style-type: none">• Stress helpline• Structured telephone counselling• Referral to face to face counselling• Referral to serious illness and accident support• Tax advice• Legal advice (<i>the EAP will not provide employment law advice</i>)• Eldercare• Childcare• Medical information

12. Decision making on pay

- 12.1 We recognise the importance of ensuring openness and transparency and high standards of corporate governance, with clear lines of accountability in our pay decision-making processes and procedures. Any pay-related decisions must be capable of public scrutiny, be able to demonstrate proper and appropriate use of public funds and ensure value for money. The arrangements we have in place are designed to reflect these requirements, as well as ensuring compliance with all relevant legislation and other statutory regulation.
- 12.2 Depending on the economic climate and the Council's current financial situation, we may agree a cost-of-living increase for all staff. The Managing Director in consultation with the Leader agrees the award provided it is within the available budget. The Council agrees any increase for the Managing Director and the Directors.
- 12.3 The provisions of this Pay Policy Statement will apply to any determination made by the Council in the relevant financial year in relation to the remuneration, or other terms and conditions, of our senior managers and of the lowest paid employees, as defined in this statement. We will properly apply and fully comply with the provisions of this pay policy in making any

such determination.

- 12.4 Any proposal to offer a new senior appointment on terms and conditions which include a total remuneration package of £100,000 or more, including salary, fees, allowances and any benefits in kind to which the officer would be entitled as a result of their employment (but excluding employer's pension contributions), will be referred to the Council for approval. This will be before any offer is made to a particular candidate.
- 12.5 The cap on exit payments of £95,000 may be waived in some circumstances subject to Ministerial approval. Discretionary Waivers can be made where the cap will cause undue hardship, to assist workplace reform, and where the exit has been delayed by the employer. Any proposal to exercise a waiver and make a termination payment above -£95,000 will be referred to the Council for approval and will only be agreed in exceptional circumstances (See section 10.4) In the event of such a payment being proposed, a detailed breakdown of the components (for example redundancy pay, pension, pension strain, severance payment) will be provided for councillors. The waiver will then require approval from the MHCLG and HMT Ministers, further guidance on this process is awaited.

13. Review and policy amendment

- 13.1 We will review the statement annually and approve a new version of the policy before the start of each subsequent financial year. If we choose, or need, to amend the statement during the course of any financial year this will be by resolution of the Council.

14. Publication of and access to information

- 14.1 As soon as is reasonably practicable following approval by full Council, we will publish this pay policy statement on our website at <http://www.guildford.gov.uk/transparencydata> Any subsequent amendments to this statement made during the financial year will be similarly published.
- 14.2 The information required to be published by the Council in accordance with the requirements of The Local Government Transparency Code 2015, and in accordance with the requirements of the Accounts and Audit (England) Regulations 2015, as referred to in this pay policy statement, is also available on our website.
- 14.3 We are also required to publish information about the remuneration of senior officers under The Accounts and Audit (England) Regulations 2015. This information is available in the annual accounts, which we publish on our website.

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Council Report

Ward(s) affected: All Wards

Report of the Director of Service Delivery

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Date: 8 December 2020

Licensing Act 2003 Review of Statement of Licensing Policy

Executive Summary

The Council in its role as the Licensing Authority under the Licensing Act 2003 has a duty to prepare and keep under review its Statement of Licensing Policy. The policy sets out how the Licensing Authority seeks to promote the four licensing objectives during the licensing process.

The current policy is due for review by January 2021 and, following a public consultation exercise, Licensing Committee on 25 November recommended that the Council adopts the Policy.

Recommendation to Council:

That the Statement of Licensing Policy 2021-26, attached as Appendix 1 to this report, be adopted.

Reason for Recommendation:

To ensure the Council's Statement of Licensing Policy is revised in line with statutory timescales.

Is the report (or part of it) exempt from publication? No

1. Purpose of Report

- 1.1 The purpose of this report is to seek the Council's approval for revisions to the Council's Statement of Licensing Policy as required by the Licensing Act 2003.

2. Strategic Priorities

2.1 The review of the Licensing Act 2003 Policy will contribute to our fundamental themes as follows:

- **Place making** – regenerating and improving Guildford town centre through well-regulated licensed establishments.
- **Community** – enhancing sporting, cultural, community and recreational facilities.
- **Innovation** – Encouraging sustainable and proportionate economic growth to help provide the prosperity and employment that people need.

3. Background

3.1 The Council in its role as the Licensing Authority under the Licensing Act 2003 has a duty to prepare and keep under review its Statement of Licensing Policy.

3.2 The policy sets out how the Licensing Authority seeks to promote the four licensing objectives during the licensing process. The four Licensing objectives under the Act are:

- The prevention of crime and disorder
- Public safety
- Prevention of public nuisance
- Protection of children from harm

3.3 The current Statement of Licensing Policy, adopted by Council on 8 December 2015, took effect from 7 January 2016 for a maximum period of 5 years. Consequently, the current Policy is due for review by 7 January 2021.

3.4 On 27 May 2020, the Licensing Committee considered a report containing an updated policy for consultation and approved a public consultation exercise on the draft policy for a period of 12 weeks.

4. Consultations

4.1 Full, formal consultation took place with members of the public, community stakeholders, specific groups and individuals as listed in section 5(3) of the Licensing Act 2003. These were;

- The Chief Officer of Surrey Police
- Surrey Fire & Rescue Authority
- The Primary Care Trust Director of Public Health
- Persons / bodies representative of local premises licence holders
- Persons / bodies representative of local club premises certificate holders
- Persons / bodies representative of local personal licence holders
- Persons / bodies representative of businesses and residents in its area

- 4.2 In addition, we consulted with Surrey Trading Standards, Surrey Safeguarding Children Board, Guildford Borough Council Environmental Health (Pollution Control), Guildford Borough Council Environmental Health (Health & Safety) and Guildford Borough Council Planning Department. The public were invited to respond to the consultation via promotion on the Council website and social media.
- 4.3 Consultation ran from 6 July until 4 September 2020. Consultees were directed to a consultation page on the Council's website containing a copy of the draft policy, in addition to a questionnaire to capture responses.
- 4.4 No responses to the public consultation were received.
- 4.5 As no responses to the draft Policy were received, the Policy was presented for approval without any amendments to the draft considered by Licensing Committee on 27 May.
- 4.6 Licensing Committee on 25 November 2020 recommended that the Policy be adopted by the Council at this meeting.

5. Key Risks

- 5.1 The current Statement of Licensing Policy, adopted by Council on 8 December 2015, took effect from 7 January 2016 for a maximum period of 5 years. Consequently, the Council has a statutory duty to review the current Policy by 7 January 2021.

6. Financial Implications

- 6.1 There are no financial implications for the Council as a result of carrying out a public consultation on the draft Statement of Licensing Policy.

7. Legal Implications

- 7.1 The Council is required to have a Statement of Licensing Policy under section 5 of the Licensing Act 2003. The Statement of Licensing Policy provides the framework in which the Council's licensing function is administered and sets out the Council's approach under the Licensing Act 2003.
- 7.2 The Licensing Act 2003 requires a statutory review of the Statement of Licensing Policy every 5 years, but it does not prevent an earlier review.
- 7.3 The Licensing Authority must have regard to the statutory guidance issued under section 182 of the Licensing Act 2003 when drafting its policy. The latest version, issued by the Home Office in April 2018, has been considered during the drafting of the Statement of Policy.

8. Human Resource Implications

- 8.1 There are no Human Resource implications.

9. Equality and Diversity Implications

- 9.1 Under the public sector equality duty as set out in the Equality Act 2010, public authorities are required to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation as well as advancing equality of opportunity and fostering good relations between people who share a protected characteristic and those who do not.
- 9.2 The protected grounds covered by the equality duty are: age, disability, sex, gender reassignment, pregnancy and maternity, race, religion or belief, and sexual orientation. The equality duty also covers marriage and civil partnership, but only in respect of eliminating unlawful discrimination.
- 9.3 The law requires that this duty to have due regard be demonstrated in decision making processes. Assessing the potential impact on equality of proposed changes to policies, procedures and practices is one of the key ways in which public authorities can demonstrate that they have had due regard to the aims of equality duty.
- 9.4 Improving measures in the Council's Licensing Policy to promote the Safeguarding and Equalities agendas will encourage members of the public from all groups to enjoy licensed venues in Guildford. Additionally, venues providing a varied offering contribute to Guildford's Purple Flag aims of offering a safe and diverse night out.

10. Climate Change/Sustainability Implications

- 10.1 There are no climate change or sustainability implications to the review of the Licensing Act 2003 Policy.

11. Summary of Options

- 11.1 After considering the report, Council may either:
- Approve the Policy at Appendix 1 following public consultation, or
 - Approve the Policy with amendments

12. Conclusion

- 12.1 The Council in its role as the Licensing Authority under the Licensing Act 2003 has a duty to prepare and keep under review its Statement of Licensing Policy. The current Policy is due for review by 7 January 2021 and a revised draft Policy has been subject of a three-month public consultation exercise.
- 12.2 Following the consultation exercise, there were no consultation responses to the draft Policy and Licensing Committee on 25 November recommend adoption of the Policy by the Council at this meeting.

13. Background Papers

[Guildford Borough Council Statement of Licensing Policy 2015-20](#)
[Revised Guidance issued under Section 182 of the Licensing Act 2003](#)

[Minutes of Licensing Committee held on 27 May 2020](#)
[Local Government Association Councillor Handbook – Licensing Act 2003](#)

14. Appendices

Appendix 1: Guildford Borough Council Statement of Licensing Policy 2021-26

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GUILDFORD
B O R O U G H

Statement of Licensing Policy Licensing Act 2003



Effective: 7 January 2021
Version 1.1 – Policy for Approval following Consultation
November 2020

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Section 1 - Introduction

- 1.1 Guildford Borough Council is the Licensing Authority under the Licensing Act 2003 responsible for granting premises licences, club premises certificates, temporary event notices and personal licences in the Borough for the sale and/or supply of alcohol, the provision of regulated entertainment and late night refreshment. Licensing is about regulating licensable activities on licensed premises, qualifying clubs or at temporary events and any conditions attached are focused on matters under the control of the licence holder.
- 1.2 The majority of licensing functions must be carried out by the Licensing Committee established under the Licensing Act 2003. Members of this Committee are responsible for the detailed administration of the Council's licensing function assisted by officers. The Licensing Committee has delegated certain functions to the Licensing Sub-Committee and/or officers and the decision-making arrangements between the Licensing Authority (The Council), the Licensing Committee, the Licensing Sub-Committee and officers are set out in this policy statement.

Section 2 - Background

- 2.1 This Statement of Licensing Policy will apply for a maximum period of five (5) years until 7 January 2026, will be kept under review throughout this period annually to evaluate its effectiveness and may be revised due to changes in local circumstances, legislation, variation of government guidance or otherwise as the Licensing Authority considers appropriate. The Licensing Authority will consult on any proposed changes.
- 2.2 The Regulatory Services Manager may make minor amendments to the guidance set out in this policy to reflect administrative changes. When a full review or any substantive amendments are proposed, these will be considered by the Licensing Committee.
- 2.3 The Guildford borough is the second highest populated district in Surrey with 146,800 residents in 2016. The major urban areas are located in the town centre of Guildford and Ash and surrounding areas on the western fringes of the borough adjacent to Aldershot town.
- 2.4 Guildford Borough is also the second largest borough in the county, covering approximately 269 square kilometres (104 square miles) of which 89% is land designated as Green Belt. Outside the urban areas and villages, rural areas contain the Surrey Hills Area of Outstanding Natural Beauty covering 99 square kilometres, several sites of importance for nature protection and areas of special scientific interest. The borough also has a rich and varied architectural heritage, including 36 scheduled ancient monuments.
- 2.5 Guildford is mostly an affluent area with relatively low unemployment and low levels of crime. Most residents are healthy and enjoy well above average life expectancy. The workforce is generally well-educated and highly skilled. The borough attracted over 4.9 million day visitors in 2016 and 351,000 staying trips, generating about £338.4 million in tourism income for local businesses, supporting around 6,167 actual jobs.

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- 2.6 The town centre is a focus for major commercial and administrative functions and is a principal regional shopping destination, with a vibrant night time economy. In 2014 the town was awarded Purple Flag, recognising excellence in the management of the town centre at night. This prestigious award demonstrates the Council's and the other Purple Flag Partners' ambitions to develop and improve the night time economy, encouraging a broad outlook on how the town is presented at night and tackling all aspects from cleanliness to access and transport, street lighting to signage, entertainment variety and choice of styles in bars, clubs and restaurants.
- 2.7 The vision in The Corporate Plan 2018-23 states the desire for Guildford to be a town and borough;
"...that is the most desirable place to live, work and visit in South East England. A centre for education, healthcare, innovative cutting-edge businesses, high quality retail and wellbeing. A county town set in a vibrant rural environment which balances the needs of urban and rural communities alike. Known for our outstanding urban planning and design, and with infrastructure that will properly cope with our needs."
- 2.8 This licensing policy seeks to promote licensing within the overall context of the Corporate Plan and the retention of the Purple Flag award.
- 2.9 The Authority has responsibility for helping to develop and promote a strong sustainable local economy. Thriving food, drink and entertainment businesses are an important part of that local economy with this policy critical to their continuing success and for attracting further investment and opportunity to the borough.
- 2.10 Balanced against this are the Council's legal duties and commitment with its partners to reducing crime, disorder and the fear of crime. It is important to protect and maintain our environment so that residents, visitors and other businesses can enjoy the opportunities for living, visiting and working within the borough safely and free from nuisance.
- 2.11 As a popular town with a two campus modern university, Guildford values its younger people and is active in ensuring they are offered a wide range of opportunities and experiences to develop whilst seeking to protect them from harm.
- 2.12 Through the Licensing Act 2003 the government has provided opportunities for businesses to develop and flourish in socially responsible ways and has simplified and lightened the administrative burden of licensing. However, the Act contains strong powers for both the police and the Licensing Authority.
- 2.13 Guildford Borough Council has over 560 licensed premises of all types including;
- Pubs, bars and nightclubs
 - Restaurants
 - Members clubs
 - Shops and off licenses
 - Late night food venues

- Premises offering regulated entertainment
- Over 1925 personal licences

2.14 The predominant historic nature of the town results in a higher density of licensed premises in some areas meaning that certain issues are particularly relevant to the exercise of the Authority's licensing functions which are;

- Striking an appropriate balance between the needs of residents and the needs of businesses (particularly during night time hours when residents may expect that their sleep should not be unduly disturbed)
- Potential for saturation and the associated alcohol related crime, disorder and nuisance which could occur in some areas
- The control of underage drinking

Section 2.1 Scope of the Statement of Licensing Policy

2.1.1 The Licensing Act 2003 sets out the legal framework for the Licensing Authority to licence the following activities:

- Retail sale of alcohol
- The supply of alcohol by or on behalf of a club
- Regulated entertainment
- Late night refreshment

2.1.2 These activities are controlled through a system of:

- Premises licences
- Club premises certificates
- Personal licences
- Temporary event notices

2.1.3 For definitions of these activities and information on the different types of licences available further information may be found on the government website by following this [link](#).

2.1.4 The Act requires the Licensing Authority to carry out its licensing functions to promote the licensing objectives. Guildford Borough Council as the Licensing Authority takes its responsibilities under the Licensing Act seriously and will use all available powers to promote the four licensing objectives;

- **The prevention of crime and disorder**
- **Public safety**
- **The prevention of public nuisance**
- **The protection of children from harm.**

2.1.5 Further detail and explanation of the licensing objectives may be found within the Revised Guidance under Section 182 Licensing Act 2003, which may be found on the government website by following this [link](#).

2.1.6 The Act requires the Licensing Authority to prepare and publish a statement of its licensing policy every five years.

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- 2.1.7 This Statement of Licensing Policy fulfils this requirement and has been prepared in accordance with the revised guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003.

Section 3 - Policy Consultation

- 3.1 Prior to the formal review process of the Statement of Licensing Policy 2021 – 2026, an informal engagement exercise invited opinion specifically related to the effectiveness of the Statement of Licensing Policy 2015 – 2020 from who had an interest in or were likely to be affected by this Council's functions including Responsible Authorities and trade representatives. The objective was to elicit opinion which could be considered prior to the formal review process, highlighting ways in which the Council could develop sustainable initiatives reflecting best practice and influence the next Statement of Licensing Policy supporting the process of informed and transparent decision-making and improving dialogue whilst promoting partnership working within and across local communities.
- 3.2 On 27 November 2019 a report was presented to the Licensing Committee seeking the Committee's views on the strategic direction of the Licensing Act Policy, so as to enable Officers to draft a policy for consultation. The Committee considered that the following areas of Policy be incorporated within the Council's Licensing Act 2003 Policy to be consulted upon:
- Film Classification
 - Internet sales/delivery of alcohol
 - Agent of Change
 - Safeguarding
- 3.3 In determining this policy the Licensing Authority has undertaken full, formal consultation with members of the public, community stakeholders, specific groups and individuals as listed in section 5(3) of the Licensing Act 2003. These are;
- The Chief Officer of Surrey Police
 - Surrey Fire & Rescue Authority
 - The Primary Care Trust Director of Public Health
 - Persons / bodies representative of local premises licence holders
 - Persons / bodies representative of local club premises certificate holders
 - Persons / bodies representative of local personal licence holders
 - Persons / bodies representative of businesses and residents in its area
- 3.3 In addition the Licensing Authority has consulted with Surrey Trading Standards, Surrey Safeguarding Children Board, Guildford Borough Council Environmental Health (Pollution Control), Guildford Borough Council Environmental Health (Health & Safety) and Guildford Borough Council Planning Department. The draft policy has also been published on Guildford Borough Council's website.
- 3.5 The views of all these bodies and the evidence presented have been given due weight in the determination of this policy.

Section 4 - Fundamental Principles

- 4.1 This policy statement sets out a general approach to making licensing decisions and acknowledges the right of any individual to apply under the terms of the Act for a variety of permissions and to have any such application considered on its individual merits.
- 4.2 Similarly, this policy statement does not override the right of any person to make representations on an application or seek a review of a licence or certificate where provision has been made for them to do so in the Act.
- 4.3 Licensing is about the control of licensed premises, qualifying clubs, temporary events and individuals within the terms of the 2003 Act. Any conditions or restrictions attached to a premises licence or club premises certificate will be focused on matters which are within the control of individual licensees.
- 4.4 These matters centre on the premises and places being used for licensable activities and any impact of those activities in the vicinity of those premises and places. The Licensing Authority will primarily focus on the direct impact of the activities taking place at the licensed premises, on members of the public living, working or engaged in normal activity in the area concerned.
- 4.5 Licensing law is not a mechanism for the general control of nuisance or anti-social behaviour by individuals once they are beyond the direct control of the individual, club or business holding the licence, certificate or permission concerned.
- 4.6 The controls exercised through the provisions of the Act are key aspects in the control of nuisance and antisocial behaviour forming part of the Council's holistic approach to licensing.
- 4.7 In this respect, the Licensing Authority recognises that, apart from the licensing function, there are a number of other partnership mechanisms available for addressing issues arising out of the operation of licensed premises, including;
- The Safer Guildford Partnership
 - The Joint Action Group
 - Planning Controls
 - Regular liaison with Surrey Police
 - Guildford Borough Pub Watch
 - Experience Guildford.
- 4.8 The Licensing Authority will, so far as possible, avoid duplication with other regulatory regimes and does not intend to use the Licensing Act to achieve outcomes that can be achieved by other legislation.
- 4.9 In particular, the licensing functions will be carried out separately from the Council's functions as the Planning Authority.

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- 4.10 It will normally be expected that applications for premises licences in respect of permanent commercial premises should be from businesses with the appropriate planning consent for the activity concerned in place.
- 4.11 Where representations are made to a particular application which relate to the licensing objectives, either from a responsible authority or from any interested other person, a hearing will be held at which the applicant and those making representation will have the opportunity to comment on the representations made.
- 4.12 In all cases, applicants and those making representations in respect of applications made to the Licensing Authority have a right of appeal to the Magistrates' Court against the decisions of the Licensing Authority. Any appeal must be lodged within 21 days of the date upon which written notice of the decision is given by the Licensing Authority.

Section 5 - Health

- 5.1 The Police Reform and Social Responsibility Act 2011 granted health leads statutory participation in the licensing process as Responsible Authorities creating a recognised role in considering and making representations to licensing applications on health grounds.
- 5.2 The Licensing Authority welcomes the addition to the ongoing development of a multi-agency collaborative approach towards licensing matters, recognising the significant scope for participation to reduce alcohol related violence and harm, as well as promoting and advising on sensible drinking whilst providing evidence on the impact of alcohol outlet density and its effect on health, crime and children.
- 5.6 The licensing process is focused on controlling the immediate harms associated with alcohol sales at particular premises, with all licensing decisions relating specifically to the premises in question and their promotion of the four statutory licensing objectives.
- 5.7 The Licensing Authority recognise that there is further development work being undertaken to maximise the use of health data in the licensing process by improving the collection and distribution of both data and intelligence from Surrey's acute trusts by relevant partners. This is recognised as a priority within Surrey's Substance Misuse Strategy and as a fundamental method of preventing escalating alcohol-related harm throughout Surrey. It will consider health-related evidence that directly links to a premises when their discretion is engaged after representation where it is considered to impact on one or more of the licensing objectives. Further Public Health information can be found in Appendix B.

Section 6 - Premises Licences & Club Premises Certificates

- 6.1 A premises licence is required for the sale of alcohol, provision of regulated entertainment or the provision of late night refreshment (sale of hot food and drink to the public between 11.00 pm and 5.00 am).

- 6.2 Some activities carried out by clubs need to be licensed under the Act but generally clubs are treated differently to commercial premises.
- 6.3 In determining applications for Premises Licences and Club Premises Certificates the Licensing Authority will have regard to the guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003 and any secondary legislation.
- 6.4 It is important that applications for Premises Licences and Club Premises Certificates properly address the four licensing objectives by providing as much detail as possible on the application form.
- 6.5 The application must be supported by a comprehensive operating schedule. This schedule must specify the steps which the applicant proposes to take in order to promote each of the licensing objectives.
- 6.6 A club is an organisation where members have joined together for a particular reason i.e. social, sporting or political and have combined to buy alcohol in bulk as members of the organisation for supply to their members. In order to apply for a Club Premises Certificate the club needs to be a 'Qualifying Club'.
- 6.7 A Qualifying Club;
- Has rules whereby membership is not instant. There must be a minimum of 2 days between applications for membership and admission which includes the privileges of membership (i.e. use of facilities and the consumption of alcohol)
 - Has not less than 25 members
 - Must be conducted in good faith and have full accountability to its members
 - Must not supply alcohol to members, otherwise than by or on behalf of the club.
- 6.8 A Qualifying Club is entitled to certain benefits unlike a licensed premises;
- No need for Personal Licence Holders on the premise
 - No need for Designated Premises Supervisors
 - More limited rights of entry for the Police and other Authorised Persons (Licensing Officers) as the premises is considered private and not generally open to the public
 - No instant closure powers by the Police for disorder or noise
 - Permitted to sell hot food and drink between 11pm and 5am to members and their guests without the requirement for a licence.
- 6.9 Where applications for premises licences or club premises certificates have attracted representations from a Responsible Authority or any other person, the application will be scheduled for a hearing before a Licensing Sub-Committee where the applicant and those making representations may be heard.
- 6.10 The Licensing Sub-Committee will give full and written reasons for the decision made for each application that proceeds to a hearing.

Section 6.1 - Application Consultation

- 6.1.1 The consultation process required for applications for Premises Licences, Club Premises Certificates and Full Variations of existing licences or certificates allows for representations to be made by various bodies and individuals. Responsibility for undertaking the advertisement of the application in accordance with the requirements lies with the applicant.
- 6.1.2 The Council will publish details of all new applications on its website, updated weekly, which can be found by following this [link](#).

Section 6.2 - Making Representations

- 6.2.1 Representations about an application must be made in writing to the Council's Licensing Team within the time period prescribed. Written representations may include letters whether posted or faxed and emails. Any representations received after the end of the public consultation period cannot legally be accepted, unless shown to have been submitted within the time limit.
- 6.2.2 When making a Representation, the Council request that a contact phone number and email address are provided. These help the Council to quickly contact respondents if the details of the application are altered as a result of the representations received in connection with arrangements for the hearing.
- 6.2.3 Representations should contain;
- The name, full address & post code of the person making them.
 - The reasons for their representation and
 - Which of the four Licensing Objectives the representations relate to;
 - Crime and disorder
 - Public Nuisance
 - Public safety
 - Protection of children from harm
- 6.2.4 A representation would be 'irrelevant' if it is not about the likely effect of the grant of the application on the promotion of the licensing objectives. Irrelevant representations cannot be accepted.
- 6.2.5 A representation made by a person other than a responsible authority will not be accepted if the Licensing Authority decides that it is frivolous or vexatious.
- 6.2.6 Vexation may arise where, for example, there is a dispute between rival businesses, or a repetitive complaint from another person which has already been subject of investigation and no new evidence provided.
- 6.2.7 Frivolous representations would be categorised by a lack of seriousness.
- 6.2.8 Such judgments will be made by officers following such enquiries as may be necessary.

- 6.2.9 Where a representation is found to be irrelevant, vexatious or frivolous, the person making it will be informed in writing that the representation will be disregarded. All valid representations will form part of a committee report that will become a public document. It will be provided to the applicant, his agent and persons who have made representations as well as the Licensing Sub-committee 10 days prior to the hearing.
- 6.2.10 Whilst representations may not be made anonymously, in exceptional circumstances, such as when the objector has a genuine and well-founded fear of intimidation or violence, some or all of the objectors personal details may be removed from the representation before it is given to the applicant.

Section 7 - Personal Licences

- 7.1 To sell alcohol in licensed premises at least one person needs to hold a 'Personal Licence' which has been granted by the Licensing Authority where they live. This requirement does not apply to 'qualifying clubs'.
- 7.2 Holders of a 'Personal Licence' must hold a recognised licensing qualification, be over 18 years of age and not have certain types of criminal conviction. Proof of a licensing qualification together with a Basic Disclosure certificate less than two months old and endorsed photographs of the holder are required as part of an application for a Personal Licence.
- 7.3 Where an applicant is found to have an unspent conviction for a relevant offence as defined in the Act or for a foreign offence, the Licensing Authority will notify the police. Where the police do not object and the application otherwise meets the requirements the Licensing Authority must grant it. If the police do object, a hearing will be held before the Licensing Sub-Committee to determine the application.
- 7.4 The Policing and Crime Act 2017 gave licensing authorities the power to revoke or suspend personal licences, with effect from 6 April 2017. This is a discretionary power; licensing authorities are not obliged to give consideration to all personal licence holders subject to convictions for relevant offences, foreign offences or civil penalties for immigration matters.
- 7.5 When a licensing authority has granted a personal licence and becomes aware that the licence holder has been convicted of a relevant offence or foreign offence or been required to pay an immigration penalty, a licensing authority may revoke the licence or suspend it for a period of up to six months.
- 7.6 In exercising its duties, the Council will normally seek to suspend or revoke a Personal licence when it is made aware that a licence holder has received a relevant offence, foreign offence or civil penalty for immigration matters.
- 7.7 Full details relating to personal licence applications can be found on the Government website by following this [link](#).

Section 8 - Fees & Charges

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Appendix 1

- 8.1 Licensing fees and charges are set by Government and are the same across the Country. Full details can be found on the Home Office website or by following this [link](#).
- 8.2 Once granted, a licence or club premises certificate does not expire but the licence holder is required to pay an annual fee. Failure to pay the annual fee within the prescribed time will result in the Licensing Authority suspending the operation of the premises licence or club premises certificate until all outstanding fees are paid.
- 8.3 Where the annual fee is paid the licence will remain in force even if the premises are not used for a licensable purpose.
- 8.4 From 1 April 2020, the Licensing Authority introduced a chargeable pre-application advice service in order to recover the costs incurred by the licensing service assisting applicants through the licensing process.
- 8.5 The service is available to assist applicants in preparing applications with a view to diminishing issues which may arise during the licence application process as a result of an incomplete or inadequately drafted application. Applicants have a suite of three packages to choose from in order to suit their needs or budget. Additional officer time can be purchased at an hourly rate.
- 8.6 Applicants would be under no duty to use the Council's service, and the Licensing Service cannot predetermine the outcome of any application submitted but can provide expert advice and highlight any potential issues and advise on how applications may be approached to comply with legal requirements and local Policy.
- 8.7 For details on the pre-application service, and fees please see the Council's website.
- 8.8 Applicants are advised that if applications are submitted incorrectly, applications will be rejected with applicants directed to re-apply, including paying the required fee.

Section 9 - Variations (Minor and Full)

- 9.1 Both Premises Licences and Club Premises Certificates may be varied under the Licensing Act 2003.
- 9.2 A minor variation is a simplified process with a set statutory fee applicable to all premises and clubs. There is a requirement to advertise the application by displaying a notice on the premises. Decisions on a minor variation are delegated to officers and there is no right to a hearing. The Licensing Authority must consult all relevant responsible authorities on an application for a minor variation and take their views into account.
- 9.3 Minor variations are those which cannot adversely impact on the licensing objectives and generally fall into four categories which are:-
 - Minor changes to the structural layout which does not;

- Increase the capacity for drinking (increasing floor area for patrons drinking etc.)
 - Affecting access or egress (blocking fire exits or escape routes)
 - Impede or remove noise reduction measures at the premises (removing acoustic lobbies etc.)
 - Small adjustments to licensing hours
 - Removal of out of date, irrelevant or unenforceable conditions or the addition of volunteered conditions
 - Addition of a licensable activity where similar activities already exist.
- 9.4 Full guidance for applicants on minor variations can be found on the Government website by following this [link](#) .
- 9.5 Full variations follow the same procedure as that for a new Premises Licence with the need for advertisement on the premises and in the newspaper in addition to the statutory consultation.
- 9.6 The areas in which a premises licence may be varied include;
- Varying the hours during which a licensable activity is permitted
 - Adding or removing licensable activities
 - Amending, adding or removing conditions within a licence
 - Altering any aspect of the layout of the premises which is shown on the plan.
- 9.7 Where the changes proposed are substantial or involve completely changing the nature of the business, it may be more appropriate to apply for a new premises licence. Advice may be sought from the licensing team in this instance.

Section 10 - Temporary Event Notices

- 10.1 Anyone over the age of eighteen may serve the Licensing Authority with a Temporary Event Notice. This permits people to hold an event involving licensable activities without having to apply for a Premises Licence or Club Premises Certificate.
- 10.2 Applicants must provide a clear description of the area in which they propose to carry on licensable activities and must describe the event taking place at the premises for example, a wedding with a pay bar, the supply of alcohol at a particular event, a discotheque, the performance of a string quartet, a folk group or a rock band.
- 10.3 Where applicants are uncertain whether or not the activities that they propose are licensable or require assistance with an application, they should contact the licensing team for further advice.
- 10.4 Temporary Event Notices may be obtained for;
- The sale of alcohol
 - The provision of regulated entertainment
 - The sale of hot food or drink between 11pm and 5am.

- 10.5 A Temporary Event Notice should be submitted to the Licensing Authority a minimum of 10 working days before the proposed event (Standard TENSs), however a limited number of applications may be made giving no less than 5 working days' notice (Late TEN's). If objections are received from either the police or Environmental Health officers a hearing will be held to decide whether the event can go ahead in the case of Standard TENSs. Late TENSs will not be valid following an objection and the event will not be able to go ahead.
- 10.6 There are certain limitations to Temporary Event Notices, current limits are listed below, (subject to change) for confirmation of limits please refer to gov.uk website;
- The maximum number of people attending must not exceed 499 at any one time
 - The event cannot last longer than 168 hours
 - No premises may host more than 15 events in a year
 - The maximum number of days covered by Temporary Event Notices cannot exceed 21 days in a year
 - A personal licence holder may apply for up to 50 temporary events with 10 of these being late
 - Any other person may apply for 5 temporary events with 2 of those being late.
- 10.7 Further details and comprehensive guidance on Temporary Event Notices may be found on the Government website or by following this [link](#).

Section 11 - Licensing Hours

- 11.1 Many representations submitted in response to licensing applications for the sale of alcohol for consumption on premises relate to public concern about the hours of operation proposed. The Licensing Authority recognises there is opportunity for significant detrimental impact for local residents where licensed premises operate late. It also recognises that longer licensing hours for the sale of alcohol may avoid large numbers of people leaving premises at the same time, which in turn may reduce disorder and disturbance.
- 11.2 Where representations are made against the grant of a new licence for the sale of alcohol for consumption off the premises such as shops, garages and supermarkets, the Licensing Authority may consider restricting those hours only where there are good and justifiable reasons for doing so and if this would promote the licensing objectives.
- 11.3 The Licensing Authority notes the guidance of the Secretary of State on hours of trading contained within Section 10 of the Revised Guidance issued under Section 182 of the Licensing Act 2003 (April 2018) which states that;

10.13 "The Government acknowledges that different licensing strategies may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions about the hours during which premises can conduct licensable activities as part of the

implementation of its licensing policy statement.. Licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with responsible authorities. However, licensing authorities must always consider each application and must not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application.”

10.14 “Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.”

10.15 “Shops, stores and supermarkets should normally be free to provide sales of alcohol for consumption off the premises at any times when the retail outlet is open for shopping unless there are good reasons, based on the licensing objectives, for restricting those hours.”

- 11.4 The Licensing Authority can use powers to control the hours of operation of any licensed premises where it has received a representation against an application and there are reasonable and proportionate grounds to believe that if the licence was granted as applied for without restriction, nuisance, antisocial behaviour or crime and disorder might arise. Such situations are most likely to arise where licensed premises are located close to residential areas.
- 11.5 Where representations are received, the application will be referred to a Licensing Sub Committee in accordance with the scheme of delegation included in this Policy. When hearing an application the Sub-Committee will seek information and assurances from the applicant that the four Licensing Objectives will not be undermined by the grant of the application. Where the Sub Committee considers it appropriate to do so it may apply licensing conditions, including limiting the hours of operation.
- 11.6 Fixed trading hours within designated areas will not be considered as this could lead to significant movements of people across boundaries at particular times seeking premises opening later, with the attendant concentration of disturbance and noise.
- 11.7 Not all regulated entertainment will be associated with the sale of alcohol. There may be licence applications when alcohol is not provided for many reasons or in other circumstances it would be unnecessary or unlawful to have alcohol available, for example, events exclusively for children. In other circumstances regulated entertainment could finish earlier or later than the sale of alcohol.
- 11.8 The provision of Late Night Refreshment covers the supply of hot food or hot drink to members of the public at any time between the hours of 11pm and 5am. This includes takeaway food premises but also applies to restaurants and mobile vehicles.
- 11.9 In each case, the hours being sought for regulated entertainment or late night refreshment must be set out in the application and operating schedule. Where

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representations are received the Licensing Sub-Committee will consider each application, determining the hours of operation on its own merits taking into account the licensing objectives.

Section 12 - Promoting the Four Licensing Objectives

- 12.1 The promotion of the four objectives is fundamental to the Act. Every applicant for a premises licence must provide a fully completed and detailed operating schedule. This schedule must be in the prescribed format.
- 12.2 The most effective means for an applicant to assess what measures are needed to promote the licensing objectives is by risk assessment.
- 12.3 The operating schedule forms the basis of any conditions placed on a licence other than those which are mandatory. It provides valuable information to interested parties and responsible authorities assisting their assessment of the impact of the licensed activity on the licensing objectives and provides information about how the applicant will address these issues. It is likely to form the basis of any decision to submit a representation against the application.
- 12.4 Providing as much information as possible in the operating schedule demonstrates that the applicant has seriously considered the issues, is aware of their duty to promote the licensing objectives at all times and is aware of how this may be best achieved.
- 12.5 The Licensing Authority considers the effective and responsible management of the premises, including instruction, training and supervision of staff and the adoption of best practice to be amongst the most essential control measures for the achievement of the licensing objectives. For this reason, these measures should be specifically considered, detailed and addressed within an applicant's operating schedule.

12.1 - Prevention of Crime and Disorder

- 12.1.1 Licensed premises of any description, especially those offering late night/early morning entertainment, alcohol and refreshment for large numbers of people can be a source of crime and disorder. The Licensing Authority expect operating schedules to satisfactorily address these and any other potential issues, from the design of the premises through to the daily operation of the business.
- 12.1.2 Applicants are recommended to engage with and seek advice from the Police and other Responsible Authorities taking into account, as appropriate, local planning and transport policies in addition to tourism and crime prevention strategies when preparing their operating plans and schedules prior to submission.
- 12.1.3 When addressing crime and disorder, the applicant should identify any particular issues that are likely to adversely affect the promotion of the crime and disorder objective before including in the operating schedule how they propose to mitigate those matters.

- 12.1.4 Where objections are received and the Licensing Sub Committee considers it appropriate to do so, conditions may be attached to licences to prevent crime and disorder both inside and in the vicinity of the premises.
- 12.1.5 The Licensing Authority considers the orderly dispersal of customers from licensed premises to be an important factor in promoting the licensing objectives. In considering applications for the grant or variation of a licence, serious consideration will be given to the dispersal arrangements, the potential effect that granting the licence might have on dispersal arrangements from other licensed premises or the cumulative impact in the area.
- 12.1.6 Recognising that drug misuse is not an issue in all licensed premises, the Licensing Authority is committed to the reduction and eradication of drugs from licensed premises as part of its role promoting the Crime and Disorder licensing objective. All licence holders are expected to actively support this objective by the way they plan, manage and operate their premises.
- 12.1.7 Where relevant representations are received following an application for the grant or variation of a licence, conditions may be imposed to support the prevention of the sale, supply and use of drugs. In premises where drug misuse is problematic and where the police or others apply for a 'Review' of the licence, the Licensing Sub-Committee will consider this as serious criminal activity and give appropriate consideration to the options available, including the suspension or revocation of the licence in accordance with the Secretary of State's Guidance. The Licensing Authority recognises that each case must be decided on individual facts and its specific merits.
- 12.1.8 The Council does not currently have a special cumulative impact policy. The absence of a special cumulative impact policy does not prevent any responsible authority or other person making representations on an application for the grant or variation of a licence on the grounds that the premises will give rise to a negative cumulative impact on one or more of the licensing objectives.
- 12.1.9 There are other measures to control cumulative impact listed in the guidance which include:-
- Planning controls
 - Partnerships between local business, transport operators and the Council to create a safe and clean town centre
 - CCTV Surveillance
 - Designation of alcohol free zones
 - Police enforcement including the issue of fixed penalty notices
 - Prosecution of any personal licence holder or member of staff who sells alcohol to people who are or appear to be drunk
 - Confiscation of alcohol from adults or children who are or appear to be drunk
 - Police powers to close premises
 - Review of a premises licence or club premises certificate

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- 12.1.10 The Licensing Authority does not propose to consider the use of alternative measures such as fixed closing times, staggered closing times or zoning within Guildford Borough.
- 12.1.11 The late night levy is a discretionary power the Council can use to impose a financial levy on premises licensed to sell alcohol anytime between midnight and 6am. The Council supported the development of the Business Improvement District (BID) in October 2012 which is funded by businesses within the BID area. Lasting for five years, another ballot must be held to establish if the BID will continue for the five years thereafter. The Licensing Authority will not consider the Late Night Levy unless the Business Improvement District does not continue.
- 12.1.12 Early Morning Restriction Orders are intended to prevent the sale of alcohol on premises within a designated geographical area for any period of time between midnight and 06:00 if the Licensing Authority believes that it is appropriate for the promotion of the licensing objectives. There is no proposal for this type of order to be considered at the present time.
- 12.1.13 In addition to the requirement for the Licensing Authority to promote the licensing objectives, it also has a duty under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the Borough.
- 12.1.14 Consideration will be given where appropriate to the powers available under the Violent Crimes Reduction Act 2006 and the use of Public Spaces Protection Orders.

Section 12.2 - Public Safety

- 12.2.1 The Licensing Authority is committed to ensuring, as far as practicably possible that the safety of any person visiting or working in licensed premises is not compromised. Applicants must demonstrate in their operating schedule that suitable and sufficient measures have been identified, implemented and maintained to ensure public safety specific to the characteristics of their premises and events.
- 12.2.2 Applicants are encouraged to contact the Council's Environmental Health Services with draft proposals including plans and operating schedules. Where applicable applicants should consider safe capacity, the safety of those with special needs and the first aid requirements of customers.
- 12.2.3 Licence holders should have clear documented policies and procedures in place which identify all public safety risks associated with the premises and the measures to prevent, manage, mitigate and respond to those risks.
- 12.2.4 Where representations are received and the Licensing Sub-Committee considers it appropriate to do so, they may attach conditions to licences and certificates to ensure public safety.
- 12.2.5 For advice on compliance with the legislation, relevant published guidance or codes of practice contained within the Health & Safety at Work Act 1974 and

other associated regulations, see the Council's Environmental Health Services, website links at 12.4.4.

Section 12.3 - Prevention of a Public Nuisance

- 12.3.1 Licensing Sub Committees are mindful that licensed premises, especially those operating late at night and in the early hours of the morning, can cause a range of nuisances impacting on people living, working or sleeping in the vicinity. When addressing public nuisance the applicant should identify any particular issues that are likely to affect adversely the promotion of the licensing objective to prevent public nuisance before including in the operating schedule how they propose to mitigate and manage those issues.
- 12.3.2 Where an application includes provision of a smoking area or shelter the Licensing Authority expects them to be situated as far as possible from neighbouring residential premises. It is expected that suitable receptacles be provided and maintained to dispose of cigarette litter in any area used for smoking outside licensed premises. Licensees must take all reasonable steps to discourage smoking on the public highway close to residential premises, considering measures such as a ban on customers taking drinks outside on to the public highway, the use of door supervisors or imposing a time after which readmission to the premises will not be permitted. Licence holders and applicants are reminded to consider compliance with noise nuisance legislation under the Environmental Protection Act 1990 when considering smoking locations.
- 12.3.3 The Licensing Authority expects all licence holders to consider the impact of noise on neighbours or those otherwise impacted by undertaking simple measures such as not emptying glass into external bins at night, arranging deliveries wherever possible during the day or clearing garden areas at a reasonable time preventing nuisance to neighbouring residents.
- 12.3.4 There is a distinct separation between a public nuisance under the Licensing Objectives and statutory nuisance relating to noise, light and odour under Section 79 Environmental Protection Act 1990 which is dealt with by Environmental Health Officers. Further information can be provided by the Council Environmental Health Team or from the Government website by following this [link](#).
- 12.3.5 Applicants are encouraged to contact the Council's Environmental Health Services with draft proposals and where applicable their plans and operating schedules as to how they intend to control noise emanating from the premises from openings to the building (doors, fans, windows, ventilation). Consideration should be given to the provision of attenuating material and if suitable building attenuation cannot be achieved or no other appropriate measures can be taken to attenuate noise then consideration to the installation, calibration and operation of a noise limiting device may have to be given.
- 12.3.6 Where representations are received and the Licensing Sub-Committee considers it appropriate to do so, they may attach conditions to licences and certificates to prevent public nuisance.

Section 12.4 - Protection of Children from Harm

12.4.1 The wide range of different premises that require licensing under the Act means that children may be expected to visit many of these, often on their own, for food and / or entertainment. Where no representations are received and an applicant's operating schedule details restrictions in relation to the admission of children, these may become conditions attached to the licence. Apart from the specific restrictions set out in the Licensing Act 2003, there is no presumption of either permitting or refusing access to licensed premises. Each application and its unique circumstances must be considered on its own merits.

12.4.2 The Authority is committed to protecting children from harm. Local authorities have an overarching responsibility for safeguarding and promoting the welfare of all children and young people in their area. While local authorities play a lead role, safeguarding children and protecting them from harm is everyone's responsibility. Everyone who comes into contact with children and families has a role to play.

12.4.3 The Licensing Authority will only seek to limit the access of children to licensed premises where it is necessary for the prevention of physical, moral or psychological harm. The Licensing Authority will consult the Surrey Safeguarding Children Board for advice on any application that indicates there may be concerns over access for children. In the event of representations, the Licensing Sub-Committee will consider the merits of each application before deciding whether to impose conditions limiting the access of children.

12.4.4 The following are examples of premises that are likely to raise concern;

- Where entertainment or services of an adult or sexual nature are commonly provided.
- Where there have been convictions of the current staff at the premises for serving alcohol to minors or premises with a reputation for underage drinking.
- Where a remote delivery service for alcohol is offered, with the potential for minors to order/be delivered alcohol
- Where age restricted films are shown
- A known association with drug taking or drug dealing
- Where there is a strong element of gambling on the premises
- Where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.

12.4.5 Examples of entertainment or services of an adult or sexual nature might include;

- Topless bar staff, striptease, lap, table or pole dancing
- Performances involving feigned violence or horrific incidents
- Feigned or actual sexual acts or fetishism
- Entertainment involving strong or offensive language.

12.4.6 The Licensing Sub-Committee may consider any of the following options when dealing with a licence application where limiting the access of children is considered appropriate to prevent harm to children;

- Limitations on the hours when children may be present
- Limitations on the presence of children under certain ages when particular specified activities are taking place
- Limitations on the parts of premises to which children might be given access
- Limitations on ages below 18
- Requirements for an accompanying adult
- Full exclusion of people under 18 from the premises when any licensable activities are taking place.

12.4.7 No conditions will be imposed requiring that children be admitted to any premises and, where no limitation is imposed, this will be left to the discretion of the individual licensee. The 2003 Act details a number of offences designed to protect children in licensed premises and the Licensing Authority will work closely with the Police to ensure the appropriate compliance with the law, especially relating to the sale and supply of alcohol to children.

12.4.8 Consideration will be given to promoting initiatives which may assist in preventing the sale of alcohol to children such as Home Office campaigns. The Licensing Authority is supportive of and actively encourages recognised proof of age schemes and 'Challenge 25' policies in all licensed premises as a fundamental means of preventing under age sales. The Licensing Authority has an expectation that all licence holders will maintain accurate record keeping of refusals and ensure that all staff are suitably trained.

12.4.9 Where premises offer a delivery service which includes the delivery of alcohol, the Licensing Authority has an expectation that the licence holder will ensure suitable and appropriate measures are in place at the point of sale and/or point of delivery to verify that underage sales are not taking place as per the mandatory conditions.

12.4.10 Many children go to see and/or take part in entertainment arranged especially for them, for example children's film shows, discos, dance or drama school productions and additional arrangements are required to safeguard them while at the premises.

12.4.11 Where an application for a Premises Licence or Club Premises Certificate includes the provision of entertainment for children or by children, the Licensing Authority will expect the operating schedule to include arrangements for protecting children.

12.4.12 Where representations are made and the Licensing Sub-Committee consider it appropriate to do so, they may make full use of Licensing Conditions to secure the protection of children from harm.

12.4.13 The Licensing Authority is committed to protecting children from harm and supports the programme of underage test purchases arranged by the Surrey Trading Standards Service, the Licensing Team and Police. Where underage

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sales are found, the Licensing Authority supports the appropriate and proportionate use of warnings, fixed penalty notices, reviews and prosecution as a means of promoting the licensing objectives and enforcing the Licensing Act proportionately.

12.4.14 In keeping with the s.182 Guidance the Licensing Sub-Committee will treat underage sales as serious criminal activity and will give consideration to the suspension or revocation of a licence if a review is brought in respect of underage sales.

Section 13 - Large Scale Events

13.1 Organisers of large events (in particular, major festivals and carnivals) are strongly advised to contact the Licensing Authority and responsible authorities at the earliest opportunity to discuss licensing matters, providing as much advance notice as reasonably practicable.

13.2 Large scale open air events require significant planning and organisation with potential to impact on the licensing objectives. The Licensing Authority and other responsible authorities expect to be satisfied well in advance of any such event that appropriate measures are in place to safeguard the licensing objectives.

13.3 It is expected that all other appropriate authorisations will be in place prior to an application and organisers must be mindful that a premises licence application may take up to two months to be determined should representations be received.

13.4 The Licensing Authority is also aware that in January 2020 the Government announced its backing of the 'Martyn's Law' campaign to improve security at venues and public spaces in light of the terrorist attacks in Manchester and London in 2017.

13.5 The paradigm shift in the nature of terrorism means that the security agencies primary responsibility of protecting its citizens is no longer achievable through the existing, and very limited, provision of state-owned protective security resources. The spaces and places in which people live, work and enjoy democratic freedoms are the very places that terrorists wish to attack.

13.6 Guildford has its own history and experiences of terrorist attacks and the Licensing Authority supports the concept of Martyn's Law. As such, the Authority would expect that those who operate the places and spaces in which people live, work and socialise must take greater steps to ensure the security of their users.

13.7 However the solution is not just about tangible materials, it is also about being prepared. Consequently, the Licensing Authority would expect large capacity venues and organisers of large events to consider the following measures:

- A requirement that spaces and places to which the public have access engage with freely available counter-terrorism advice and training,
- A requirement for those places to conduct vulnerability assessments of their operating places and spaces,

- A requirement for those places to mitigate the risks created by the vulnerabilities,
- A requirement for those places to have a counter-terrorism plan.

Section 14 - Films

- 14.1 The screening or display of films covers a vast range of subjects, some of which deal with adult themes and/or contain, for example, strong language, scenes of horror, violence or a sexual nature that may be considered unsuitable for children within certain age groups.
- 14.2 Premises or Club Premises which are licensed for the exhibition of films are required by a mandatory licence condition to restrict admission to screenings in accordance with any age recommendation made by a film classification body, or by the licensing authority. Where recommendations have been made by both bodies, and the licensing authority has notified licence-holders of this, the licensing authority's recommendation will take precedence.
- 14.3 For the purposes of sections 20 and 74 of the Act, the licensing authority recognises the British Board of Film Classification (BBFC) as the film classification body, and will specify this body within the licences and certificates it issues.
- 14.4 The licensing authority views as good practice the inclusion within publicity materials of age-related admission restrictions arising from recommendations made by the BBFC or licensing authority. In any event, licence-holders must take appropriate measures to verify the age of persons being admitted to films which are subjected to age restrictions.
- 14.5 Details of the applicable recommendation in respect of a particular film should be exhibited prior to the commencement of that film. In the case of a BBFC recommendation this may be displayed on screen for at least 5 seconds prior to the feature. Details of a licensing authority recommendation should be displayed at or near the entrance to the screening.
- 14.6 The licensing authority anticipates that the BBFC's recommendations will apply to the vast majority of films shown at licensed premises within the borough. However in a small number of cases, the licensing authority may be called upon to exercise its powers and issue an overriding recommendation, which would only apply to licensed premises within the borough. Such situations can be approximately characterised in one of three groups:
- In cases where the licensing authority has concerns about a particular film, and has of its own volition made an alternate recommendation. This may allow admission of persons of a higher or lower age than the recommendation made by the BBFC, or in extreme circumstances may prevent the showing of a particular film. This power will be rarely, if ever, utilised.
 - In cases where a film has not been classified by the BBFC. This is likely to be the case with small, local, independent films, or foreign films, where a wider UK release is not intended.

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- In cases where the licensing authority is approached by a third party, asking the authority to override a recommendation made by the BBFC.
- 14.7 The third of these groups may include films intended to be shown at ‘parent and baby’ screenings, which have increased in popularity in recent years. The Act and Guidance are silent on the admission of babies to a film which is subject to an age-related recommendation – therefore on a strict interpretation of the Act, babies must be excluded from such screenings. The licensing authority is aware that some cinemas across the country have agreed schemes whereby the applicable licensing authority makes an alternate recommendation in respect of a specified film, expressly permitting the admission of babies and very young children to special screenings of that film with only parents of such children in attendance.
- 14.8 It is recommended that any premises considering the provision of such screenings contacts the licensing authority to discuss the proposals firstly. The authority will typically only depart from BBFC Classification in exceptional circumstances and would expect special provisions to be made for such screenings, including higher light levels and reduced sound levels, in order that parents can better ensure the safety of their children.
- 14.9 When exercising powers under section 20 to issue an admission recommendation for a previously unclassified film, the authority will adhere to the BBFC’s [Classification Guidelines](#), and where possible will issue a recommendation which is in accordance with one of the standard classification bands. This approach is preferred as audiences will be familiar with this particular classification scheme and the meaning of the ‘certificates’.
- 14.10 In such circumstances, the authority will require the organiser of the exhibition to provide a copy of the film for classification purposes, or to arrange a viewing for representatives of the licensing authority.
- 14.11 Where the licensing authority receives a request to override an existing recommendation made by the BBFC, or has concerns of its own in respect of a particular film, in the first instance the authority shall have regard to the BBFC’s original classification decision, and the BBFC Insight record which describes the content of the film that led to the classification decision. If satisfied that the content will not present any issues if viewed by children under 24 months of age, then the authority may agree to issue an alternate recommendation, consistent with the BBFC’s original classification but including a specific exemption for accompanied children below 24 months of age, at screenings advertised and restricted to ‘parent and baby’ only. Where concerns exist based on the BBFC Insight record that a film may not be suitable for viewing by young children below 24 months of age, the authority may request that the cinema facilitates a viewing of the film in question to make a full assessment of this. No alternate recommendation would be issued unless the authority is satisfied that allowing young children below 24 months of age to be admitted will not lead to the child protection licensing objective being undermined.

Section 15 - Safeguarding

- 15.1 The licensing authority is aware that alcohol use, misuse and abuse is one of the recurring key 'parental factors' in child protection and safeguarding, often contributing to parental neglect of children and domestic abuse and violence within families. The density of licensed premises, particularly off licences in deprived areas or areas where there are high rates of domestic abuse, is a cause for concern to the Authority.
- 15.2 The Authority expects that premises will operate in a responsible manner to ensure that children are not desensitised to the potential harm of alcohol. Desensitisation can occur by many ways. For example, through the manner in which the business operates, through the products that they offer for sale, the layout of their premises or through how promotional/advertising material is displayed. Matters that may be considered by the Authority if its discretion is engaged are:
- Whether due regard is paid to industry codes of good practice on the labelling and display of alcoholic products, such as not displaying these next to soft drinks, sweets or toys.
 - The likelihood of children being attracted to the premises; e.g. by the nature of activities or facilities provided whether or not these are licensed.
 - The use and display of promotional material for alcohol products.
- 15.3 Alcohol can be a factor in child sexual exploitation (CSE), where young people may be encouraged or coerced to drink, or alcohol may be a factor in risk-taking behaviour by young people who drink irresponsibly and then get involved in activities that otherwise they would not. Nationally, evidence has been found of the sexual exploitation of children taking place on licensed premises and licensed premises being used for the purposes of grooming and enticement.
- 15.4 The Licensing Authority is also aware children may be attracted to takeaway and fast food restaurants and there is evidence nationally that this type of licensed premises has been used for the purpose of grooming and enticement.
- 15.5 The licensing authority encourages premises licence holders to make sure they are fully aware of the signs of CSE and to understand that the sexual exploitation of a child is sexual abuse and a crime. The Authority also expects licence holders to raise the awareness of their staff about CSE and provide intelligence for the appropriate authorities about concerns, including perpetrators who may be operating in their areas.
- 15.6 To support organisations that come into contact with the public, or which employ under 18s, the Licensing Authority expects staff to have access to safeguarding training and are briefed on local safeguarding initiatives.

Section 16 - Agent of Change Principle

- 16.1 The 'Agent of Change' principle encapsulates the position that a person or business (ie the agent) introducing a new land use is responsible for managing the impact of that change. The practical issue that has arisen on occasion is that in circumstances where residents move into an area where noise is emanating from, for example, a long-standing music venue, this may have resulted in the Licensing Authority imposing additional licensing restrictions on the established licensed venue. Campaigners on behalf of licensed premises have long advocated support for implementation of an 'agent of change' principle to place the responsibility for noise management measures on the incoming 'agent of change'.
- 16.2 The House of Lords Select Committee in 2017 recommend that a full 'Agent of Change' principle be adopted in both planning and licensing guidance to help protect both licensed premises and local residents from consequences arising from any new built development in their nearby vicinity.
- 16.3 National Planning Guidance has been updated to include reference to the agent of change principle in NPPF. The new paragraph 182 of NPPF now states that both planning policies and planning decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (eg places of worship, pubs, music venues and sports clubs). "Unreasonable restrictions" should not be placed on existing businesses as a result of development permitted after they were established. "Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed."
- 16.4 Whilst National Planning Policy has been updated to incorporate the 'Agent of Change' principle, the Section 182 Guidance makes no reference to it.
- 16.5 Having considered the recommendations of the House of Lords Select Committee, Guildford Borough Council, acting in its role as the Licensing Authority has adopted 'Agent of Change' principles in its Licensing Policy.
- 16.6 Upon a review, the Authority is normally required to take any steps it considers necessary to promote the licensing objectives, however the implications of adoption of 'Agent of Change' are that should a premises licence be subject of a review application as a result of complaints from local residents who are experiencing nuisance arising from a change of use and moving into the area, the Licensing Authority will not place 'unreasonable restrictions' on that premises, if it were operating legally beforehand.

Section 17 - Licence Conditions

- 17.1 Where responsible authorities or other persons do not make any representations about an application, it is the duty of the Licensing Authority to grant the licence or certificate subject only to conditions that are consistent with the operating schedule and any relevant mandatory conditions prescribed by the Act.

- 17.2 Additional Home Office guidance on Mandatory Licensing Conditions may be found by following this [link](#).
- 17.3 The Licensing Authority must avoid attaching conditions that duplicate other regulatory regimes as far as possible and may not impose conditions unless its discretion has been engaged following the making of relevant representations and the Licensing Sub-Committee has been satisfied at a hearing that it is appropriate to impose them.
- 17.4 It may then impose only those conditions appropriate to promote the licensing objectives arising out of the consideration of the representations.
- 17.5 To minimise problems and the necessity for hearings, the Licensing Authority would encourage applicants to consult with the 'Responsible Authorities' when preparing their operating schedules so that they can offer appropriate conditions as part of their applications.
- 17.6 The Licensing Authority recognises that it is important to ensure that any conditions attached to a licence or certificate achieve the licensing objectives but are not disproportionate or overly burdensome. Therefore, where conditions are necessary they will be tailored to the individual style and characteristics of the particular premises and event concerned. Where appropriate, following a hearing the Licensing Sub-Committee will consider attaching conditions provided that they are proportionate, justifiable and capable of being met.
- 17.7 A committee or board with responsibility for managing a community premises where alcohol is sold such as a church or community hall, may apply to remove the mandatory condition requiring a designated premises supervisor and personal licence holder and replace it with the condition that every supply of alcohol must be made or authorised by the management committee. For further information on the community premises exemption for a DPS follow this [link](#).

Section 18 - Administration & Delegation

- 18.1 The functions of the Licensing Authority under the Licensing Act 2003 are carried out by Guildford Borough Council's Licensing Committee, by its Licensing Sub-Committees or by officers acting under delegated authority.
- 18.2 The Sub-Committee comprises three councillors drawn on a panel basis from the membership of the licensing committee with each hearing chaired by a designated Licensing Sub-Committee Chairperson. Councillors may not sit on any sub-committee to determine any application or review of a licence within their respective ward.
- 18.3 In the interests of efficiency and cost-effectiveness for all parties involved in the licensing process, the Licensing Authority has established a scheme of delegation to deal with applications received under the Act.
- 18.4 The table at paragraph 18.8 sets out the agreed delegation of decisions and functions to the Licensing Committee, Sub Committees and officers. This form of delegation is without prejudice to officers referring an application to a Sub

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Committee or to Full Committee if considered appropriate in the circumstances of any particular case.

- 18.5 Ward councillors play an important role in the local community. They can make representations in writing and speak at the hearing on behalf of an interested party such as a local resident or local business if specifically requested to do so. They may also make representations as an interested party in their own right if they have concerns about the premises.
- 18.6 They may apply for a review of a licence if problems at a specific premises justify intervention and are brought to their attention. Ward Councillors are informed of all new applications and any application to vary a licence in their ward.
- 18.7 Local residents and businesses may wish to contact their local ward Councillors in respect of a licence application. If a local resident or business makes a representation about an application it is often helpful to send a copy to the local Councillors as this assists them to gain an understanding of local community feelings.
- 18.8 Ward Councillors may attend hearings of Licensing Sub-Committees considering applications and may speak on behalf of themselves or local residents and businesses if they have made a personal representation, they have made a representation on behalf of local residents or businesses as 'community advocates' or they have been nominated by an objector who cannot attend the hearing or prefers to be represented at the hearing.

Matter to be dealt with	Licensing Committee	Sub-Committee	Officer
Application for personal licence	If a Police objection has been made		If no objections
Application for premises licence / club premises certificate	If a relevant representation has been made		If no relevant representation made
Application for provisional statement	If a relevant representation has been made		If no relevant representation made
Application to vary premises licence/ club premises certificate	If a relevant representation has been made		If no relevant representation made
Application to vary premises supervisor	If a Police objection has been made		All other cases
Request to be removed as a designated premises supervisor			All cases
Application for transfer of	If a Police objection has been made		All other cases

premises licence		
Application for interim authorities	If a Police objection has been made	All other cases
Application to review premises licence / club premises certificate	All cases	
Decision on whether a complaint is irrelevant frivolous vexatious		All cases
Determination of a Police or Environmental Health representation to a temporary event notice	All cases	
Suspension of licence for non-payment of fees		All cases
Taking action as a Responsible Authority on behalf of the Licensing Authority		As delegated by the Regulatory Services Manager
Minor variations and alternative conditions on community premises		All cases
Classification of a film under sections 20 and 74		All cases

Section 19 - Enforcement

- 19.1 The council has adopted a risk based inspection programme in line with government recommendations and which are in keeping with the principles of the Hampton Review. Inspections will ensure observance of conditions placed on licences, investigate concerns and provide high visibility support increasing public confidence in compliance activity.
- 19.2 This regime helps identify underlying problems or tensions within communities, increases the quality of local intelligence, allows issues to be targeted promptly and permits the integration of remedial strategies on an ongoing basis delivering the service that the public expects.
- 19.3 Where necessary, appropriate compliance action will be conducted in a fair, transparent and consistent manner ensuring that any action taken is

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proportionate and reflects the risk posed to the promotion of the licensing objectives. Interventions will be conducted in accordance with;

- Guildford Borough Council enforcement policies
- Crime & Disorder reduction strategy
- Community Safety strategy
- Drugs & Alcohol strategy.

19.4 The Licensing Authority encourages licensees to seek advice from the Environmental and Licensing Services and/or the police for clarification, advice or assistance with issues which arise, but places the responsibility for effective management solely with licence holders.

19.5 The Safer Guildford Partnership Plan, Joint Action Group and Purple Flag Status of the town have a key priority to reduce violent crime in public places by challenging licence holders so as to minimise incidents of alcohol related violence.

Section 20 - Reviews

20.1 Following the grant of a premises licence or a club premises certificate, a responsible authority or any other person may ask the Licensing Authority to review it due to a matter arising in connection with any of the four licensing objectives.

20.2 Full details of the review process can be provided by contacting a Council Licensing Compliance Officer or may be found in Chapter 11 of the Section 182 Licensing Act 2003 Revised Guidance on the Home Office website by following this [link](#).

Section 21 - Diversity & Equality

21.1 The Licensing Authority wishes to encourage the provision of a culturally diverse range of regulated entertainment within the Borough, particularly live music and dance which are accessible to all people.

21.2 All licensed premises are subject to the Equality Act 2010 which lists a number of protected characteristics that must not be used as a reason to treat a person less favourably than another person, these are;

- Age
- Disability
- Gender reassignment
- Marriage and civil partnerships
- Pregnancy and maternity
- Race (this includes colour; nationality; ethnic and national origins)
- Religion or belief
- Sex or sexual orientation.

21.3 Treating a person less favourably than someone else because that person has one or more of these characteristics is discriminatory.

- 21.4 The Equality Act 2010 also includes a duty on the Council as the Licensing Authority to have due regard to the need to eliminate discrimination, harassment and victimisation; advance equality of opportunity; and foster good relations, between people with different protected characteristics.
- 21.5 The Licensing Authority urges applicants and existing operators to plan ahead to meet their legal responsibilities under the Equality Act 2010. Further information and guidance can be obtained from the Home Office by following this [link](#).
- 21.6 Duties imposed by the Equality Act 2010 provide that any person providing a service to the public must comply with the duty to make reasonable adjustments to enable disabled people to access the service, where a disabled person would be at a substantial disadvantage compared to a non-disabled person.
- 21.7 This applies to disabled people employed by or those who wish to obtain goods and services from licensed premises. No condition will be attached to a licence or certificate which conflicts with or duplicates this requirement.
- 21.8 Service providers have a duty to make reasonable adjustments to any physical features which put a disabled person at a substantial disadvantage in accessing a service, or they have to provide the service by a reasonable alternative means.
- 21.9 Access to buildings and their facilities is a matter addressed in Building Regulations and planned alterations affecting access may involve the need to apply for building control approval.
- 21.10 The Equality Act 2010 provides protection from three forms of disability discrimination;
1. Direct discrimination because of disability in relation to goods, facilities and services
 2. Indirect disability discrimination
 3. Discrimination arising from disability.
- 21.11 Businesses have an obligation to make reasonable adjustments to help disabled individuals access their goods, facilities and services.

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Further information may be obtained from:

Guildford Borough Council
Millmead House
Millmead
Guildford
Surrey
GU2 4BB

Tel: 01483 505050

Email: regulatoryservices@guildford.gov.uk

Web: <https://www.guildford.gov.uk/licencesandpermits>

Appendix A

Licensing Act 2003 – Responsible Authority Contacts

<p>1. Licensing Guildford Borough Council Millmead House Millmead Guildford Surrey GU2 4BB</p> <p>Tel: 01483 505050</p>	<p>2. Surrey Police Licensing Unit Guildford Police Station Margaret Road Guildford Surrey GU1 9PE</p> <p>Tel: 101</p>
<p>3. Surrey Fire and Rescue Service Licensing Administration Fire Station Guildford Road Farnham Surrey GU9 9QB</p> <p>Tel: 01483 517617</p>	<p>4. Surrey Primary Care Trust Lesley Hackney Public Health Business Manager Room G55 County Hall Penrhyn Road Kingston Upon Thames KT1 2DN</p> <p>Tel: 0208 541 7976</p>
<p>5. Pollution Control c/o Environmental Health Guildford Borough Council Millmead House Millmead Guildford Surrey GU2 4BB</p> <p>Tel: 01483 505050</p>	<p>6. Health and Safety c/o Environmental Health Guildford Borough Council Millmead House Millmead Guildford Surrey GU2 4BB</p> <p>Tel: 01483 505050</p>
<p>7. Safeguarding Children Unit Joanne Booth Quadrant Court 35 Guildford Road Woking Surrey GU22 7QQ</p> <p>Tel: 01483 517839</p>	<p>8. Surrey Trading Standards Trading Standards Service Surrey County Council Consort House 5-7 Queensway Redhill RH1 1Y</p> <p>Tel: 01372 371700</p>
<p>9. Planning Control Guildford Borough Council Millmead House Millmead Guildford Surrey GU2 4BB</p> <p>Tel: 01483 505050</p>	

Appendix B

Surrey Public Health Information

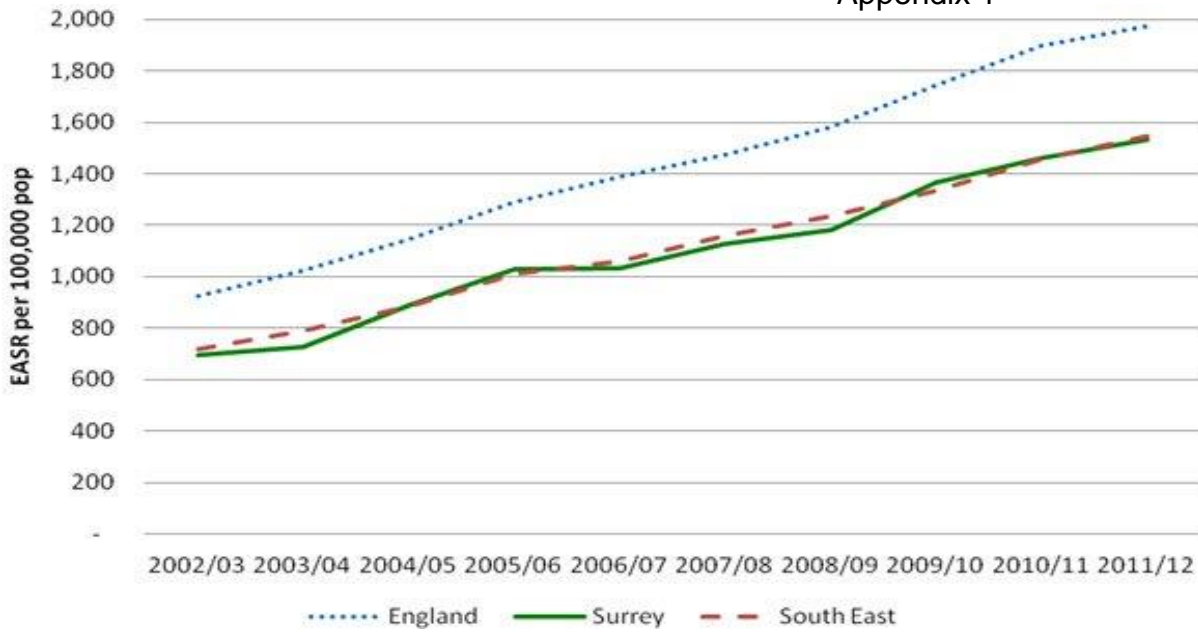
The relationship between alcohol consumption and risk is complex. Most systems in the body can be damaged by alcohol consumption, but the rate at which harm increases in relation to the amount of alcohol consumed varies. For example liver disease has an exponential relationship with alcohol consumption, whereas the risk of cancers shows a dose dependent relationship. The risk to which an individual is exposed to is also related to a number of factors, including both the amount and the frequency of drinking, but also genetics, and age.

One consistent observation is that the risk of ill health increases with the amount people drink and the number of occasions they drink to excess. Table 4 shows that those drinking at higher risk levels are at much greater risk of developing hypertension (high blood pressure), stroke, coronary heart disease, pancreatitis and liver disease.

Men and women who regularly drink at higher risk levels are significantly more likely to experience ill health as a result of their drinking as shown in Table 4.

Condition	Men (increases risk by)	Women (increases risk by)
Hypertension	4 x	2 x
Stroke	2 x	4 x
Coronary Heart Disease	1.7 x	1.3 x
Pancreatitis	3 x	2 x
Liver Disease	13 x	13 x

Alcohol-related hospital admissions in Surrey have more than doubled since 2002. This upward trend is evident across the region and the country as a whole. The graph below shows alcohol-related hospital admissions in Surrey, the South East and England since 2002 using the broad indicator. The level in Surrey has been similar to the South East region over the last decade and has been consistently lower than nationally.



Source: Public Health England (2014) Local Alcohol Profiles for England
The overall prevalence of increasing risk drinking in Surrey is approximately 21% which is just above the England average of 20%. Almost one in four adults in Surrey drink at these levels and alcohol-related health problems tend to present in people aged over 40 years; who are more likely to fall within this category of drinker.

According to modelling by the National Health Intelligence Service, alcohol is estimated to cost the NHS in Surrey over £73.5 million a year. The highest level of cost is related to increasing risk drinking, reinforcing the need to prioritise interventions aimed at reducing alcohol intake within this population.

The table below provides a breakdown of alcohol-related healthcare costs to Guildford and Waverley Clinical Commissioning Group (CCG) and Surrey as a whole. Actual and modelled data estimates the total annual spend on this to be approximately £12.4 million, at a cost of £70 per adult.

Estimated annual cost of alcohol harm to Guildford & Waverley Clinical Commissioning Group

Type of cost (£000s)		Actual or modelled data	Guildford & Waverley	Surrey
1. Alcohol-related inpatient admissions:				
Diagnosis codes	Wholly attributable	Actual data	£1,247	£8,094
	Partly attributable	Actual data	£4,379	£27,274
External Cause codes	Wholly attributable	Actual data	£7.0	£18.7
	Partly attributable	Actual data	£346	£2,337
2. Alcohol-related outpatient visits		Modelled data	£1,699	£8,676
3. Alcohol-related A&E attendances		Modelled data	£2,183	£12,604
4. Alcohol-related emergency		Modelled	£2,077	£11,266

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ambulance journeys		data		
5. Alcohol-related GP consultations		Modelled data	£406	£2,076
6. Alcohol-related practice nurse consultations		Modelled data	£57	£289
7. Alcohol dependency-prescribed drugs		Actual data	£4	£19
8. Specialist alcohol treatment services		Modelled data	£251	£1,382
9. Other alcohol-related healthcare usage		Modelled data	£324	£1,654
Aggregated data	Total cost (£000s)	Various	£12,417	£73,736
	Adult population (16+)	Actual data	176,820	921,517
	Cost per adult (£)	Various	£70	£80

In 2010/11 there were almost one million alcohol related violent crimes and the British Crime Survey 2009/10 revealed that victims believed the offender(s) to be under the influence of alcohol in half (50%) of all violent incidents.

It is estimated that in a community of 100,000 people each year, 1000 people will be a victim of alcohol related violent crime. In addition alcohol misuse is more prevalent among the prison population and is also implicated in the frequency and severity of domestic abuse incidences.

Council Report

Ward(s) affected: All

Report of Managing Director

Author: John Armstrong, Democratic Services and Elections Manager

Tel: 01483 444102

Email: john.armstrong@guildford.gov.uk

Lead Councillor responsible: Joss Bigmore

Tel: 07974 979369

Email: joss.bigmore@guildford.gov.uk

Date: 8 December 2020

Periodic Electoral Review of Guildford Borough Council: Council Size Submission

Executive Summary

The Local Government Boundary Commission for England (LGBCE) has given the Council notice that it will be undertaking an electoral review of the Council in its 2020-21 programme. The LGBCE intends to carry out electoral reviews of all English local authorities that have not been reviewed in twelve or more years. Guildford was last reviewed in 1998.

The purpose of an electoral review is to consider the total number of councillors elected to the council, the names, number and boundaries of the wards, and the number of councillors to be elected to each ward.

The review process takes around a year to complete and includes at least two phases of public consultation where proposals/comments on ward boundaries will be invited. Throughout the process, LGBCE aims to work closely with the Council, local people and organisations.

The review aims not just to deliver boundaries that are fair for voters and reflect community ties, but it can also help councils align their local leadership ambitions with their decision-making arrangements.

Local government in England has changed since the results of the Council's last electoral review were implemented. Decision-making arrangements in many places are now fundamentally different, the ways by which services are commissioned, designed and delivered are constantly evolving and councillors' representational role has changed.

The LGBCE held an initial meeting with the Leader, Deputy Leader, and Managing Director in July 2020, and held a joint briefing for Group Leaders on 13 October 2020, followed on the same day by a full briefing for all Councillors. The LGBCE issued a guide for councillors in respect of the forthcoming review, a copy of which is attached as **Appendix 1** to this report. The timetable for the review is shown as Appendix 3 to the councillors' guide.

The first part of the process is the invitation from LGBCE for the Council to make a submission on Council size, that is the total number of councillors to be elected to the Council.

The proposed submission to the LGBCE on Council Size is at Appendix 2. This states a preference for a Council of 44 Councillors, based on the retention of all out elections every four years. This would represent a decrease of four councillors overall.

Following the review, if the LGBCE's final recommendations are adopted via Parliamentary Order, they will be implemented with effect from the next scheduled Borough Council elections in 2023.

Recommendation to Council

That the Council Size Submission, attached at Appendix 2, and its stated preference for a Council size of 44 Councillors, be approved and presented to the Local Government Boundary Commission for England.

Reason for Recommendation:

To respond to the LGBCE's invitation to make a Council size submission as part of the periodic electoral review of Guildford Borough Council, taking into account the following factors:

- the Strong Leader and Executive arrangements introduced since the last review
- the Scheme of Delegation of Functions to Officers extended since the last review;
- changes in the Council's functions, and the manner by which it delivers its services since the last review;
- the technological advancements in communications and the changing way in which residents access information and services;
- increasing population of the borough
- the financial position of the Council, and the country as a whole, particularly in the context of the coronavirus pandemic

Is the report (or part of it) exempt from publication? No

1. Purpose of Report

- 1.1 To provide an opportunity for the Council to suggest to the LGBCE a Council size proposal for consideration in its forthcoming consultation on warding patterns.

2. Strategic Priorities

- 2.1 The review will ensure that the Council size is appropriate for ensuring that the Council is able to deliver on its corporate priorities and in a manner consistent with the Council's desire to be open and accountable to its residents.

3. Background

- 3.1 The last electoral review of this Council in 1998 established the current Council size of 48 councillors, representing 22 wards, of which 9 were three-member

wards, 8 were two-member wards, and 5 were single-member wards. These arrangements came into effect at the Borough Council elections in 1999.

- 3.2 The Local Government Boundary Commission for England has given notice that it intends to carry out electoral reviews of all English local authorities that have not been reviewed in twelve or more years. The Commission's current programme of reviews includes Guildford.
- 3.3 The purpose of an electoral review is to consider the total number of councillors elected to the council, the names, number and boundaries of the wards, and the number of councillors to be elected to each ward.
- 3.4 The review process takes around a year to complete and includes at least two phases of public consultation where proposals/comments on ward boundaries will be invited. Throughout the process, LGBCE aims to work closely with the Council, local people and organisations.
- 3.5 The review aims not just to deliver boundaries that are fair for voters and reflect community ties, but it can also help councils align their local leadership ambitions with their decision-making arrangements.
- 3.6 Local government in England has changed since the results of the Council's last electoral review were implemented. Decision-making arrangements in many places are now fundamentally different, the ways by which services are commissioned, designed and delivered are constantly evolving and councillors' representational role has changed.
- 3.7 The LGBCE held an initial meeting with the Leader, Deputy Leader, and Managing Director in July 2020, and held a joint briefing for Group Leaders on 13 October 2020, followed on the same day by a full briefing for all Councillors. The LGBCE issued a guide for councillors in respect of the forthcoming review, a copy of which is attached as **Appendix 1** to this report. The timetable for the review is shown as Appendix 3 to the councillors' guide.

4. Part 1: Council Size

- 4.1 The first part of the process is the invitation from LGBCE for the Council to make a submission on Council size, that is the total number of councillors to be elected to the Council. As stated in the guide for councillors, the LGBCE will make its judgment on council size by considering three broad areas:
 - The **governance arrangements** of the Council and how it takes decisions across the broad range of its responsibilities.
 - The Council's **scrutiny functions** relating to its own decision making and the council's responsibilities to outside bodies.
 - The **representational role of councillors in the local community** and how they engage with people, conduct casework and represent the council on local partner organisations.
- 4.2 The LGBCE emphasise that any submission to them on council size (whether it is for an increase, reduction or maintaining current arrangements), should ensure

that it addresses these areas and that the view on council size is backed up by evidence.

- 4.3 The LGBCE ask that councils under review complete their submission template for this purpose which specifies topics and key lines of explanation. The proposed submission to the LGBCE on Council Size is at **Appendix 2**. Following discussion with political group leaders, this states a preference for a Council of 44 Councillors, based on the retention of all out elections every four years. This would represent a decrease of four councillors overall.
- 4.4 When putting forward a council size submission, the LGBCE will assess the number proposed (or range of numbers) against our 'nearest neighbour' authorities as set out by CIPFA. Appendix 4 to the guide for councillors (see Appendix 1 to this report) shows how Guildford compares to its 'nearest neighbours'. The average number of councillors of our nearest neighbours is 42.5, which means that the proposal in the draft submission for a reduction of four councillors to 44 represents an above average council size when compared to our nearest neighbours, leaving us in the top quartile.

5. **Part 2: Warding Patterns**

- 5.1 The second part of the review process addresses warding patterns, but the LGBCE will not deal with this until they have determined the size of the Council at the first part.
- 5.2 Part 2 incorporates two phases of public consultation, the process for which is the sole responsibility of the LGBCE throughout the review. The first phase involves the LGBCE asking us to present our proposals for new ward boundaries. The LGBCE will use responses to that consultation to draw up draft recommendations for new boundaries across our area. Following which, the LGBCE will then hold a second round of consultation on those proposals during which time we will be able to comment on them and propose alternatives.
- 5.3 The LGBCE will then draw up new electoral arrangements that provide the best balance of the statutory criteria within which they must make their decisions. The criteria include three main elements:
 - ***Delivering electoral equality for local voters***
This means ensuring that each councillor represents roughly the same number of voters so that the value of an elector's vote is the same regardless of where they live in the local authority area.
 - ***Interests and identities of local communities***
This means establishing electoral arrangements which, as far as possible, avoid splitting local ties and where boundaries are easily identifiable.
 - ***Effective and convenient local government***
This means ensuring that the wards can be represented effectively by their elected representative(s) and that the new electoral arrangements, including both the council size decision and warding arrangements, allow the local authority to conduct its business effectively.

5.4 The LGBCE encourages and welcomes participation in the review from as wide a variety of local sources as possible. In practice, the LGBCE's communications are aimed at three broad audiences:

- The Council – elected members, staff, local political parties (including MPs).
- Local organisations – parish councils, residents' groups and other local organisations with an emphasis on groups that will enable the LGBCE to meet their responsibilities under the Equality Act.
- Members of the public.

6. Financial Implications

6.1 There are no financial implications arising directly from the making of this submission. The costs associated with the review will be met from within existing budgets.

6.2 Any reduction in the number of councillors elected to the Council following the review, will generate small savings with effect from the 2023-24 financial year, for example in councillors' allowances and ICT support. Four fewer councillors will lead to cost savings in the region of £30,000 p.a.

7. Legal Implications

7.1 The LGBCE operates under the provisions of Part 3 of the Local Democracy, Economic Development & Construction Act 2009 (the 2009 Act). This established the LGBCE in place of the former Boundary Committee of the Electoral Commission.

7.2. Under S56(1) of the 2009 Act, the LGBCE must, from time to time, conduct a review of the area of each principal council, and recommend whether a change should be made to the electoral arrangements. In this regard, "electoral arrangements" means:

- The total number of Councillors
- The number and boundaries of electoral areas¹ for the election of Councillors
- The number of Councillors to be returned by any electoral area
- The name of the electoral area

7.3 The legislation does not set out how many councillors each authority (or type of authority) will have. It is the LGBCE's responsibility to determine the appropriate number of councillors for each authority.

7.4 In making its recommendations, Schedule 2 to the 2009 Act requires the LGBCE to have regard to:

- (a) The need to secure that the ratio of the number of local government electors to the number of councillors is, as nearly as possible, the same in

¹ In this context an electoral area means a ward

every electoral area – over the five-year period following implementation of the recommendations.

- (b) The need to reflect the identities and interests of local communities and, in particular the desirability of fixing boundaries:
- which are and will remain easily identifiable
 - so as not to break any local ties
- (c) The need to secure effective and convenient local government
- 7.5 Schedule 2 to the 2009 Act also states that the LGBCE should take into account any change to the number and distribution of electors that is likely to take place within the five years following the *end* of a review. This requirement means that, at the start of the review the LGBCE asks us to provide them with *six-year* forecasts of electorate changes in all polling districts, i.e. up 2026.
- 7.6 The LGBCE's decision on council size will mark the formal start to the review process. However, this decision will not be formalised until their Final Recommendations are agreed and published at the end of the process. This is because the number of councillors may change marginally (generally ± 1) from the initial decision if it is felt that modifying the number of councillors may provide for a pattern of wards that better reflects the three statutory criteria referred to in paragraph 5.3 above.
- 7.7 The Final Recommendations describe the complete set of electoral arrangements, including ward names and locations as well as the number of elected members, alongside parish warding arrangements. These recommendations will be implemented at the next scheduled borough council elections in May 2023 by means of an Order laid before Parliament.

8. Human Resource Implications

- 8.1 There are no HR implications arising directly from the proposals contained in this report.

9. Equality and Diversity Implications

- 9.1 Under the Equality Act 2010, Section 149, a public authority must, in the exercise of its functions, have due regard to the need to:
- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2 In this regard, the Council must consider whether the decision will or could have a differential impact on: racial groups; gender; people with disabilities; people of a

particular sexual orientation; people due to their age; people due to their religious belief; or people who are pregnant

- 9.3 It is not considered that an equality impact assessment is necessary for the purpose of responding to the LGBCE on the number of councillors or patterns of ward boundaries.

10. Climate Change/Sustainability Implications

- 10.1 There are no relevant climate change/sustainability implications arising from this report.

11. Summary of Options

- 11.1 The Council essentially has three options:

Option 1:

To approve the Council Size Submission attached as Appendix 2 to this report.

Option 2:

To approve the Council Size Submission, with amendments.

Option 3:

To make no Council Size Submission.

12. Conclusion

- 12.1 The Council is long overdue a periodic electoral review, and the Council Size submission to the LGBCE is the first step in the process.

13. Background Papers

None

14. Appendices

Appendix 1: Local Government Boundary Commission for England Electoral Review of Guildford Borough Council – A Guide for Councillors

Appendix 2: Draft Council Size Submission to the Local Government Boundary Commission for England

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Local Government Boundary Commission for England

Electoral Review of Guildford Borough Council

A Guide for Councillors

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A Message from the Chair of the Local Government Boundary Commission for England

Professor Colin Mellors OBE

This briefing tells you all you need to know about the electoral review of your council. It tells you what an electoral review is, why we are conducting it and how you can influence the outcome.

The electoral review is an opportunity for you to shape your council for the future. On council size, the review will help you decide how you will represent communities in the future and ensure that your governance arrangements reflect your long-term ambitions. When we come to consider boundaries, we will aim to build electoral wards that reflect communities and lock in electoral fairness for future elections.

The outcome of the review is not pre-determined. The Commission will only take decisions after giving careful consideration to the evidence provided by you, your council and local communities throughout the process.

Your local knowledge will be valuable in helping us come to our conclusions. The best electoral reviews are those where councillors engage with the process. The Commission will take decisions on the strength of evidence provided during the review after we have assessed all submissions against our statutory criteria. It doesn't matter whether evidence comes from the council, council groups or individual councillors, we have an open mind about which proposals we will put forward as formal recommendations.

The electoral arrangements of your council will change. Our experience of electoral reviews clearly shows that changing boundaries in one part of your area will inevitably have an impact on other areas. Most wards are likely to experience a change to one or more of their boundaries, name or number of councillors representing them. We will look to you to influence the nature of those changes.

We will make it as easy as possible for you to influence the process. In addition to our preliminary dealings with the council, we will hold at least two phases of public consultation before we finalise the recommendations of the review. We encourage you to engage with your communities about the review, so we can get the broadest possible spread of evidence.

I hope you find this briefing helpful.

Professor Colin Mellors OBE

Local Government Boundary Commission for England

The Local Government Boundary Commission for England is an independent body established by Parliament in April 2010. We are not part of government and are accountable to Parliament through the Speaker's Committee.

Our organisation consists of the Chair of the Commission and five Commissioners who are supported by approximately 20 members of staff.

What is an Electoral Review?

An electoral review examines and proposes new electoral arrangements for the whole local authority. These are:

- The total number of councillors to be elected to the council: council size.
- The names, number and boundaries of wards.
- The number of councillors to be elected from each ward.

The review is likely to have implications for the whole local authority not just areas with high levels of electoral inequality.

Why Guildford Council?

Electoral reviews look at whether the boundaries of wards or divisions within a local authority need to be altered. We might conduct these reviews either to ensure fairer representation at local government elections after any significant changes in the distribution of electors, or at the request of a local authority for other reasons.

The Commission has a statutory duty to review every English local authority 'from time to time'. It will be over 20 years since an electoral review has taken place in Guildford by time our final recommendations are released.

The Commission will seek to deliver electoral equality for voters in local elections.

A full table of current wards and their variances can be found at Appendix 1. A map showing the distribution of any electoral imbalances across the authority can be found at Appendix 2.

Electoral Review Process

The electoral review will have two distinct parts;

- **Council size:** before we re-draw ward boundaries, the Commission will come to a view on the total number of councillors to be elected to the council in future. We will come to a conclusion on council size after hearing the council's (and/or councillors') views during the preliminary phase.
- **Ward boundaries:** we will re-draw ward boundaries so that they meet our statutory criteria. You will have an opportunity to put forward your ideas in two phases of public consultation.

You, and the communities you represent, can influence the review. Please refer to the timetable in Appendix 3 to find out when you can have your say.

Part One: Council Size

The first part of the review will determine the total number of councillors to be elected to the council in the future. We call this 'council size'. We will not consider ward boundaries until we have completed this phase.

By the end of the preliminary stage of the review, we expect the council and/or its political groups, to present the Commission with a case for a council size that they believe is right for their authority.

The Commission will make its judgment on council size by considering three broad areas:

- We will look at the **governance arrangements** of the council and how it takes decisions across the broad range of its responsibilities.
- The Commission will look at the council's **scrutiny functions** relating to its own decision making and the council's responsibilities to outside bodies.
- We will also consider the **representational role of councillors in the local community** and how they engage with people, conduct casework and represent the council on local partner organisations.

If you plan to make a submission to us on council size (whether it's for an increase, reduction or maintaining current arrangements), you should make sure you address these areas and that your view is backed up by evidence.

Governance Arrangements

The Commission aims to ensure that councils have the right number of councillors to take decisions and manage the business of the council in an effective way now and in the future.

To support your view, the Commission is looking for evidence about cabinet and/or committee responsibilities, number of committees and their workload, delegation to officials, other bodies and plans for the future.

Scrutiny Functions

Every local authority has mechanisms to scrutinise the executive functions of the council and other local bodies. They also have significant discretion over the kind (and extent) of activities involved in that process. In considering council size, the Commission will want to satisfy itself that these responsibilities can be administered in a convenient and effective way.

To support your view, the Commission is looking for evidence about the number of councillors your authority needs to hold the decision makers to account and ensure that the council can discharge its responsibilities to other organisations (e.g. other public-sector bodies, partnerships, and trusts).

Representational Role of Councillors

The Commission understands that there is no single approach to representation and members will represent and provide leadership to their communities in different ways. However, we are interested in hearing about the extent to which members routinely engage with communities and how this affects workload and responsibilities.

To support your view, the Commission is looking for evidence about how councillors interact with their communities, their caseloads and the kind of support they need effectively to represent local people and groups.

Part Two: Warding Patterns

We will carry out two phases of public consultation when we will invite you to present your proposals for new ward boundaries.

At the first round of consultation we will ask for proposals on new ward boundaries. We will use responses to that consultation to draw up draft recommendations for new boundaries across your area. We will hold a second round of consultation on those proposals during which time you will be able to comment on them and propose alternatives.

The Commission will draw up new electoral arrangements that provide the best balance of our statutory criteria. The criteria include three main elements:

- *Delivering electoral equality for local voters.* This means ensuring that each councillor represents roughly the same number of voters so that the value of your vote is the same regardless of where you live in the local authority area.
- *Interests and identities of local communities.* This means establishing electoral arrangements which, as far as possible, avoid splitting local ties and where boundaries are easily identifiable.
- *Effective and convenient local government.* This means ensuring that the wards can be represented effectively by their elected representative(s) and that the new electoral arrangements, including both the council size decision

and warding arrangements, allow the local authority to conduct its business effectively.

You should ensure that any proposal you make to the Commission, during either phase of consultation, takes into account the statutory criteria. The most persuasive cases are those that are also supported by evidence. Over the next five pages, you will find further explanation about the types of evidence the Commission usually receives under each of the criteria. This might help you build your own submission.

Delivering Electoral Equality for Local Voters

The Commission aims to deliver a pattern of wards where each councillor represents approximately the same number of electors.

We base decisions on the number of electors in a ward and not the total population. The Commission's obligation, set out in law, is to deliver electoral equality where councillors represent a similar number of electors. This could not be achieved if we considered population statistics rather than electoral register totals.

Once the Commission has taken a view on council size, it gives us, and anyone interested in submitting proposals to the review, a clear idea of the target for achieving electoral equality for future patterns of wards.

Although we strive for perfect electoral equality for all wards, we recognise that this is unlikely to be exactly achieved. If you propose a boundary that would lead to an electoral variance for the ward (see exhibit 1), the Commission will need to see evidence that such electoral inequality is justified on the grounds of the Commission's other statutory criteria. The higher the level of electoral variance you are proposing for a ward, the more persuasive your evidence will need to be.

The Commission has an obligation, set out in law, to consider electorate forecasts five years after the completion of the review. The purpose of the forecasts is to try and ensure that the review delivers electoral equality for voters in the longer term. We will work with council officers to draw up realistic forecasts for your authority. Further guidance on how we calculate projected electorates are available on our website at: <https://www.lgbce.org.uk/how-reviews-work/technical-guidance>

Table 1, below, shows how the Commission calculates and presents electoral variances in its reports. You can read the full report here: <https://www.lgbce.org.uk/all-reviews/south-east/east-sussex/eastbourne>.

Ward name	Number of councillors	Electorate (2015)	Number of electors per councillor	Variance from average %	Electorate (2021)	Number of electors per councillor	Variance from average %
1 Devonshire	3	8,623	2,874	6%	9,006	3,002	5%
2 Hampden Park	3	7,422	2,474	-8%	7,872	2,624	-8%
3 Langney	3	7,817	2,606	-4%	8,197	2,732	-4%
4 Meads	3	8,094	2,698	0%	8,566	2,855	0%
5 Old Town	3	8,339	2,780	3%	8,793	2,931	3%
6 Ratton	3	7,392	2,464	-9%	7,747	2,582	-9%
7 Sovereign	3	9,135	3,045	13%	9,517	3,172	11%
8 St Anthony's	3	8,106	2,702	0%	8,715	2,905	2%
9 Upperton	3	8,018	2,673	-1%	8,420	2,807	-1%
Totals	27	72,946	-	-	76,832	-	-
Averages	-	-	2,702	-	-	2,846	-

Table 1: Final Recommendations for Eastbourne Borough Council (2016)

Interests and Identities of Local Communities

Unlike electoral equality, it isn't possible to measure levels of community identity, so we will be looking for evidence on a range of issues to support your reasoning. The best evidence for community identity is normally a combination of factual information such as the existence of communication links, facilities and organisations along with an explanation of how local people use those facilities.

Below are some issues that we often use to assess community interests and identity. You may wish to use some of these examples to tell us why you are putting forward your view:

- *Transport links*. Are there good communication links within the proposed ward? Is there any form of public transport? If you are proposing that two areas (e.g. streets, estates or parishes) should be included in the same ward together, how easily can you travel between them?
- *Shared interests*. Are there particular issues that affect your community which aren't necessarily relevant to neighbouring areas that might help us determine where a ward boundary should be drawn? For example, many local authorities contain areas which have urban, suburban and rural characteristics. Each of those areas may have different needs and interests though they could be located next to each other. One area might be more affected by urban issues such as the local economy while an adjacent area might be more concerned with local transport matters. We would like to hear evidence about what those issues are and how they mean boundaries should combine or separate the areas in question.
- *Community groups*. Is there a residents' group or any other local organisation that represents the area? What area does that group cover? What kind of activities do they undertake and are there any joint-working relationships between organisations that could indicate shared community interests between different geographical areas?
- *Facilities*. Where do local people in your area go for shopping, medical services, leisure facilities etc? The location of public facilities can represent the centre or focal point of a community as do some service arrangements such as NHS commissioning groups. We would like to hear evidence from local people about how they interact with those facilities so that we can understand the shape of local communities and the movement and behaviours of their residents.
- *Identifiable boundaries*. Natural features such as rivers can often provide strong and recognisable boundaries. Similarly, constructions such as major roads, railway lines or commercial developments can also form well known and effective barriers between communities.
- *Parishes*. In areas where parishes exist, the parish boundaries often represent the extent of a community. In fact, the Commission often uses parishes as the building blocks of wards. Parishes which share a secretariat or other arrangements often fit together well in the same ward.

These are issues you may wish to consider when proposing a pattern of wards or if you are commenting on the Commission's proposals. It is not – and is not intended to be – an exhaustive list of matters the Commission will consider when coming to a conclusion on wards and their boundaries. Similarly, the Commission attaches no specific weighting to any of the issues above when taking decisions. This guide simply intends to provide some prompts for you to be able to have your say.

There are also a number of things the Commission does not consider to be strong evidence when it takes decisions. For example, an area's history and tradition may be the basis of a sense of community identity. However, communities change over time and perceptions can vary between individuals as to the nature of those ties. The Commission would need to hear how and why those traditional arrangements reflect communities now.

In addition, whilst social and economic data (e.g. from the census or other statistical sources) can tell you a lot about individuals living in an area, it doesn't necessarily explain the nature of communities and is often a poor guide to their interests and identities. The Commission considers that this kind of evidence can provide useful background information for an area, but we will treat it with caution when proposing new wards.

Effective and Convenient Local Government

We also consider whether a ward pattern would help deliver effective and convenient local government to people. If you are providing evidence to the Commission, there are a number of issues you might want to consider so that our recommendations can help us meet this obligation.

- *Ward size.* We will look at the geographic size of the ward and try to ensure that it is not so large that it would be difficult for a councillor to represent. Similarly, in urban areas, a ward might be so small in area that its councillor might not be able to contribute effectively to the wider business of the council.
- *Ward names.* Councils and their communities are usually able to suggest appropriate names for wards that reflect community identities and mean something to local people. In determining names for wards, we aim to avoid causing confusion amongst local electors and ensure that names are distinct and easily identifiable, for example, our preference is for names that are short rather than those which attempt to describe an area exhaustively.
- *Internal access.* Recommendations for ward boundaries will normally provide for people to move between all parts of the ward without having to venture outside of the ward. This normally means vehicular access by road. However, there may be occasions when parts of a community are linked not by vehicular routes but by footpaths, footways, pedestrianised streets etc. These will be more likely to be acceptable in densely populated residential areas of towns or cities.

- *Barriers.* Transport links such as roads and railway lines can unite communities or serve to divide them. For example, a parade of shops can act as the focal point for an area, but a main road can signify the divide between communities. The Commission will aim to reflect these differences in its recommendations.
- *'Doughnut' wards.* We occasionally receive proposals for a pattern of wards which propose an 'inner' ward and an 'outer' ward for a settlement. We will not normally recommend this kind of pattern because the communication links between the north and south of the outer ward are usually poor and we also often find that people in the northern part of the outer ward share higher levels of community identity with residents in the north of the inner ward than with residents in the south of the outer ward. Where we need to divide a settlement or an estate to achieve electoral equality, we will usually seek an alternative to this pattern.
- *Detached wards.* The Commission is sometimes presented with proposals to include two geographically separate areas in the same ward. We will not usually accept a proposal of this kind, except in extraordinary geographical circumstances such as for offshore islands, as it is unlikely to meet our criteria for promoting community identity and interests or delivering effective and convenient local government.
- *Number of councillors for each ward.* There is no limit, in law, to the number of councillors that can be elected to represent a ward. However, as a matter of policy, the Commission will not accept a proposal for more than three councillors to represent a ward as we do not think such an arrangement would promote effective and convenient local government or local accountability.
- *Electoral Cycles.* For councils that hold whole-council elections every four years, the Commission is able to propose any pattern of wards that it believes best meets its statutory criteria. This is usually a mixture of single-, two- and three-councillor wards.

Councils that elect by whole-council election are able formally to request a single-member ward review. Such a request must be made to the Commission before the start of the first round of consultation opens. In a single-member ward review, the Commission will have a presumption in favour of a uniform pattern of single-member wards for the whole local authority.

Consultation: How to 'Have your say'

An electoral review is a consultative process. You, and your community, can influence the outcome. We have an open mind about adopting proposals from groups or individuals that are supported by evidence and complement the statutory criteria.

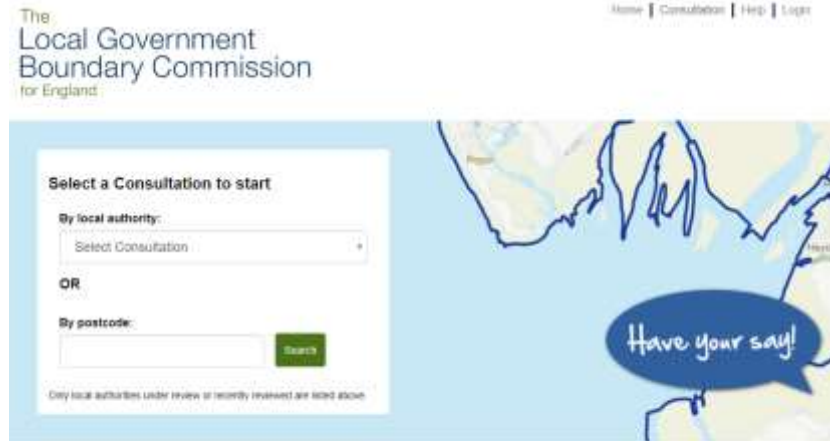
In addition to the preliminary phase of the review, when we gather information about the council and assess your views on council size, we will hold at least two phases of public consultation.

We encourage councillors to take part in each phase of consultation, as individuals or as groups, and we hope that elected members can also encourage communities to take part in the consultations.

We are only able to consider evidence that is made to us in writing as all decisions are taken by formal meetings of the whole Commission. The best evidence includes the reasons why you agree with our proposals or why you disagree with them. If you do not think our proposals are right for your area, we would welcome alternative suggestions for boundaries that meet our criteria.

There are several ways in which you can keep up to date with the progress of the review and to have your say:

- *Website*. You can keep track of the electoral review for your area through our website at <http://www.lgbce.org.uk/>. We set up a dedicated web page for each review where you will find details of its timetable, our reports, maps, proposals and guidance. You can comment on our proposals directly through our website or by emailing: reviews@lgbce.org.uk. And you can write to us at the address shown on the contacts page. We also publish all the submissions we receive so you can see what kind of evidence we relied on to make our decisions.
- *Interactive consultation portal*. The portal allows you to view and interact with our maps as well as comment on our proposals directly. By logging on to <https://consultation.lgbce.org.uk/> you will be able to view our proposals down to street level, draw your own pattern of wards or annotate the maps to tell us about the nature of community interests and identities in your area. Below, you can see what the site looks like and how you might be able to put forward your views. Log on to <https://consultation.lgbce.org.uk/> to find out how you can interact with our mapping.



Welcome to our consultation area

- Find out if we are consulting in your area
- Explore our proposals
- Draw your boundaries
- Have your say



- *Parishes and/or residents groups.* If your area has parish councils, we will offer to hold a briefing meeting locally at the start of an electoral review with representatives of the parishes. Alternatively, we will consider offering a briefing meeting for resident’s associations at the start of a review to brief them on the process.
- *Members of Parliament.* The Commission offers to brief all local MPs at each phase of consultation and will keep them updated on the progress of the review.
- *Lead commissioner.* One of our commissioners will be appointed as lead commissioner for the review and will represent the Commission in meetings with the council though all decisions are taken by the Commission collectively. The lead commissioner and key staff will also conduct at least one tour of the local authority area to assess the issues ‘on the ground’ and areas of contention as we draw up recommendations.

- *Publicity.* We will issue a press release at every stage of an electoral review to local press and media to encourage engagement in the process by local people. We will also ask the council to publicise the review. We will produce posters at each stage to be displayed in council offices, libraries and by local organisations and we will ensure that we produce hard copies of all our reports and maps for display in council buildings and libraries for those who do not have internet access. Follow us on Twitter @LGBCE.
- *Community groups.* At the start of a review, we will ask your local authority for information and contact details for local community groups and organisations that might be interested in the review and who might also wish to contribute to it. We will write to all those groups with information about the review at each stage and invite evidence from them. We will also ensure that we make contact with local organisations that represent minority groups that might otherwise have been excluded from the consultation process. We will provide translations and accessible versions of our material on request.

Making effective representations

Council Size

When you put forward a council size, we will assess your number (or range of numbers) against your 15 'nearest neighbour' authorities as set out by CIPFA. Refer to Appendix 4 to see how your authority compares to its 'nearest neighbours'.

If your proposal means that your council size would be well above or below the average of your statistical neighbours, you need to ensure your case for that council size is particularly strong. In some cases, your current council size could put you outside the range of your neighbours, so we would need a strong case to retain the status quo.

If you want to make sure your case on council size is as strong as possible, you should:

- Make sure you address your governance arrangements, scrutiny functions and the representational role of councillors.
- Support your case with evidence e.g. of councillor workload, volume of decisions and councillor representation in the community.
- Ensure that you have taken into account future trends and that the council size you suggest will still be right in future years.
- Find out more about council size in our technical guidance:
<https://www.lgbce.org.uk/how-reviews-work/technical-guidance>

Boundaries

A persuasive representation regarding the warding arrangements for an authority will usually;

- *Be submitted at the right time.* If you have a view on division boundaries, don't just wait until we have published draft recommendations. Make a submission during the Stage One consultation to ensure we can build in your proposal at the earliest possible stage.
- *Take account of our statutory criteria.* The Commission will judge all submissions, and make recommendations, based on those criteria.
- *Consider the consequences of the proposal across the wider area.* Most proposals will have a knock-on effect elsewhere in the borough.
- *Be based on evidence.* Tell us why your view should be accepted and how your suggestion meets the criteria.
- *Suggest an alternative.* If you are objecting to a proposal, tell us where we should draw the boundaries.

Finally, the Commission welcomes submissions that support its recommendations as much as those that propose alternatives. It is very likely that people who oppose our draft recommendations will get in touch with the Commission to put forward their alternative proposals. So, if you support our recommendations, you should make sure you tell us so that we can balance the evidence.

Recent Reviews

The Commission's rolling programme of reviews means that many other local authorities have been through the process in recent years. You may find their experiences useful for a number of reasons:

- Read their council size submissions to find out what arguments they put to the Commission and the evidence they provided.
- Find out how councils put their ward patterns together and which proposals the Commission found persuasive.
- Look at the submissions we received from groups and individuals during consultation.

Our website includes dedicated web pages for all previous electoral reviews and you can read all the evidence we received as well as our draft and final recommendations reports. Specific examples of some recently completed reviews can be found at Appendix 5.

Contacts

The key contacts for this electoral review of Guildford Council are:

Review Officer	Sonia Sekhon
Email	sonia.sekhon@lgbce.org.uk
Telephone	0330 500 1280
Review Manager	Richard Buck
Email	richard.buck@lgbce.org.uk
Telephone	0330 500 1271

If you want to send in a submission on the review:

Address	Review Officer (Guildford) LGBCE c/o Cleardata Innovation House Coniston Court Riverside Business Park Blyth NE24 4RP
Email	reviews@lgbce.org.uk
Consultation Portal	consultation.lgbce.org.uk

Switchboard: 0330 500 1525

Website: www.lgbce.org.uk

Facebook: www.facebook.com/LGBCE

Twitter: @LGBCE

Appendix 1: Electoral Data Summary

Electoral Variance by Ward

Ward Name	No. Councillors	Electorate*	Variance*
Ash South & Tongham	3	6384	0
Ash Vale	2	4368	3
Ash Wharf	2	4653	10
Burpham	2	4290	1
Christchurch	2	4351	3
Clandon & Horsley	3	6980	10
Effingham	1	2075	-2
Friary & St Nicolas	3	6729	6
Holy Trinity	3	6088	-4
Lovelace	1	1914	-10
Merrow	3	6077	-5
Normandy	1	2490	17
Onslow	3	5524	-13
Pilgrims	1	2000	-6
Pirbright	1	1958	-8
Send	2	3393	-20
Shalford	2	4197	1
Stoke	2	4527	7
Stoughton	3	6904	9
Tilingbourne	2	4446	5
Westborough	3	6140	-4
Worplesdon	3	6323	-1

*Data based on December 2019 electoral registers.

Data Summary

No. Cllrs	No. Electors	Cllr: Elector Ratio
48	101,811	2,121

	No. Wards
One-Councillor Wards	5
Two-Councillor Wards	8
Three-Councillor Wards	9
Total No. Wards	22

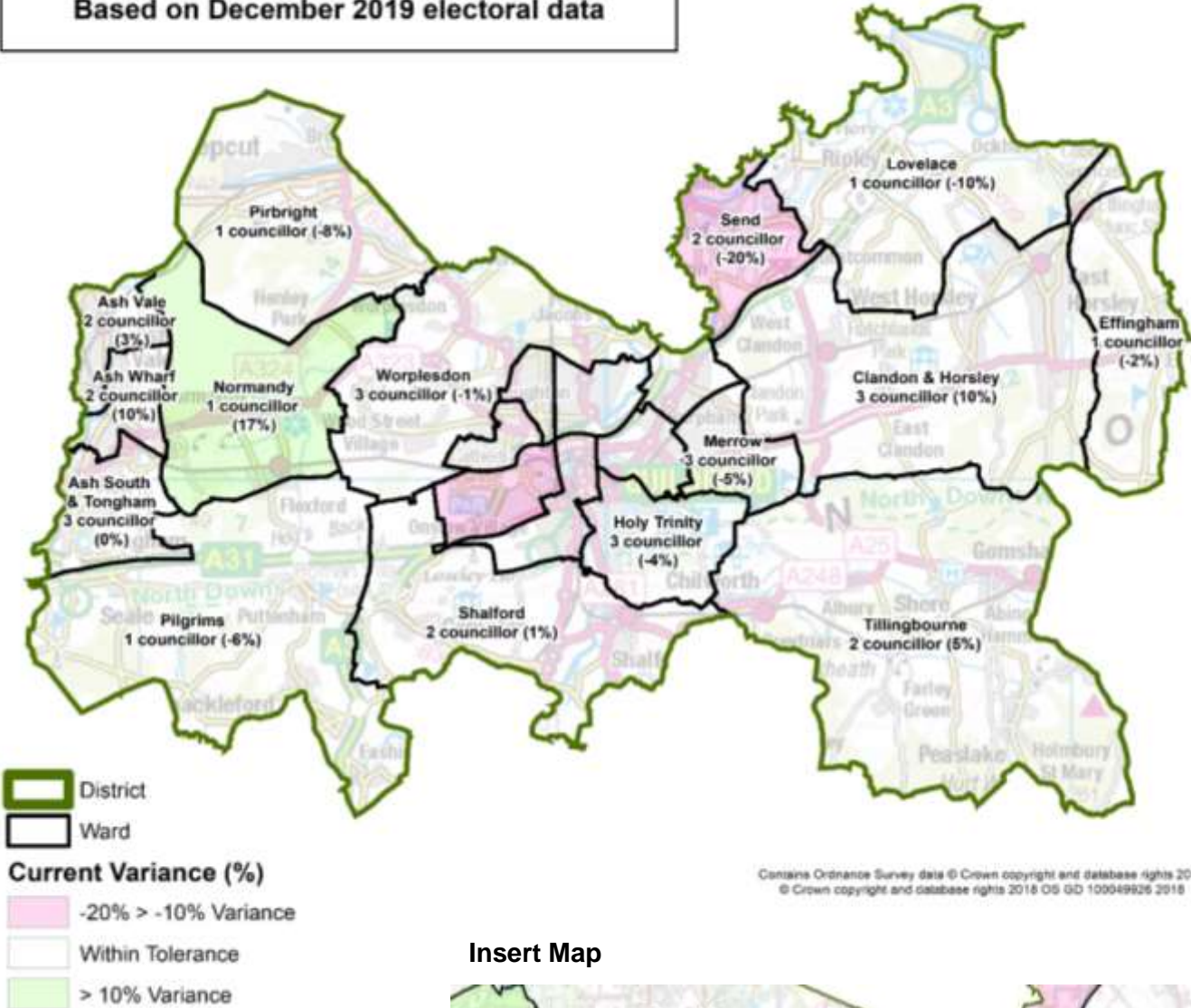
Electoral Imbalance	No. Wards	% Wards
>10%	3	14%
>20%	0	0%
>30%	0	0%

Agenda item number: 11
Appendix 1

Outliers	Positive	Negative
Normandy	17%	
Onslow		-13%
Pirbright		-20%

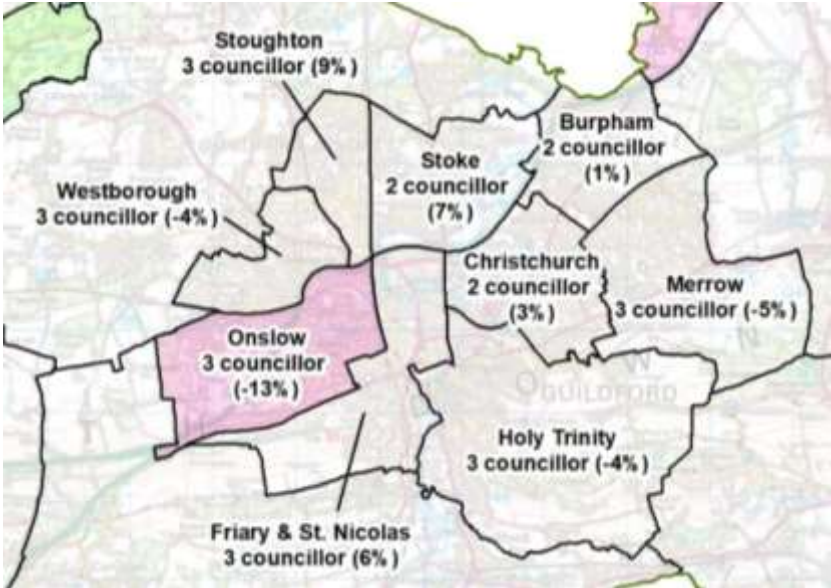
Appendix 2: Map of Electoral Variances

Guildford Council: Existing wards by variance
Based on December 2019 electoral data



Contains Ordnance Survey data © Crown copyright and database rights 2018
© Crown copyright and database rights 2018 OS GD 100049926 2018

Insert Map



Appendix 3: Electoral Review Timetable

Preliminary Period

Briefings	Attendees		Key Dates
	Council	LGBCE	
Initial Meeting	Council Leader Chief Executive	Chair Chief Executive	6 July 2020
Officer Briefing	Council Officers involved in review	Review Manager Review Officer	13 October 2020
Group Leader Briefing	Council Group Leaders	Lead Commissioner Review Manager Review Officer	
Full Council Briefing	All Councillors	Lead Commissioner Review Manager Review Officer	
Parish/Town Council & Local Groups Briefing	Not required	Review Manager Review Officer	TBC

Council Size

Activity	Involvement		Key Dates
	Council	LGBCE	
Develop council size proposal	Council Political Groups	Officers will be available to answer any technical queries on making a submission.	Now until December 2020
Submission of council size proposals	Council Political Groups	Officers will acknowledge receipt of submissions.	8 December 2020
Commission Meeting: Council Size	Not required	Commission	19 January 2021

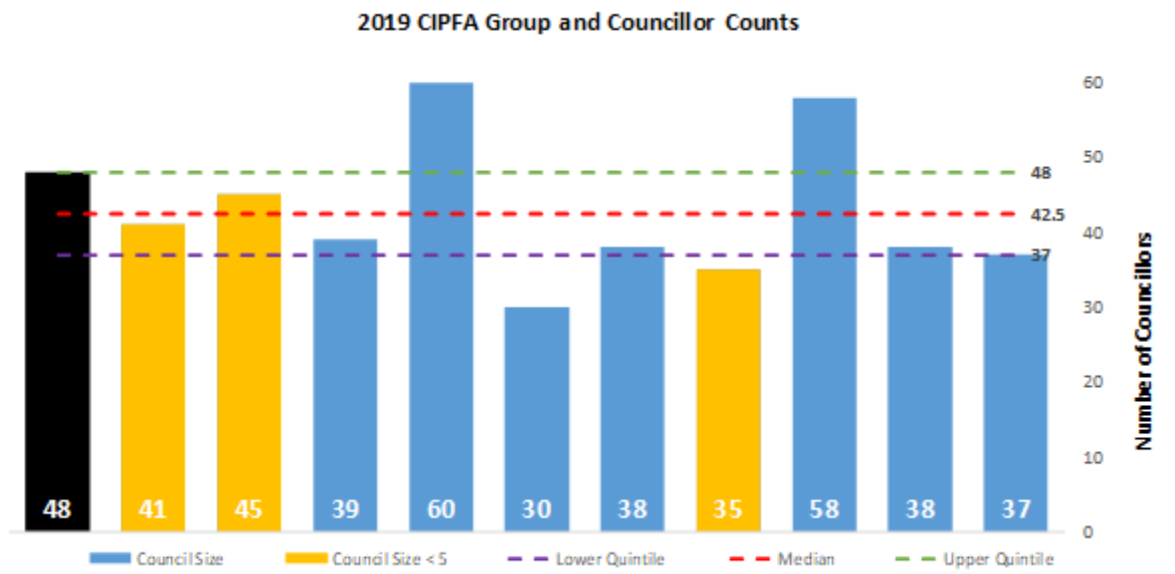
Warding Patterns

Activity	Involvement		Key Dates
	Council	LGBCE	
Consultation on warding patterns	Council Political Groups General Public	Run consultation, collate & analyse responses.	26 January 2021 to 5 April 2021
Commission Meeting: Draft Recommendations	Not required	Commission	15 June 2021
Consultation on Draft Recommendations	Council Political Groups General Public	Publish draft recommendations. Run consultation, collate & analyse responses.	29 June 2021 to 6 September 2021
Commission Meeting: Final Recommendations	Not required	Commission	15 November 2021

Order

Activity	Involvement		Key Dates
	Council	LGBCE	
Order laid	Not required	Commission	Early 2022
Order made	Not required	Commission	Spring 2022
Implementation	Council	Not required	2023

Appendix 4: Council Size Expected Range



Appendix 5: Recently Completed Reviews

Babergh Borough Council: <http://www.lgbce.org.uk/all-reviews/eastern/suffolk/babergh>

Carlisle City Council: <http://www.lgbce.org.uk/all-reviews/north-west/cumbria/carlisle>

Crawley Borough Council: <http://www.lgbce.org.uk/all-reviews/south-east/west-sussex/crawley>

Dorset Council <http://www.lgbce.org.uk/all-reviews/south-west/dorset/dorset>

East Hampshire District Council: <http://www.lgbce.org.uk/all-reviews/south-east/hampshire/east-hampshire>

Forest of Dean District Council: <http://www.lgbce.org.uk/all-reviews/south-west/gloucestershire/forest-of-dean>

King's Lynn and West Norfolk District Council: <http://www.lgbce.org.uk/all-reviews/eastern/norfolk/kings-lynn-and-west-norfolk>

Mid Suffolk District Council: <http://www.lgbce.org.uk/all-reviews/eastern/suffolk/mid-suffolk>

North Norfolk District Council: <http://www.lgbce.org.uk/all-reviews/eastern/norfolk/north-norfolk>

Norwich City Council: <http://www.lgbce.org.uk/all-reviews/eastern/norfolk/norwich>

Reigate & Banstead Borough Council: <http://www.lgbce.org.uk/all-reviews/south-east/surrey/reigate-and-banstead>

Richmondshire District Council: <http://www.lgbce.org.uk/all-reviews/yorkshire-and-the-humber/north-yorkshire/richmondshire>

Scarborough Borough Council: <http://www.lgbce.org.uk/all-reviews/yorkshire-and-the-humber/north-yorkshire/scarborough>

Somerset West & Taunton Council: <http://www.lgbce.org.uk/all-reviews/south-west/somerset/somerset-west-and-taunton>

Test Valley Borough Council: <http://www.lgbce.org.uk/all-reviews/south-east/hampshire/test-valley>

West Suffolk Council: <http://www.lgbce.org.uk/all-reviews/eastern/suffolk/west-suffolk>

The Royal Borough of Windsor & Maidenhead Council: <http://www.lgbce.org.uk/all-reviews/south-east/berkshire/windsor-and-maidenhead>

Appendix 6: Frequently Asked Questions

What characterises a good electoral review?

The best electoral reviews are those where the council and councillors have engaged with the process at an early stage.

On council size, authorities that have thought seriously about how they want to manage the business of the council and represent local people for the long term, usually put forward strong submissions.

Where local authorities and/or members have put together a ward pattern that meets our statutory criteria and where the proposals are supported by evidence, we tend to be able to draw up recommendations that are largely built on consensus.

Councils that have been able to gain input from local groups and individuals on their proposals usually put forward a strong submission especially where it is supported by evidence.

What don't you consider in an electoral review?

Polling districts, school catchment areas, addresses and postcodes are not matters the Commission will take into account when drawing new ward boundaries. Although some existing wards may have strong boundaries and reflect local communities, we start with a clean sheet of paper when drawing up recommendations.

We take no account of parliamentary constituency boundaries (see below for more details).

Similarly, we do not take into account possible political implications of our recommendations.

Why can't you consider boundaries at the same time as the number of councillors?

The Commission will make a judgment on council size before we consider ward boundaries. This means that everybody who wishes to take part in the consultation will know the optimum number of electors per councillor which we need to achieve to deliver electoral equality in our pattern of wards. If you do not know the total number of councillors who will be elected to the council, it makes it very difficult to come up with a proposal for a ward pattern that will deliver this crucial statutory criterion.

On some occasions, the Commission will alter its view on council size in its draft or final recommendations by one councillor if that number provides for a scheme of wards which better reflects our statutory criteria.

How much will the review cost?

The Commission does not charge local authorities to undertake an electoral review and our funding is agreed by the Speaker's Committee in the House of Commons.

Every review is different, and some are more resource intensive than others. For example, a county will require more resources than a small district in terms of the quantity of maps, time spent drawing up recommendations and consultation materials.

Like most other public-sector organisations, the Commission is under an obligation to reduce costs. Since 2010, the Commission has reduced its budget by around 30% in real terms and will make further savings in the coming years.

My ward has the right number of electors already. Will it change?

Changes to wards are usually extensive in every review we conduct. For example, if we propose to change council size in a significant way, it is unlikely that your ward will then contain the optimum councillor: elector ratio. In addition, the knock-on effects of changing boundaries in one part of the local authority can have an impact elsewhere which usually leads to substantial changes.

If you wish to retain an existing boundary, you should tell us why such an arrangement complements the statutory criteria.

Will you look at the external boundaries of the council?

No. The electoral review will only consider internal ward boundaries. External boundaries can only be changed through a different type of review called a Principal Area Boundary Review (PABR).

More details on PABRs can be found on our website at:
<https://www.lgbce.org.uk/how-reviews-work/technical-guidance>

Will parliamentary constituency boundaries be affected?

Reviews of constituency boundaries are the responsibility of the Boundary Commission for England which is a separate body and operates under different legislation. You can find out more about their work on their website at:
boundarycommissionforengland.independent.gov.uk/.

The Commission has no obligation to consider constituency boundaries as we draw up recommendations. As such, there is a possibility that new wards could cross constituency boundaries.

Will parishes be affected?

We have no powers to alter the external boundaries of local parishes. However, if our recommendations propose to divide parishes between wards, we will alter the electoral arrangements of that parish to create parish wards. We can also make changes to the years in which parish council elections take place so that they do so in the same years as borough elections in their associated wards.

More information about possible implications for parishes are set out in our technical guidance: <https://www.lgbce.org.uk/how-reviews-work/technical-guidance>

Can the council veto your recommendations?

No. We will work consultatively with you throughout the review and seek to build consensus. However, the final recommendations of the review are those of the Commission. After we publish our final recommendations, we will lay a draft order – the legal document that seeks to implement the recommendations – in both Houses of Parliament. It is up to Parliament to approve or reject that draft order before it is implemented.

Will you hold public meetings and/or meet with political groups during the process?

We will always brief a meeting of the full council in the early stages of the review. We will also offer a briefing meeting with local parishes and/or residents groups.

During the rest of the review, we will not usually offer to meet any groups or individuals. We try to ensure that everyone has an equal chance of influencing the Commission during consultation and, as such, we do not want to be seen to favour any group by holding meetings with them to which other interested parties do not have access.

Why don't you consider the population of wards and not just the electorate?

The Commission has a statutory obligation under the Local Democracy, Economic Development and Construction Act 2009 'to secure that the ratio of the number of local government electors to the number of members of the council to be elected is, as nearly as possible, the same in every electoral area of the council'. This means that we can only consider the number of local government electors when we draw up boundaries which will deliver electoral equality.

In what forms do you accept submissions?

The Commission only accepts submissions which are made in writing by hard copy, email or through our website. The Commission takes decisions collectively and will consider every submission received before coming to a conclusion.

You can also use our consultation portal to draw your own boundaries and submit them directly to the Commission. You are strongly advised to include an explanation of why the boundaries you are putting forward are appropriate and complement our statutory criteria.

Submissions to the Commission are rarely persuasive if they are not supported by an explanation of how the proposal meets the Commission's statutory criteria. As such, petitions which simply object to a proposal do not usually constitute strong evidence on which the Commission can base alternative recommendations. In the same way, resolutions of council which do not provide for alternative arrangements that are supported by a rationale will not normally prove to be persuasive.

To what extent do you change your recommendations during the process and as a result of consultation?

Since the establishment of the Commission as a stand-alone body in April 2010, the Commission has made amendments to its draft recommendations in most cases as

a result of submission received during consultation. We consider every submission and believe the electoral review process is strongest where local authorities have engaged in it.

How will you involve local people in the review?

We will engage with local press and media at every stage of consultation through press releases and social media. We also publish all relevant information on our website, including every submission we receive. Our online consultation portal allows users of the site to draw their own boundaries and engage in the process in a detailed way.

If your area has parishes, we will engage directly with them through a briefing meeting and via correspondence to alert them to each phase of consultation. Similarly, we have asked the council for their help in identifying local resident's groups and organisations, so we can write to them with advice and guidance on the review.

We have also asked the council to help us publicise the review by using its own communication channels with residents and local groups and we will provide posters to display in council buildings. We hope elected members can also use their networks to engage communities in the process.

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Local Government Boundary Commission for England

Council Size Submission

Guildford Borough Council

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How to Make a Submission

1. It is recommended that submissions on council size follow the format provided below. Submissions should focus on the future needs of the council and not simply describe the current arrangements. Submissions should also demonstrate that alternative council sizes have been considered in drawing up the proposal and why you have discounted them.
2. The template allows respondents to enter comments directly under each heading. It is not recommended that responses be unduly long; as a guide, it is anticipated that a 15 to 20-page document using this template should suffice. Individual section length may vary depending on the issues to be explained. Where internal documents are referred to URLs should be provided, rather than the document itself. It is also recommended that a table is included that highlights the key paragraphs for the Commission's attention.

About You

3. The respondent should use this space to provide the Commission with a little detail about who is making the submission, whether it is the full Council, Officers on behalf of the Council, a political party or group, or an individual.

The full Council approved this submission at its meeting held on 8 December 2020.

Reason for Review (Request Reviews Only)

Please explain the authority's reasons for requesting this electoral review; it is useful for the Commission to have context. *NB/ If the Commission has identified the authority for review under one of its published criteria, then you are not required to answer this question.*

N/A

Local Authority Profile

5. Please provide a short description of the authority and its setting. This should set the scene for the Commission and give it a greater understanding of any current issues. The description may cover all, or some of the following:
 - Brief outline of area - are there any notable geographic constraints for example that may affect the review?
 - Rural or urban - what are the characteristics of the authority?
 - Demographic pressures - such as distinctive age profiles, migrant or transient populations, is there any large growth anticipated?
 - Are there any other constraints, challenges, issues or changes ahead?

The Borough of Guildford was formed in 1974 under the Local Government Act 1972 from the former Guildford Borough Council and the former Guildford Rural District Council. It has borders with five other Surrey Boroughs/Districts and one Hampshire Borough.

Guildford has its origins growing up where the River Wey flows through the North Downs ridge. This constrains development and creates a clear sense of separation between the town and outlying settlements, protecting the highly valued environment that is a distinctive part of the borough's character. The western border of the borough lies within the Blackwater Valley.

Situated in the south west of the county, Guildford is the county town of Surrey and the urban areas of Ash and Tongham in the west of the borough are home to many of our residents, with further communities in village settlements across the borough. We are within commuting distance from London and about 70 kilometres from the south coast.

Guildford is Surrey's second largest borough in the county in terms of area, covering approximately 269 square kilometres.

We are also the second most populated borough, with 151,300 residents (with a population density of 5.6 people per hectare) and an electorate of 105,000. The population is steadily growing and is predicted to reach 161,000 by 2031, and 167,000 by 2034. The population has increased by 25% since the last review in 1998. The borough's Black, Asian and Minority Ethnic population is currently 14% overall (9% in 2011).

The borough has 24 parished areas, of which 23 have a parish council. The Guildford town area is unparished.

There are 56,064 households in the Borough. This is an increase in households of 3.9% since 2011. The average household size is 2.7 people (2.43 in 2011).

Guildford is a busy town with a wide influence on its surrounding area. The M25, A3, A31 and A331 are the principal routes that connect Guildford to the rest of the Strategic Road Network. The A3 trunk road cuts through the borough and provides a direct link to London and the south coast.

The borough benefits from twelve rail stations, including Guildford railway station, the busiest in the county, which provides access to, and interchange between, four lines. These rail lines fan out to serve our other stations and destinations beyond including London Waterloo, Woking, Reading, Redhill and Gatwick Airport.

The south of the borough lies within the Surrey Hills Area of Outstanding Natural Beauty and surrounding land is designated as Areas of Great Landscape Value. There are Special Protection Areas (SPA) (particularly surrounding Ash), Special Areas of Conservation (SAC), Sites of Special Scientific Interest (SSSI), Regionally Important Geological Sites (RIGS), local Sites of Nature Conservation Importance and nature reserves across our borough. Approximately 89% of the borough is currently located within the Metropolitan Green Belt which, taking account of anticipated development envisaged in the Local Plan, is expected to reduce to 83.5%.

Our borough has a particularly rich and varied architectural heritage with 1,200 listed buildings and 38 conservation areas. It contains 151 designated Areas of High Archaeological Potential, 37 County Sites of Archaeological Importance, 35 scheduled monuments and 10 registered parks/gardens. The borough is also home to a series of great historic country houses set within designed landscape and parklands.

Guildford is known for its historic buildings and landscapes, cultural associations and the picturesque town centre. Guildford Cathedral, the University of Surrey, the Hog's Back and Surrey Hills are dominant landmarks of our borough. We are one of the safest parts of Surrey and part of one of the safest counties in England.

Guildford town centre is a principal regional shopping centre, with a vibrant night-time economy.

Our residents are largely healthy and enjoy well above average life expectancy. The electorate is generally well educated, articulate, highly skilled, and well paid.

House prices are high, sustained by high demand, and are considerably above the national average (average house prices are currently £231,205 across England and Wales, £439,509 in Surrey and £445,524 in Guildford). This in turn has led to a vibrant private rented sector that provides housing for those who cannot afford to access the private sale market. There is an ongoing shortage of affordable housing, particularly for first time buyers, which in turn contributes to skill shortages in the borough. The total Guildford Borough Council housing stock is 5,210 units, with 65 new units having been added since the Housing Strategy was adopted in 2015 and planning permission for a further 103 units.

The Index of Multiple Deprivation 2015 provides a measure of deprivation based on factors such as income, employment, health, education, housing and crime. The Index ranks our borough amongst the least deprived 10 per cent of boroughs in England. Despite the borough's relative affluence, pockets of deprivation exist.

The local economy is one of the most competitive in the UK with a total gross value added (GVA) of over £5 billion and the number of jobs continues to grow in line with our role as a regional administrative and commercial centre. A growing cluster of high-tech industries, at the cutting-edge of innovation, continues to create new employment opportunities.

Our rural economy accounts for 25% of all jobs and, with the improved coverage of superfast broadband, this is likely to increase. However, we do have skill shortages in some sectors and many people are unable to afford homes close to their workplace.

The borough attracts around three million visitors each year, generating an estimated £330 million in tourism income for local businesses and directly supporting around 4,500 jobs. It has an active and diverse cultural scene with established venues and organisations sitting alongside a growing fringe and festival programme.

We are fortunate that the level of unemployment in Guildford is low. Approximately 3.4% of working age adults in the borough are unemployed compared to 4.8% of working age adults nationally. However, we do have a skills shortage in some sectors and many workers are unable to afford homes close to work. This creates additional pressure to make sure that adequate provision is made for housing.

The Context for your proposal

Your submission gives you the opportunity to examine how you wish to organise and run the council for the next 15 years. The Commission expects you to challenge your current arrangements and determine the most appropriate arrangements going forward. In providing context for your submission below, please demonstrate that you have considered the following issues.

- When did your Council last change/reorganise its internal governance arrangements and what impact on effectiveness did that activity have?
- To what extent has transference of strategic and/or service functions impacted on the effectiveness of service delivery and the ability of the Council to focus on its remaining functions?
- Have any governance or capacity issues been raised by any Inspectorate or similar?
- What impact on the Council's effectiveness will your council size proposal have?

This submission sets out the Council's proposal to seek a small reduction in the number of Borough Councillors from 48 to 44, representing a reduction of nearly 10%. In reaching this conclusion, the Council has taken into account a number of factors:

- the Strong Leader and Executive arrangements introduced since the last review
- the Scheme of Delegation of Functions to Officers extended since the last review;
- changes in the Council's functions, and the manner by which it delivers its services since the last review;
- the technological advancements in communications and the changing way in which residents access information and services;
- increasing population of the borough and concomitant increase in electorate; and
- the financial position of the Council, and the country as a whole, particularly in the context of the coronavirus pandemic

At member level, the Council has been operating executive arrangements (leader and cabinet model) since 2001 and, following the Local Government and Public Involvement in Health Act 2007, adopted the so-called 'strong' leader and cabinet (England) model. Although there has been no express desire to move away from these arrangements, the Council decided in 2014 *to review all available decision-making models and to make recommendations to scrutiny, Executive and full Council on improvements to the governance arrangements.*

This review took place in 2015, which resulted in the establishment of a hybrid model of executive arrangements comprising a single Overview and Scrutiny Committee, together with two new Executive Advisory Boards (EABs) to advise and make recommendations to the Leader and Executive. The EABs' respective remits were based on the fundamental themes of the then Corporate Plan, providing an opportunity for non-Executive councillors to have a greater input in decision making and shaping, at a very early stage, key projects and policies most closely aligned to the Council's strategic priorities. In many respects, the EABs effectively perform pre-decision challenge and scrutiny of the issues prior to consideration of those issues by the Executive.

The Overview and Scrutiny Committee is responsible primarily for post decision review of Executive decisions and wider external scrutiny, including the commissioning of task and finish groups. The review envisaged the Committee seeking to increase public engagement on matters of public concern through its topic selection and mode of working.

The revised governance arrangements were introduced in January 2016.

In May 2016, the Council received a valid petition for a referendum as to whether the Council should be run in a different way by a directly elected mayor. The referendum was held in October 2016. Voters rejected the proposal by 4:1 on a turnout of just under 25%.

The Council has very recently reviewed the operation of the EABs and has agreed to retain the two EABs whose remits have been realigned to the current directorate arrangements that have been put in place as a result of the Future Guildford transformation programme (see below). Executive portfolios have also been aligned so that there is a clearer link with the directorates.

At officer level, the Managing Director instigated a fundamental transformation programme in 2018 ("Future Guildford"), which is the most far-reaching and comprehensive approach to reorganisation that this Council has seen, involving changes to systems, structures, services, culture, and head count.

The phased (two-year) programme seeks to:

- Improve our services and customer care
- Future proof our organisation
- Modernise our services and systems
- Make us more efficient
- Deliver savings and address our financial challenges
- Create an environment where there are better development opportunities for staff
- Develop our culture into one that collectively adapts and changes to address the various challenges and issues facing us

Have any governance or capacity issues been raised by any Inspectorate or similar?

No

What impact on the Council’s effectiveness will your council size proposal have?

The Council, as an organisation, has recognised that it cannot be complacent and must constantly strive for improvement in how it operates at all levels, including at officer and member level. The Council acknowledges the importance of training and development for both officers and councillors. The Council is accredited under the South East Employers Charter for Member Development. A cross-party steering group of councillors oversees the training and development of councillors.

There has been, and still is, a perception that the executive arrangements adopted, leave backbench councillors disaffected and disengaged with the decision-making process. That feeling led to the governance review described above. However, it is clear that the levels of disaffection and disengagement would not be so acute if there were fewer councillors overall.

Council Size

6. The Commission believes that councillors have three broad aspects to their role. These are categorised as: Strategic Leadership, Accountability (Scrutiny, Regulation and Partnerships), and Community Leadership. Submissions should address each of these in turn and provide supporting evidence. Prompts in the boxes below should help shape responses.

Strategic Leadership

7. Respondents should provide the Commission with details as to how elected members will provide strategic leadership for the authority. Responses should also indicate how many members will be required for this role and why this is justified.

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Topic	
Governance Model	<div style="background-color: #e0e0e0; padding: 5px;"><i>Key lines of explanation</i></div> <ul style="list-style-type: none"> ➤ <i>What governance model will your authority operate? e.g. Committee System, Executive or other?</i> ➤ <i>The Cabinet model, for example, usually requires 6 to 10 members. How many members will you require?</i> ➤ <i>If the authority runs a Committee system, we want to understand why the number and size of the committees you propose represents the most appropriate for the authority.</i> ➤ <i>By what process does the council aim to formulate strategic and operational policies? How will members in executive, executive support and/or scrutiny positions be involved? What particular demands will this make of them?</i> ➤ <i>Whichever governance model you currently operate, a simple assertion that you want to keep the current structure does not in itself, provide an explanation of why that structure best meets the needs of the council and your communities.</i>

Analysis

Guildford Borough Council operates under the 'Strong Leader' and Cabinet (England) model in line with the provisions of the Local Government Act 2000 and the Local Government and Public Involvement in Health Act 2007. In common with all councils operating executive arrangements, the Leader, Deputy Leader and Executive members, are the busiest councillor roles within the Council's governance structure.

The Leader is elected for up to a four-year term of office at the first Selection Council meeting following the four yearly borough elections. Under the strong leader arrangements, the Leader of the Council determines the membership and portfolios of the Executive, and normally holds their own portfolio of responsibilities.

This model of governance is expected to continue.

Following the Borough Council elections in 2019, the Council moved politically from Conservative control to no overall control. The political balance on the Council is currently:

Guildford Liberal Democrat Group: 17
 Residents for Guildford and Villages Group: 16
 Conservative Group: 4
 Conservative Independent Group: 4
 Guildford Greenbelt Group: 3
 Labour Group: 2
 Independent: 1
 Vacancy: 1

Up until September 2020, the Leader was a Liberal Democrat member. On 6 October, the Council elected a new Leader (a member from the Residents for Guildford and Villages group).

The Council's approach to formulating strategic and operational policies has traditionally been consultative and collaborative. In general terms, councillors determine strategic policy and officers develop the operational policies that will deliver those strategic outcomes.

Following the Borough Council elections in May 2019, the new Executive gave an indication of their future strategic priorities for the Council. From the ideas and proposals submitted and following further discussions with councillors, a list of draft priorities was developed across the four following strategic themes:

		<p>Climate Change and Environment Housing and Community Economy and Regeneration Improved Council</p> <p>The themes and draft priorities formed the basis of discussions at a workshop for all councillors held in November 2019. The workshop focussed on defining the outcomes and impacts that the Council would most wish to deliver.</p> <p>In January 2020, the views of a joint meeting of the EABs were sought in respect of the proposed new draft corporate priorities and the outline timetable for developing a new corporate plan in order to support the Council with the development of new corporate priorities and a corporate plan to provide the strategic framework for managing its business and resources effectively. The Executive considered those views and made an appropriate change to one of the draft priorities as a result and agreed a process and timetable for the production of a new corporate plan involving a councillor working group to oversee the process, which included public consultation and stakeholder engagement. However, the Covid pandemic has prevented us from moving this process forward.</p> <p>The governance review of 2015 referred to above explored <i>all available decision-making models</i>. The Council was not convinced by the case for formal governance change away from the leader and cabinet model. The Council supported a mixed-model or hybrid approach that essentially combined the leader and cabinet system with two EABs and a streamlined overview and scrutiny function. The advantages of a mixed-model approach included achieving desired outcomes through a relatively quick route that also retained flexibility to introduce further change if and when needed (and left open the option of a formal change if desired).</p>
<p>Portfolios</p>	<p><i>Key lines of explanation</i></p>	<ul style="list-style-type: none"> ➤ <i>How many portfolios will there be?</i> ➤ <i>What will the role of a portfolio holder be?</i> ➤ <i>Will this be a full-time position?</i> ➤ <i>Will decisions be delegated to portfolio holders? Or will the executive/mayor take decisions?</i>
	<p>Analysis</p>	<p>Since 2001, the size of the Executive at Guildford has fluctuated irregularly from between eight and ten members. The Executive currently comprises a total of eight lead councillors (including the Leader and Deputy Leader), four each from the two largest groups.</p> <p>Their portfolio titles and areas of responsibility are as follows:</p>

Councillor	Areas of Responsibility
Leader of the Council and Lead Councillor for Service Delivery	Customer Service, Governance including corporate Health and Safety, Future Guildford, Human Resources, Partnerships, Web Services.
Deputy Leader of the Council and Lead Councillor for Housing and Development Control	Housing, Homelessness, housing standards (HMOs, private rented sector), Development Control and Enforcement, Public Relations and Communications
Lead Councillor for Resources	Finance, Commercial Asset Management, Procurement
Lead Councillor for Climate Change	Innovation, Strategic Planning, Sustainable Transport, Housing Delivery
Lead Councillor for Community	Health, Wellbeing, Access and Disability, Safety, grants and voluntary services, Careline, Handyperson, Care and Repair
Lead Councillor for Economy	Economic Development, Social Enterprise, Rural Economy, Heritage and Community Assets
Lead Councillor for Regeneration	Town Centre MasterPlan, Infrastructure, Major Projects, Strategic Asset Management
Lead Councillor for Environment	Waste, Licensing (including Health and Safety regulation), Parking, Parks and Leisure, Arts and Tourism, Bereavement, Environmental Health and Protection.

The Lead Councillor's role is not considered to be full time. However, it is necessary for all Lead Councillors to make a substantial time commitment to properly carry out their roles. Lead Councillors have established panels and working groups to progress key issues/projects, which include non-Executive councillors. There are currently 15 working groups. During the last review of councillors' allowances (2019), we surveyed all councillors on various matters including an approximate indication of the number of hours they spent each month on their various duties as a councillor. On average, Executive members spent 88 hours per month on their duties.

The Executive meets formally on a monthly basis, with each meeting preceded by an informal Liaison meeting with the Corporate Management Team for the purpose of briefing the Executive on forthcoming business and matters of a strategic nature. Lead Councillors also hold monthly meetings/briefings with relevant directors and service leaders

In addition to the formal Executive meetings, the Lead Councillors are expected to represent the Council on bodies outside of the Council. As senior representatives of the Council, Lead Councillors are called upon to participate in partnership and regional bodies, as well as certain voluntary organisations. The demands made by these bodies vary but are nevertheless a significant call upon the time of Lead Councillors.

		<p>Importantly, Lead Councillors are expected to attend meetings of EABs whenever matters coming within the areas of portfolio responsibility are being discussed and at most Overview and Scrutiny Committee meetings a Lead Councillor attends to answer questions on any matters within their portfolio.</p> <p>Most executive decisions taken by councillors are dealt with collectively by the Executive. However, there is a small number of powers delegated to individual Lead Councillors, as set out in Part 3 of the Council's Constitution.</p> <p>The Executive has established the Executive Shareholder and Trustee Committee specifically to discharge the shareholder and trustee functions of the Council. The Committee generally meets on an ad hoc basis, but at least once annually to receive an annual report and annual accounts from the Council's Companies (Guildford Borough Council Holdings Ltd and North Downs Housing Ltd) and a number of Charities. The Committee comprises five Executive councillors including the Leader, who is the chairman.</p> <p>In 2016, the Council established and wholly owns the holding company which, in turn, owns North Downs Housing Ltd (see page 24 below for details of NDH's objectives). The board of the housing company currently includes two councillors and the board of the holding company includes one councillor. Both boards meet approximately 5-6 times each year.</p> <p>What does this mean for future Council size? The Council will continue to operate a Leader and Cabinet model, with up to ten Councillors forming the Executive. The Leader and Executive Portfolio Holder roles are substantial and require the Councillors to contribute significant time and effort. These roles need to be factored into the future size of the Council.</p>
<p>Delegated Responsibilities</p>	<p><i>Key lines of explanation</i></p>	<ul style="list-style-type: none"> ➤ <i>What responsibilities will be delegated to officers or committees?</i> ➤ <i>How many councillors will be involved in taking major decisions?</i>
	<p>Analysis</p>	<p>The functions and responsibilities of the full Council, Executive, the Council's committees, and officers are set out in Part 3 of the <u>Council's Constitution</u>:</p> <p>The scheme of delegation to officers is a mix of both executive and non-executive powers. All matters outside of the remit of officer delegations are determined collectively by the Executive (or by lead councillors in a very small number of cases) in respect of all executive functions; and by full Council, or certain committees and sub-committees in respect of non-executive functions. In addition, a limited number of executive and non-executive functions are</p>

delegated to the Guildford Joint Committee, which comprises ten borough councillors, and the ten county councillors representing the ten county divisions in the borough.

Up to 10 Executive councillors may be involved in taking major (key) decisions. Major decisions involving the budget and policy framework are reserved to full Council. The number of councillors on each of the committees and the number of meetings each year are currently as follows:

Committee	No. of Councillors	No. of Meetings p.a.
Service Delivery EAB:	12	6
Strategy and Resources EAB:	12	6
Overview & Scrutiny Committee:	12	7
Corporate Governance & Standards:	7	6
Licensing Committee:	15	6
Planning Committee:	15	13
Employment Committee:	3	Ad hoc (average: 4)

There are 86 committee seats in total (excluding the Executive but including the Joint Committee), which currently averages at 1.8 seats per councillor. However, at any given time, the range of committee memberships per councillor can range from 0 to 4 dependent on individual circumstances. Substitutes are permitted on all committees, except the Executive and the Licensing Committee. We acknowledge that a small reduction in the number of councillors to 44 will mean that the average number of seats on committees per councillor will increase marginally, but manageably to just under two.

All meetings (with the exception of the Employment Committee and the Licensing sub-committees) meet during the evening. However, a significant number of task group/working group meetings and group leaders' meetings are held in the daytime, which means that certain councillor roles require greater flexibility in terms of time commitment.

Accountability

8. Give the Commission details as to how the authority and its decision makers and partners will be held to account. The Commission is interested in both the internal and external dimensions of this role.

Topic	
Internal Scrutiny	The scrutiny function of authorities has changed considerably. Some use theme or task-and-finish groups, for example, and others have a committee system. Scrutiny arrangements may also be affected by the officer support available.
<i>Key lines of explanation</i>	<ul style="list-style-type: none"> ➤ <i>How will decision makers be held to account?</i> ➤ <i>How many committees will be required? And what will their functions be?</i> ➤ <i>How many task and finish groups will there be? And what will their functions be? What time commitment will be involved for members? And how often will meetings take place?</i> ➤ <i>How many members will be required to fulfil these positions?</i> ➤ <i>Explain why you have increased, decreased, or not changed the number of scrutiny committees in the authority.</i> ➤ <i>Explain the reasoning behind the number of members per committee in terms of adding value.</i>
Analysis	<p>The Leader/Executive is responsible for the discharge of the executive functions of the Council, with the remaining councillors responsible for setting the budget and policy framework within which the Leader/Executive must operate, supporting policy development, and scrutinising the performance of the Leader/Executive. All councillors may be involved in non-Executive functions.</p> <p>As mentioned above, we currently have one Overview and Scrutiny (O&S) Committee, comprising 12 non-Executive councillors, which is able to hold decision makers to account by performing its statutory scrutiny role of calling in decisions taken by the Executive for review. The functions of the Committee are set out in Article 8 of the Council's Constitution</p> <p>The establishment of the two EABs following the governance review in 2015 referred to above, also provided a means by which backbench councillors can exert pre-decision scrutiny of matters prior to consideration by the Executive. The functions of the EABs are set out in part 3 of the Council's Constitution.</p>

Appendix 2

The O&S Committee and EABs ensure that their level of activity is manageable through their joint bi-monthly work programme meetings, following which the O&S Committee and EABs approve their respective updated work programmes. The O&S Committee and EABs are able to set up their own task and finish groups, although in the past three years only the O&S Committee has done this, examples of which are:

- Air Quality Monitoring
- Food Poverty
- Implications of Changes to Policing in Surrey
- Older people's services
- On-Street Parking

Any councillor may suggest topics for review by an O&S task and finish group. Dependent on the complexity of the topic selected for review by a task and finish group, each group may need to meet on up to five occasions in order to gather and assimilate sufficient evidence on which to base recommendations in a final report to the Executive/Council, or other decision-maker.

Membership of O&S task groups is determined by the O&S Committee after it has scoped a review. Such groups tend to comprise up to six councillors.

The O&S Committee is chaired by a councillor who is not from the majority political group, or a chairman of any other committee. The volume of work considered by the O&S Committee is expected to remain manageable for the foreseeable future.

The 2015 governance review also acknowledged that the Corporate Governance and Standards Committee undertook, as part of its terms of reference, significant monitoring and reviewing of the Council's corporate governance and audit and accounts activities. The review recognised the importance of this committee to the Council, particularly in the way in which it supported the overview and scrutiny function through ongoing scrutiny of financial matters, including an expanded remit on the treasury management function and budget monitoring.

What does this mean for future Council size?

We anticipate that the Council will continue to operate with one O&S Committee and two EABs for the foreseeable future. Although there is currently a total of 36 seats on the O&S Committee and the two EABs, on the basis that councillors normally expect to be appointed to more than one committee, we believe that provision for up to 20 councillors performing these roles, needs to be factored in to the future size of the Council.

Statutory Function		This includes planning, licencing and any other regulatory responsibilities. Consider under each of the headings the extent to which decisions will be delegated to officers. How many members will be required to fulfil the statutory requirements of the council?																																		
	<i>Key lines of explanation</i>	<ul style="list-style-type: none"> ➤ <i>What proportion of planning applications will be determined by members?</i> ➤ <i>Has this changed in the last few years? And are further changes anticipated?</i> ➤ <i>Will there be area planning committees? Or a single council-wide committee?</i> ➤ <i>Will executive members serve on the planning committees?</i> ➤ <i>What will be the time commitment to the planning committee for members?</i> 																																		
Planning	Analysis	<p>The Council has a single, borough-wide Planning Committee comprising 15 councillors. Prior to May 2017, the membership of the Committee was 23. The functions of the Committee are set out in part 3 of the Council's Constitution. Details of the total number of planning applications received each year since 2016, the number determined in each of those years by the Planning Committee, the percentage of applications determined by the Committee and the average number of applications dealt with at a meeting are set out in the table below:</p>																																		
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		<p>There are no plans to introduce area planning committees.</p>																																		
		<p>Executive councillors have served, currently serve, and we anticipate will continue to serve, as members of the Planning Committee. The number of Executive councillors serving on the Planning Committee has varied from between two and four on the Committee in the past.</p>																																		

Ward councillors, who are not members of the Planning Committee, can speak at meetings on planning applications and, in common with other committees, members of the public are also allowed to address the Committee. There have been no occasions when a meeting has not been quorate.

The Council currently operates a 4-weekly cycle for the Planning Committee in order to meet statutory timescales for determining planning applications. Major applications are required to be determined within 13 weeks and all other applications need to be determined within 8 weeks. The Government closely monitors the speed of decision-making for every Local Authority and is able to place Authorities which fail to make decisions within the statutory timescale into special measures.

The borough's residents, who are generally well-educated and very articulate, have always taken a very keen interest in the work of the Planning Committee, which is by far the committee with the highest levels of public attendance at meetings and webcast views.

Planning is a matter of considerable importance for both councillors and residents. There is often a high degree of sensitivity attached to planning applications and many give rise to distinct and polarised opinion. Planning Committee Members are also aware that an erroneous decision can see substantial costs awarded against the Council and know that litigation is an option open to aggrieved parties. In these circumstances, the Council expects a high level of professionalism from all councillors serving on the Planning Committees, and extensive and thorough training is provided for all members and refreshed regularly. No councillor can sit on the Planning Committee unless they have completed at least the basics training. Membership of the Committee brings with it significant responsibility.

While the Council operates a comprehensive scheme of Officer Delegation in relation to development management, the applications referred to Committee are invariably controversial locally, which means that the work of councillors serving on the Committee is onerous. Planning matters and enquiries make up a significant proportion of work for Ward Members.

For the future, the Development Management service and the Planning Committee are likely to face more pressure in particular when applications in respect of the strategic sites identified in the Local Plan come forward and, more generally, when the economic outlook improves.

The Council has invited the Local Government Association to conduct a peer review of the operations and procedures of the Planning Committee (which took place in November 2020). The review explored a number of aspects of the Committee, for example, the size of the committee including ward representation and the voting rights of councillors for applications in their wards; and various probity, procedural, and conduct issues.

Licensing

Key lines of explanation	<ul style="list-style-type: none"> ➤ How many licencing panels will the council have in the average year? ➤ And what will be the time commitment for members? ➤ Will there be standing licencing panels, or will they be ad-hoc? ➤ Will there be core members and regular attendees, or will different members serve on them? 																		
Analysis	<p>The Licensing Committee comprises 15 councillors and is scheduled to meet six times each year and is responsible for all functions of the licensing authority as prescribed by the Licensing Act 2003 and the Gambling Act 2005, together with other relevant licensing and registration functions (e.g. taxi and private hire licensing). The functions of the Committee are set out in part 3 of the Council's Constitution. There have been no occasions when a meeting has not been quorate.</p> <p>The Committee has two Sub-Committees, which meet during the daytime on an ad hoc basis. The Licensing Sub-Committee considers contested applications for premises licences, club premises certificates, temporary events notices and personal licences in the Borough in respect of the sale and/or supply of alcohol and the provision of regulated entertainment and late-night refreshments, where relevant representations have been made.</p> <p>The Licensing Regulatory Sub-Committee determines contested licensing applications (other than those that are referred to the Licensing Sub-Committee) and disciplinary matters within the purview of the Licensing Committee in accordance with the Council's policies. The bulk of the work of this Sub-Committee deals with errant taxi and private hire drivers.</p> <p>Both Sub-Committees comprise three councillors, who are drawn on a panel basis from the membership of the parent Licensing Committee, as required. The Council appoints the membership of the Committee in May each year and also a number of designated sub-committee chairmen, from the committee membership. Details of the number of occasions both Sub-Committees have been convened since 2016 are set out in the table below.</p> <table border="1" data-bbox="504 898 1854 1110"> <thead> <tr> <th>Year</th> <th>Licensing Sub-Committee:</th> <th>Licensing Regulatory Sub-Committee:</th> </tr> </thead> <tbody> <tr> <td>2016</td> <td>6</td> <td>5</td> </tr> <tr> <td>2017</td> <td>1</td> <td>4</td> </tr> <tr> <td>2018</td> <td>4</td> <td>7</td> </tr> <tr> <td>2019</td> <td>4</td> <td>6</td> </tr> <tr> <td>2020 (to date)</td> <td>4</td> <td>3</td> </tr> </tbody> </table>	Year	Licensing Sub-Committee:	Licensing Regulatory Sub-Committee:	2016	6	5	2017	1	4	2018	4	7	2019	4	6	2020 (to date)	4	3
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<p style="text-align: center;">Other Regulatory Bodies</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 179</p>	<p><i>Key lines of explanation</i></p>	<ul style="list-style-type: none"> ➤ <i>What will they be, and how many members will they require?</i> ➤ <i>Explain the number and membership of your Regulatory Committees with respect to greater delegation to officers.</i>
	<p style="text-align: center;">Analysis</p>	<p>The Council has established the Corporate Governance and Standards Committee, which meets on six occasions annually and comprises seven councillors, and three co-opted independent members, and three co-opted parish council representatives. The Committee's main areas of responsibility are Audit and Accounts; Corporate Governance; and Ethical Standards activities. The Committee's role, functions, and terms of reference are set out in Article 10 and in Part 3 of the Council's Constitution.</p> <p>Only one Lead Councillor may be appointed to the Committee (except the lead councillor with portfolio responsibility for finance/resources), and that Lead Councillor cannot be elected chairman or vice-chairman.</p> <p>The Committee has two sub-committees – Assessment Sub-Committee and Hearings Sub-Committee which meet on an ad hoc basis; the former to conduct an assessment as to whether a code of conduct complaint should proceed to formal investigation, informal resolution, or no further action taken, and the latter to conduct a hearing to determine complaints following completion of a formal investigation which has found that the subject member has breached the code of conduct.</p> <p>The Sub-Committees each comprise five councillors who are appointed on a politically balanced basis from the parent committee by the Monitoring Officer. The Sub-Committees have each met on three occasions.</p> <p>The Council has also established an Employment Committee, comprising three councillors, at least one of whom must be an Executive member. The Committee's terms of reference are also set out in Part 3 of the Council's Constitution. The Committee meets on an ad hoc basis and has met on 22 occasions since 2015.</p> <p>What does this mean for future Council size?</p> <p>The Planning Committee has a higher level of business than any other Regulatory Committee. This volume of business, combined with the requirement to attend site visits and deal with a significant number of enquiries and representations from residents, make this a high volume of work for councillors. It is therefore important to allocate Councillor capacity to complete this role within the proposal.</p> <p>The level of activity within Licensing Committee (and its Sub-Committees) is not expected to change in the future. The majority of decisions will continue to be determined under delegated powers, with only a small number of Sub-Committee</p>

		<p>meetings required to deal with contested applications. As a result, it is proposed that these functions can be undertaken alongside other Member roles.</p> <p>The limited number of councillors directly involved in the Corporate Governance and Standards Committee and Employment Committee means that these functions can be undertaken alongside other councillor roles.</p> <p>Although, the total number of seats on the Regulatory Committees is 40, on the basis that councillors normally expect to be appointed to more than one committee, we believe that provision for up to 24 councillors performing these roles, needs to be factored in to the future size of the Council.</p>
<p>External Partnerships</p>	<p>Service delivery has changed for councils over time, and many authorities now have a range of delivery partners to work with and hold to account.</p>	
<p><i>Key lines of explanation</i></p>	<ul style="list-style-type: none"> ➤ <i>Will council members serve on decision-making partnerships, sub-regional, regional or national bodies? In doing so, are they able to take decisions/make commitments on behalf of the council?</i> ➤ <i>How many councillors will be involved in this activity? And what is their expected workload? What proportion of this work is undertaken by portfolio holders?</i> ➤ <i>What other external bodies will members be involved in? And what is the anticipated workload?</i> 	
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 180</p> <p style="text-align: center;">Analysis</p>	<p>The Council, along with Surrey County Council, established the Guildford Joint Committee in 2018 (see above) involving ten borough councillors, at least one of whom must be an Executive member (currently three). The decisions taken by the Joint Committee in respect of borough council functions delegated to it are binding on the Council. The Joint Committee has met formally on a quarterly basis, and meets informally in between formal meetings. It is not expected that the workload of the Joint Committee will change in the foreseeable future.</p> <p>The Leader represents the Council on the Surrey Leaders' Group, which provides a political forum where leaders can come together to discuss strategic issues and act as a strong representative body for local government in Surrey. The Leader also represents the Council on the following bodies:</p> <ul style="list-style-type: none"> • Enterprise M3 Local Enterprise Partnership Board and Programme Management Group • Local Government Association • South East England Councils • Surrey Health and Wellbeing Board <p>One councillor represents the Council on the Surrey Police and Crime Panel, which meets on six occasions per annum.</p>	

Outside Bodies:

In 1998 when the Council was last reviewed, we appointed councillors annually to a total of 74 external organisations, ranging from local charitable, educational, cultural, environmental, sports/recreational, and statutory organisations. In many cases, up to three councillors would be appointed a single organisation. Following a review in 2017, we now appoint councillors to a much lower number of local external organisations, but for a four-year term, with a single councillor being appointed to each of them. In 2019, following the borough council elections, there were 34 such appointments in various capacities, for example as director/board members, governors, trustees, or in an advisory capacity. These organisations range from charitable organisations, hospital trust, local authority partnerships, sporting and cultural organisations.

The workload associated with the appointments varies considerably, though would normally involve the attendance of the Councillor at between 4 and 6 meetings a year at different venues in the Borough/County. As part of the 2017 review, the Council agreed to appoint one councillor to such external organisations that:

- Support the Council's Corporate priorities, and/or
- Assist in delivery of Council services, and/or
- Are using Council facilities

Each external organisation is asked to complete a 'person profile' to ensure that the appointment is a suitable match to the requirements of the organisation and the capacity of the individual councillor in terms of skills, experience and time commitment.

In addition, at the invitation of the Surrey Leaders' Group, the Council submits annual nominations for appointment of district/borough council representatives on various external Surrey wide organisations. Such appointments are normally for a period of three years.

There are also organisations to which Portfolio Holders are appointed such as the Surrey Waste Partnership.

Community Involvement

9. The Commission understands that there is no single approach to community leadership and that members represent, and provide leadership to, their communities in different ways. The Commission wants to know how members are required to provide effective community leadership and what support the council offers them in this role. For example, does the authority have a defined role and performance system for its elected members? And what support networks are available within the council to help members in their duties?

Topic		Description
Community Leadership	Key lines of explanation	<ul style="list-style-type: none"> ➤ <i>In general terms how do councillors carry out their representational role with electors?</i> ➤ <i>Does the council have area committees and what are their powers?</i> ➤ <i>How do councillors seek to engage with their constituents? Do they hold surgeries, send newsletters, hold public meetings or maintain blogs?</i> ➤ <i>Are there any mechanisms in place that help councillors interact with young people, those not on the electoral register, and/or other minority groups and their representative bodies?</i> ➤ <i>Are councillors expected to attend community meetings, such as parish or resident’s association meetings? If so, what is their level of involvement and what roles do they play?</i> ➤ <i>Explain your approach to the Area Governance structure. Is your Area Governance a decision-making forum or an advisory board? What is their relationship with locally elected members and Community bodies such as Town and Parish Councils? Looking forward how could they be improved to enhance decision-making?</i>
	Analysis	<p>The Council operates in a three-tier local government structure, with Surrey County Council as the upper tier authority, and 23 Parish Councils representing our local communities. Of our 48 councillors, 4 are also county councillors and 7 are parish councillors, and one is “triple hatted”.</p> <p>We do not have any area committees.</p> <p>One of the key reasons individuals become a Councillor is the role they can play in the community, seeking improvements for local residents. It is therefore understandable that a significant proportion of their time is spent on engaging with their residents and issues within their ward. The actual time commitment will vary significantly between Councillors, dependent on their other responsibilities, the nature of the area they represent and the number of Councillors for that ward.</p> <p>Most Councillors are proactively involved within their wards as opposed to simply responding to case work and consider that they play an active part within their communities. The approach they take varies from member to member, but most Councillors are involved in some or all of the following:</p>

- Holding surgeries – dealing with queries, providing advice and engaging with residents;
- Attending Parish Council meetings.
- Attending meetings of residents' associations/local community groups within their wards;
- Working with, and/or offering support, to community groups and local organisations;
- Engaging on social media (22 councillors have social media accounts).

The level and methods of community engagement and leadership undertaken is at the discretion of each Councillor. The main purpose of the Ward Councillor in these settings is to listen to the views of the parish council, residents' group, or individual residents and, where appropriate, represent those views within the Council.

In addition, the Council appoints three 'Champions' to act as a positive focus for the local community at elected Member level in respect of the following:

- Armed Forces
- Historic Environment and Design
- Older Persons

This requires an additional time commitment by these Members in addition to their community representative role and as members of committees, panels and working groups.

The Council provides a range of support to Councillors to assist them with their role. Following the Borough Council elections in 2019, all new and returning councillors were provided with:

- A portable lap top device to allow them to access Council systems and applications
- Mobile telephones for The Mayor, Deputy Mayor, Executive members, chairmen, and group leaders
- a handbook Guide to Being a Councillor; and
- a full induction programme, followed by ongoing training and development opportunities, including briefings on various matters, through their four-year term.

Casework	<i>Key lines of explanation</i>	<ul style="list-style-type: none"> ➤ <i>How do councillors deal with their casework? Do they pass it on to council officers? Or do they take a more in-depth approach to resolving issues?</i> ➤ <i>What support do members receive?</i> ➤ <i>How has technology influenced the way in which councillors work? And interact with their electorate?</i> ➤ <i>In what ways does the council promote service users' engagement/dispute resolution with service providers and managers rather than through councillors?</i>
	Analysis	<p>During the last review of councillors' allowances in 2019, councillors were canvassed on their workload. Thirty councillors responded (63%). The responses showed that most backbench councillors reported working an average of 50 hours per month on their range of duties, with Executive councillors spending an average of 88 hours per month on their range of activities and responsibilities. For ward/casework, all councillors averaged at around 22 hours per month.</p> <p>It is clear that councillors deal with their caseloads in a variety of ways. Overall, councillors seek to assist their residents directly though will seek the assistance of officers where necessary. In the majority of cases, the councillors will remain engaged until the matter has been resolved to the satisfaction of the resident.</p> <p>Councillors feel the public are more aware of them and their role along with a greater expectation of assistance and more opportunities for people to contact them. Email and social media provide the public with much greater access to them and there is a consequent expectation of immediate response to complaints/enquiries. Advancements in technology since the last electoral review have brought about significant efficiencies for dealing with casework.</p> <p>It is also important to reflect that councillors are seen more and more as advocates for their community and can get involved in issues that are not directly related to council services but serve and are of benefit to a wider public interest.</p> <p>The widespread use of ICT and other channels of communication have reduced the need for residents to rely on Councillors for information about council services – for example, residents no longer need to contact their Councillor to find out about meetings as minutes and agendas are published online. Information about council services is available 24/7 through the Council's website and the public can carry out a wide variety of transactions with the Council online.</p>

Other Issues

10. Respondent may use this space to bring any other issues of relevance to the attention of the Commission.

When the Council was last reviewed in 1998, we operated the committee system of decision making, which involved three programme committees¹ together with an overarching Policy and Resources Committee². Each of the committees, which comprised of 20 councillors each on the Arts & Recreation and Housing & Health Committees, 17 on the Building & Works Committee, and 16 on the Policy and Resources Committee, had their own delegated powers and budgets. However, in certain cases, decisions required multiple reports to various committees in order to consider all aspects of service and resource implications. In most cases, the types of decision those committees took then were decisions that, today, would be taken by an Executive comprising of a maximum of ten councillors.

The Local Government Act 2000 was introduced in order to address the silo approach to decision making under the committee system, to make the decision makers more accountable for their decisions, and to streamline and speed up decision-making generally by involving fewer councillors in the process.

It is clear then, with a maximum of ten councillors involved in making key decisions under executive arrangements, we do not need as many councillors as we did under the former committee system.

Alongside the Leader and Cabinet model, the Council adopted a new Constitution to support efficient and effective decision making. The Council's Constitution was based upon the model Constitution produced by the Secretary of State at the time the Local Government Act 2000 was enacted. This included an expanded scheme of delegation to support streamlined decision making. As well as a different governance structure, the size and shape of the Council's services have changed since the last review:

- We have outsourced a number of services – for example, leisure management, and G Live (our entertainment venue)
- Although we have retained our housing stock, we have sought alternative means by which we can deliver affordable housing. For example, in 2016, we established North Downs Housing Limited to be the housing trading arm of Guildford Borough Council, whose objectives are to identify housing need in the borough; increase provision for lower income households; generate a financial return, accelerate development of brownfield land in the borough and deliver homes for rent and sale. As at 31 March 2020, NDH owned 40 residential properties.
- We are currently undertaking a fundamental transformation programme (Future Guildford) to redesign the manner in which we deliver services to our residents
- New legislation introduced since the last review has also changed how we deliver services and the councillors' role in that regard, for example the Licensing Act 2003 and Gambling Act 2005

¹ Arts & Recreation, Building & Works, and Housing & Health

² together with the usual regulatory committees

In proposing a reduction from 48 to 44 councillors, the Council has recognised the need to make its contribution towards the challenging savings required over the next three to four years and beyond. This is important not only in itself, but as a positive signal to staff and to the public. Identifiable savings that could be achieved through a reduction in Council size to 44, would be in the order of £30,000 p.a. whilst the level of engagement and representation is maintained.

Finally, it is important to recognise the changes in wider society. Service and communication technology has changed dramatically. The internet and social media have created new opportunities for residents to self-serve, access information and request services. Electronic communications have replaced letters as the main communication channel for residents contacting their councillors.

Summary

11. In following this template respondents should have been able to provide the Commission with a robust and well-evidenced case for their proposed council size; one which gives a clear explanation as to the number of councillors required to represent the authority in the future. Use this space to summarise the proposals and indicate any other options considered. Explain why these alternatives were not appropriate terms of their ability to deliver effective Strategic Leadership, Accountability (Scrutiny, Regulation and Partnerships), and Community Leadership.

Alternatives:

In considering a Council size smaller than the 44 that we are suggesting, we have looked at the implications of reducing the number of councillors further to 42 but, on balance, feel that this would not provide sufficient Councillor capacity to undertake the range of roles set out in this proposal or offer sufficient community leadership. It is also recognised that the Borough will continue to see population growth and, therefore, an increase in electorate.

When considering a Council size larger than the current 48, we have looked at the implications of both the status quo and increasing the number of councillors to 50 but feel that the existing Council size had been established for a very different governance structure. There is a significantly more streamlined decision-making process in place now and the Council's structure and services have also undergone, and are currently undergoing, significant change. Whilst there has been an increase in population and electorate since the 1998 review, it is not felt that these governance and structure changes justify the status quo or an increase in Council size.

Given that the aims of the review are to enable the Commission to recommend electoral arrangements, including council size, which are appropriate for Guildford, and ensure that the Council has the right number of councillors to take decisions and manage the business of the council in an effective way now and in the future, the Council has concluded that the small reduction in the Council size to 44 would achieve these aims but without:

- adversely affecting the needs of constituents or councillors' ability to fulfil their roles as strategic or community leaders, or
- impacting on the Council's ability to deliver its services or to deliver effective scrutiny, regulation and partnership working.

The Council also wishes to continue with all-out elections every four years.

Council report

Ward(s) affected: All

Report of Director of Resources

Author: John Armstrong, Democratic Services and Elections Manager

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Email: john.armstrong@guildford.gov.uk

Lead Councillor responsible: Joss Bigmore

Tel: 07974 979369

Email: joss.bigmore@guildford.gov.uk

Date: 8 December 2020

Selection of Mayor and Deputy Mayor: 2021-22

Executive Summary

The Council is asked to consider nominations for the Mayoralty and Deputy Mayoralty of the Borough for the municipal year 2021-22.

The constitutional changes adopted by the Council in April 2014 as part of the review of the Civic Function in respect of the Mayoralty provide that the Council normally elects the Deputy Mayor appointed at the annual meeting of the Council as Mayor at the next succeeding annual meeting.

Councillors will recall that the Council in February this year had agreed to nominate Cllr Dennis Booth as Deputy Mayor for 2020-21. However, due to the coronavirus outbreak, the Government passed Regulations that permitted councils to continue with appointments that would otherwise have to be made at an annual meeting until the next annual meeting in 2021. Following consultations with Cllrs Billington, Moseley, and Booth and political group leaders, the Council agreed on 19 May that Cllrs Billington and Moseley would continue in their respective roles as Mayor and Deputy Mayor of Guildford for the municipal year 2020-21.

Councillor Andrew Gomm has formally nominated the current Deputy Mayor, Councillor Marsha Moseley for the Mayoralty of the Borough for 2021-22.

Group leaders were asked to submit nominations for the Deputy Mayoralty for 2021-22 by no later than 20 November 2020. The following nomination has been received:

- Councillor Dennis Booth

The Council is therefore requested to consider formally the nominations received.

This report was also be considered by the Executive on 24 November 2020. The Executive endorsed the recommendations below.

Recommendation to Council:

- (1) That the Deputy Mayor, Councillor Marsha Moseley be nominated for the Mayoralty of the Borough for the municipal year 2021-22.
- (2) That Councillor Dennis Booth be nominated for the Deputy Mayoralty of the Borough for the 2021-22 municipal year.

Reason for Recommendation:

To make early preparations for the selection of the Mayor and Deputy Mayor for the municipal year 2021-22.

Is the report (or part of it) exempt from publication? No

1 Purpose of Report

- 1.1 To ask the Council to consider nominations received for election of Mayor and appointment of Deputy Mayor for the municipal year 2021-22.

2 Strategic Priorities

- 2.1 Ensuring that the process for selection of Mayor and Deputy Mayor is undertaken publicly is consistent with the Council's desire to be open and accountable to its residents.

3. Background

Selection of Mayor: 2021-22

- 3.1 The constitutional changes adopted by the Council as part of the review of the Civic Function in April 2014 in respect of the Mayoralty provide that the Council normally elects the Deputy Mayor appointed at the annual meeting of the Council as Mayor at the next succeeding annual meeting.
- 3.2 Councillors will recall that the Council in February this year had agreed to nominate Councillor Dennis Booth as Deputy Mayor for 2020-21. However, due to the coronavirus outbreak, the Government passed Regulations that permitted councils to continue with appointments that would otherwise have to be made at an annual meeting until the next annual meeting in 2021. Following consultations with Councillors Billington, Moseley, and Booth and political group leaders, the Council agreed on 19 May that Councillors Billington and Moseley would continue in their respective roles as Mayor and Deputy Mayor of Guildford for the municipal year 2020-21.
- 3.3 Councillor Andrew Gomm has formally nominated the current Deputy Mayor, Councillor Marsha Moseley for the Mayoralty of the Borough for 2021-22. The Council is therefore requested to consider formally this nomination.

Selection of Deputy Mayor: 2021-22

- 3.4 Group leaders were asked to submit nominations in respect of the appointment of Deputy Mayor for 2021-22. At the time the agenda for this meeting was published, the only nomination received was:

- Councillor Dennis Booth

The Council is also requested to consider formally this nomination.

- 3.5 The Council is being asked to consider this matter now to enable early preparations to be made for the formal election of the Mayor and appointment of Deputy Mayor for 2021-22 at the Council's annual meeting on 12 May 2021. This gives the nominees time to make the necessary adjustments to their personal and professional lives in order to prepare for their forthcoming mayoral/deputy mayoral years and will provide plenty of time to enable appropriate training or refresher training to be given to the respective nominees.

4. Financial Implications

- 4.1 The costs associated with the selection of a Mayor and Deputy Mayor will be met from within existing budgets.

5. Legal Implications

- 5.1 The Council is required annually to elect a Mayor and appoint a Deputy Mayor in accordance with Sections 3 and 5 respectively of the Local Government Act 1972. The Local Government Act 2000 also provides that the Council's chairman or vice-chairman (the Mayor and Deputy Mayor) cannot serve on the Executive at the same time.

6. Human Resources Implications

- 6.1 There are no human resource implications arising from this report.

7. Background Papers

None

8. Appendices

None

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Council Report

Ward(s) affected: N/A

Report of Director of Resources

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Tel: 07970 516859

Email: john.armstrong@guildford.gov.uk

Lead Councillor responsible: Joss Bigmore

Tel: 07974 979369

Email: joss.bigmore@guildford.gov.uk

Date: 8 December 2020

Draft Timetable of Council and Committee Meetings for 2021-22

Recommendation to Council:

That the Council approves the proposed timetable of Council and Committee meetings for the 2021-22 municipal year, as set out in Appendix 1 to this report.

Reason for Recommendation:

To assist with the preparation of individual committee work programmes.

Is the report (or part of it) exempt from publication? No

1. Purpose of Report

- 1.1 To adopt a timetable of Council and Committee meetings for the 2021-22 municipal year.

2. Strategic Framework

- 2.1 Adoption of a timetable of meetings will enable key decisions to be programmed that will assist in working towards the delivery of the Council's vision and mission as set out in the revised Corporate Plan.

3. Main considerations

- 3.1 A draft timetable of meetings for the 2021-22 municipal year is attached as **Appendix 1** for the Council's consideration. This was also considered and recommended for approval by the Executive at its meeting on 24 November 2020.

4. Financial Implications

- 4.1 There are no significant financial implications arising from this report.

5. Legal Implications

- 5.1 In accordance with the Local Government Act 1972 (as amended), the Council is required to give public notice of meetings of the Council and its committees. Approval of our timetable of meetings for the next municipal year will enable us to publish the dates of these meetings on the website well in advance.

Continuation of meetings held remotely

- 5.2 Following the outbreak of the Covid 19 pandemic and the first national lockdown, this Council has been operating remote (or “virtual”) meetings since April 2020 using Microsoft Teams. We have been empowered to do this by virtue of The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020¹.
- 5.3 Whilst there have been a number of teething difficulties with holding meetings remotely, it is obvious that as well as ensuring that the Council’s business can be discharged lawfully, remote meetings have brought huge benefits in terms of
- greater attendance at meetings by committee members (and non-members) thereby helping councillors to participate and keep up to date with Council business
 - Saving of member (and officer) time by obviating the need to make journeys to the Council offices for meetings, thereby reducing congestion and achieving savings on travel expenses
- 5.4 We anticipate that holding meetings remotely will continue into the New Year and beyond. However, these arrangements are temporary and are due to expire in May 2021. Organisations representing Lawyers in Local Government and Democratic Services Officers have made representations to the Government to seek a permanent change in the law in this regard to give councils maximum flexibility and choice to hold meetings:
- entirely ‘face to face’,
 - entirely remotely, or
 - in a “hybrid” environment with some councillors attending in the Council Chamber with others attending remotely
- 5.5 The technology to deliver a hybrid solution is being developed so officers are hopeful that, subject to the change in the law, we can hold “hybrid meetings” as the norm.

¹ Regulation 5

6. Human Resource Implications

6.1 There are no significant human resource implications arising from this report.

7. Equality and Diversity Implications

7.1 There are no significant equality and diversity implications arising from this report.

8. Climate Change/Sustainability Implications

8.1 There are no significant climate change or sustainability implications arising from this report.

9. Background Papers

None

10. Appendices

Appendix 1: Draft timetable of Council and committee meetings for 2021-22

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DRAFT TIMETABLE OF COUNCIL AND COMMITTEE MEETINGS FOR THE 2021-22 MUNICIPAL YEAR

MEETING	PROPOSED DAY AND TIME	2021									2022				
		MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	
Council	Tuesday 7:00 p.m.	12+ 18\$		27			5		7			9£ 23R		5	11+
Executive	Tuesday 7:00 p.m.	25	22	20	24	21	26	23			4 25	22	22	26	
Strategy and Resources EAB	Monday 7:00 p.m.		14		9		11		6			7		4	
Service Delivery EAB	Thursday 7:00 p.m.	20		8		9		4			13		10		
Joint EAB	7:00pm							11 (Th)			10 (M)				
Overview & Scrutiny Committee	Tuesday 7:00 p.m.		8	13		14		9			18		1	25 (M)	
Planning Committee	Wednesday 7:00 p.m.	19	16	14	11	8	6	3	1		5	2	2 30	27	
Licensing Committee	Wednesday 7:00 p.m.	26		21		29		24			19		23		
Corporate Governance and Standards Committee	Thursday 7:00 p.m.		17	29		23		18			20		24	21	
Guildford Joint Committee	Wednesday 7:00 p.m.		30					17					16		

Notes:

+ Annual Council meeting **at 12 noon** on Wednesday 12 May 2021 and Wednesday 11 May 2022
 \$ Selection Council meeting on Tuesday 18 May 2021 to agree terms of reference and composition of, and make appointments to, committees
 £ Budget Council meeting on Wednesday 9 February 2022
 (r) Reserve date for Budget Council meeting on Wednesday 23 February 2022 if Surrey Police & Crime Panel vetoes the Police & Crime Commissioner's precept for 2022-23
 (M) Monday (Th) Thursday
 School Holidays: Spring half term: 31 May-4 June 2021 / Summer: 21 Jul to 1 Sep 2021 / Autumn half term: 25-29 Oct 2021 / Xmas: 20 Dec 2021 to 3 Jan 2022
 Half term: 14-18 Feb 2022 / Easter: 04 April to 19 April 2022

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EXECUTIVE

27 September 2020

- * Councillor Caroline Reeves (Chairman)
- * Councillor Joss Bigmore (Vice-Chairman)

- | | |
|----------------------------|---------------------------|
| * Councillor Tim Anderson | * Councillor John Redpath |
| * Councillor Jan Harwood | * Councillor John Rigg |
| * Councillor Julia McShane | * Councillor James Steel |

*Present

Councillors Chris Blow, Angela Goodwin, Ramsey Nagaty, Maddy Redpath, Deborah Seabrook, Paul Spooner, Fiona White and Catherine Young were also in attendance.

EX31 APOLOGIES FOR ABSENCE

No apologies for absence were received.

EX32 LOCAL CODE OF CONDUCT - DISCLOSABLE PECUNIARY INTEREST

There were no declarations of interest.

EX33 MINUTES

The minutes of the meeting held on 25 August 2020 were approved.

EX34 LEADER'S ANNOUNCEMENTS

The Leader reminded councillors of the arrangements agreed between the two main political groups in terms of the transfer of leadership this Autumn. It had been agreed that this process should take place at the 6 October full Council meeting, and so Councillor Reeves stated her intention to formally resign as Leader of the Council at midnight following the meeting of this Executive.

Councillor Reeves explained, for the benefit of residents, that the original agreement was that this should happen a year after the Borough Council elections in May. But given the circumstance of the early stages of the pandemic she felt very strongly that such an action would have been detrimental to the Borough during such a life changing situation. The Leader explained that we were still in the midst of the pandemic and she suspected that we could still face a surge in cases, with new guidance changes to try and manage this. Councillor Reeves assured Cllr Bigmore, the Deputy Leader, that officers would offer exemplary support in dealing with the significant challenges facing the Council.

Councillor Reeves thanked those who had supported her during her time as Leader and wished her successor well.

EX35 CLIMATE CHANGE, SUSTAINABLE DESIGN, CONSTRUCTION AND ENERGY SUPPLEMENTARY PLANNING DOCUMENT

The Executive considered a report recommending the adoption of the Climate Change, Sustainable Design, Construction and Energy Supplementary Planning Document (SPD) and the revocation of the Sustainable Design and Construction SPD (2011).

Agenda item number: 14

The SPD provided guidance for existing policy in the Local Plan in relation to climate change adaptation and mitigation, low and zero carbon energy and sustainable development. The SPD would be a material consideration in planning decisions and would help to improve compliance with Local Plan policy. The SPD would provide guidance on the information that should be included in planning applications and how it should be presented so that decision makers were able to judge the extent to which proposals complied with Local Plan policy. It would also provide guidance on sustainable design and construction practice.

The Executive noted that a number of issues had been raised and suggestions made by the Place-Making and Innovation Executive Advisory Board at its meeting on 1 June 2020, which had resulted in changes to the draft SPD, details of which were set out in Appendix 2 to the report.

Having considered the report and the draft SPD, the Executive

RESOLVED:

- (1) That the Climate Change, Sustainable Design, Construction and Energy Supplementary Planning Document, as set out in Appendix 3 to the report, be adopted.
- (2) That the Sustainable Design and Construction Supplementary Planning Document (2011) be revoked.
- (3) That the Policy Lead – Planning Policy, in consultation with the Lead Councillor for Climate Change, be authorised to make such minor alterations to improve the clarity of the Supplementary Planning Document as they may deem necessary prior to adoption.

Reasons:

- (1) Adopting the new SPD would provide detailed guidance for adopted Local Plan policy that addresses climate change and sustainability. This would help to deliver sustainable development.
- (2) The new SPD replaced the 2011 SPD, which was no longer required. Keeping it in place would complicate the planning process unnecessarily.
- (3) To allow for minor modifications to the SPD should they be necessary prior to publication.

EX36 CAPITAL AND INVESTMENT OUTTURN REPORT 2019-20

The Executive considered the annual Capital and Investment outturn report, which included capital expenditure, non-treasury investments and treasury management performance for 2019-20.

The report had been considered by the Corporate Governance and Standards Committee at its meeting on 30 July 2020. The Committee had commended the report to the Executive.

The Executive

RESOLVED:

To recommend to Council (6 October 2020):

- (1) That the treasury management annual report for 2019-20 be noted.

- (2) That the actual prudential indicators reported for 2019-20, as detailed in Appendix 1 to the report, 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.

EX37 REVENUE OUTTURN REPORT 2019-20

The Executive considered a report setting out the revenue outturn in respect of the General Fund for 2019-20. It was noted that the Executive Summary of the report should have read the outturn on the General Fund was £1.7 million less than had been originally budgeted.

The Executive

RESOLVED: That the Council's final outturn position for 2019-20 be noted and that the decisions taken under delegated authority to transfer the amounts set out in Section 5 of the report to the relevant reserves, be endorsed.

Reasons:

- To note the final outturn position and delegated decisions taken by the Chief Finance Officer which will be included within the statutory accounts the Chief Finance Officer signed at the end of August.
- To facilitate the ongoing financial management of the Council.

EX38 HOUSING REVENUE ACCOUNT: FINAL ACCOUNTS 2019-20

The Housing Revenue Account (HRA) recorded all the income and expenditure associated with the provision and management of Council owned residential dwellings in the Borough. The requirement to maintain a Housing Revenue Account was set out in the Local Government and Housing Act 1989 and the requirement to publish final accounts was set out in the Accounts and Audit Regulations 2003.

The Executive considered a report setting out the actual level of revenue spending on day-to-day services provided to tenants recorded in the HRA in 2019-20.

The Executive

RESOLVED: That the final outturn position on the Housing Revenue Account for 2019-20 be noted and that the decision taken under delegated authority to transfer £2.5 million to the reserve for future capital, and £7.8 million to the new build reserve from the revenue surplus of £10.3 million in 2019-20, be endorsed.

Reason:

To allow the Statutory Statement of Accounts to be finalised and subject to external audit prior to approval by the Council.

EX39 REVIEW OF VARIOUS CORPORATE GOVERNANCE AND STANDARDS RELATED MATTERS: REVISED SOCIAL MEDIA GUIDANCE FOR COUNCILLORS AND MATTERS RELATING TO THE GOVERNANCE OF NORTH DOWNS HOUSING LTD

At its meeting in November 2019, the Corporate Governance and Standards Committee had established a cross-party task group, with a wide remit to consider, review and make recommendations in respect of improving ethical standards, communications, and transparency.

The task group had already reviewed the Councillors' Code of Conduct and the 15 Best Practice Recommendations of the Committee on Standards in Public Life (CSPL) contained within its Report on *Local Government Ethical Standards* and had reported its findings and recommendations to the Corporate Governance and Standards Committee on 30 July 2020.

The Executive considered a report setting out the task group's recommendations with regard to the review of the Social Media Guidance for Councillors, and one of the 15 best practice recommendations relating to the governance of separate bodies set up by local authorities, particularly local authority companies.

The Executive also noted that at its meeting held on 7 July 2020, Overview and Scrutiny Committee had received a presentation outlining the purpose of North Downs Housing Limited (NDH), its relationship with the Council, the objectives of NDH and progress to date, together with its plans for 2020-21. One of the reasons put forward to explain why NDH had not achieved its business plan objective of letting 125 properties by 2020 was a lack of staff support for NDH. Overview and Scrutiny Committee had asked the Executive to explore the provision of increased resources, particularly personnel, to enable NDH to deliver its ambitions more quickly.

In relation to the revised social media guidance, the Executive noted the importance of safeguarding the reputation and integrity of councillors and of the organisation as a whole. With regard to the CSPL Recommendation 14, in response to a request from the Chairman of North Downs Housing Board it was noted that the company already fulfilled required levels of transparency and it would neither be in the interest of the company nor the Council to publish commercially sensitive material.

The Executive also noted that provision of additional officer support to North Downs Housing would be considered through the Future Guildford Phase B process that was currently underway.

The Executive

RESOLVED:

- (1) That the draft revised Social Media Guidance for Councillors, as set out in Appendix 2 to the report, be adopted.
- (2) That the Council's formal response to the CSPL Best Practice Recommendation 14 should be as follows:

“Regular reports are currently submitted to the Executive Shareholder and Trustee Committee which provide updates on finance, operational matters and changes to companies set up and/or owned by the Council. The Council additionally audits the accounts of such companies and reports the outcome of these audits to the Corporate Governance and Standards Committee as part of the approval annually of the Council's audited accounts. It is considered that the agendas and minutes of the company board meetings contain commercially sensitive information and should not be subject to routine publication.”

- (3) That consideration of any resources necessary to support North Downs Housing Limited's operations be given as part of the implementation plan for Phase B of the Future Guildford Transformation Programme.

Reasons:

1. To address one of the corporate governance and ethical standards related concerns raised by councillors.
2. To address Recommendation 14 of the 15 Best Practice Recommendations of the Committee on Standards in public Life in their report *Local Government Ethical Standards (January 2019)*
3. To respond to the Overview and Scrutiny Committee's recommendation in respect of support for North Downs Housing Limited.

EX40 REVIEW OF EXECUTIVE ADVISORY BOARDS

The Executive considered a report setting out recommendations arising from the most recent review of the functions and effectiveness of the Executive Advisory Boards (EABs). The Deputy Leader of the Council introduced the report, endorsed the recommendations before Executive and called for a further review in 12 months' time. The Chairman of the meeting of the Joint EAB also spoke in support of the recommendations.

The Executive

RESOLVED:

To recommend to Council (6 October 2020):

- (1) That the concept of retaining two EABs, each meeting on alternate months with the flexibility to have a balanced inter-changeable remit as appropriate to the agenda items, without the risk of losing topic continuity and expertise, and possibly ahead of Executive meetings to offer a pre-decision opportunity to make recommendations, be agreed.
- (2) That the remit of EABs be realigned to reflect the Executive portfolios and Directorates of the Council and that, accordingly, the Place-Making and Innovation EAB be renamed as the Strategy and Resources EAB and the Community EAB be renamed the Service Delivery EAB.
- (3) That the existing Joint EAB arrangement be continued and implemented when significant and wide-ranging agenda items, such as budgetary matters, are under consideration.
- (4) That closer two-way working between the Executive and EABs, including an expectation that relevant Lead Councillors (or other Executive members in the absence of the relevant Lead Councillor) proactively attend EAB meetings and EAB Chairmen and / or Vice-Chairmen attend Executive meetings to elaborate on advice given and to receive feedback, be established and adopted.
- (5) That a clear formalised procedure of reporting EAB advice and views to the Executive and EABs receiving Executive feedback be adopted.
- (6) That, in addition to exploring relevant Forward Plan items and Corporate Plan priorities, the EABs have free range to select their own review topics on which to advise the Executive, including the establishment of task groups where considered necessary (and subject to available resources).

Agenda item number: 14

- (7) That the EABs receive items sufficiently in advance of determination by the Executive in order to have the opportunity to advise on, and influence, its decisions from a broader knowledge base.
- (8) That the Democratic Services and Elections Manager be authorised to make appropriate amendments to the Constitution to give effect to the above recommendations.

Reason:

To introduce a more efficient and effective EAB configuration and contribution.

EX41 PROPERTY INVESTMENT STRATEGY

At its budget meeting on 5 February 2020, the Council had approved £40million for a new Property Acquisition Fund. The objective of creating the Fund was to help bridge the funding shortfall with the financial aim of investing in property in order to increase the rental income stream for the Council and to stimulate and encourage business growth and sustainable development by investing in key strategic sites.

A property investment strategy would provide a robust and viable framework for the acquisition of commercial properties.

The Executive, having considered a draft strategy setting out the Council's objectives, investment criteria and the process which would be followed when acquiring, disposing and managing property assets for investment purposes

RESOLVED:

- (1) That the Property Investment Strategy, as set out in Appendix 1 to the report including the "Not for Publication" Annex 3 to the Strategy (set out as Appendix 3 to the report), be approved.
- (2) That the sum of £20,000,000 be transferred from the provisional budget to the approved budget.
- (3) That the Head of Asset Management, in consultation with the Director of Strategic Services, the Chief Finance Officer, and the Lead Councillor for Resources, be authorised to acquire property within the set parameters of the Strategy.

Reason:

To provide a framework and governance that allows acquisition decisions to be delegated to officers within the set parameters of the strategy enabling the timely and decisive decision making that is essential in this type of market to respond to opportunities as they arise.

EX42 EXCLUSION OF THE PUBLIC

The Executive

RESOLVED:

That under Section 100A (4) of the Local Government Act 1972 (as amended) and Regulation 5 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, the public be excluded from the meeting for the consideration of information contained in the report submitted to the Executive at Item 13 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.

EX43 NORTH STREET, GUILDFORD, DEVELOPMENT SITE

The Executive considered a report concerning proposals for the future of its property holdings in North Street. The report recommended the necessary authorisation, delegation and virement to enable the process to move forward.

The Executive

RESOLVED:

- (1) That the heads of terms as detailed in the report be agreed.
- (2) That, subject to receiving final valuation advice from the Council's external advisors confirming that the transaction amounts to the best consideration reasonably obtainable, the Managing Director, in consultation with the Chief Finance Officer, Leader and Lead Councillor for Regeneration, Lead Councillor for Resources and Ward Councillors be authorised to negotiate and enter into all associated property/contractual documentation required in order to facilitate the sale of the North Street Development Site.
- (3) That the Managing Director be authorised, in consultation with the Leader and Lead Councillor for Regeneration and Lead Councillor for Resources, to agree any minor variations to the heads of terms as detailed in the report submitted to the Executive to address any specific points arising during the course of contractual negotiations with the Purchaser.
- (4) That the Council's public sector equality duties under section 149(1) of the Equality Act 2010 be noted, and that:
 - (a) further work be undertaken to gain a better understanding of the equality implications on any specific groups or individuals sharing relevant protected characteristics who are likely to be affected by the proposed redevelopment of the North Street Development Site, including the proposed temporary relocation of the bus station; and
 - (b) appropriate steps be taken to seek to mitigate adverse impacts on such groups or individuals.

Reasons:

- To enable the sale of the North Street Redevelopment Site
- To support the Council's Place-Making strategic priority set out in its Corporate Plan 2018-2023, and policies in the adopted Local Plan 2015-2034 and Guildford Town Centre Regeneration Strategy 2017 to "facilitate the delivery of a major new mixed-use development on North Street incorporating a significant number of new homes and public realm improvements".

The meeting finished at 8.07 pm

Signed

Chairman

Date

EXECUTIVE

27 October 2020

- * Councillor Joss Bigmore (Chairman)
- * Councillor Caroline Reeves (Vice-Chairman)

- | | |
|----------------------------|---------------------------|
| * Councillor Tim Anderson | * Councillor John Redpath |
| * Councillor Jan Harwood | * Councillor John Rigg |
| * Councillor Julia McShane | * Councillor James Steel |

*Present

Councillors Angela Gunning, Ramsey Nagaty, Paul Spooner and Catherine Young were also in attendance.

EX44 APOLOGIES FOR ABSENCE

There were no apologies for absence.

EX45 LOCAL CODE OF CONDUCT - DISCLOSABLE PECUNIARY INTEREST

There were no declarations of interest.

EX46 MINUTES

The minutes of the meeting held on 22 September 2020 were confirmed as a correct record. The Chairman signed the minutes.

EX47 LEADER'S ANNOUNCEMENTS

The Leader informed the meeting that the Mayor, Councillor Richard Billington had left hospital on Monday, that his operation had gone well and that he was now at home where he would continue his recovery from what had been serious surgery. The Mayor and Mayoress were very grateful for all the messages of support they had received.

The Leader commented that the issue of child hunger during school holidays had rightly dominated the news over the past few days. He noted that in Guildford Borough there would be children who, without support, could go without meals that would be normally provided at schools.

However, the Leader observed that we were fortunate in Guildford because the community had stood up along with local businesses to work with this Council to combat food poverty. The Council had continued to provide food parcels to the most vulnerable even after Central Government funding for this ceased during the summer. The Council would extend this support by coordination with its community services team to ensure that families with children at home continued to receive the support they needed. The Council's efforts had been complimented by its partnership with voluntary organisations, the private sector, and the schools themselves. The Leader thanked everyone that had offered help, including the University, Kings School, Foodwise, Stoke Community Support, The Ash, Ash Vale and Ash Green Coronavirus Support Group as well as Mandira's Kitchen donating 250 meals, Pho Restaurant and Love Brownies in Tunsgate offering packed lunches and the Bench Bar at the Sports Park providing hot meals, together with many others. The Leader was investigating setting up a Civic accreditation such that those that had given selflessly throughout the crisis were recognised officially.

The Leader observed there had been much talk about the amount of financial support that came from Westminster including the tranche of £100,000 that had been announced in the previous week. In consideration, the Leader set out the Council's latest estimates for the impact of COVID to its finances and the support it had received.

For the full year it was estimated that the pandemic would have caused £4.5 million in extra expenditure. Principally, this covered looking after the homeless, the cost of providing personal protective equipment (PPE) and subsidising the Council's leisure facilities. The Leader estimated lower incomes of £8.2 million which in the most part was loss of parking income, but also represented reduced income from sports and community facilities. The total impact to the Council's budget was £12.7 million. So far, the Council had received a total of £1.9 million from Central Government, leaving a shortfall of £10.8 million. The Leader explained the Council might expect to receive a further £5 million through the Sales, Fees and Charges scheme whereby the Council was compensated for around 70% of some of its revenues; however, the claims submitted were still being assessed. The best possible scenario for the Council was to have to fund £5.8 million from reserves.

The Leader noted the forecast a gap of nearly £3 million in the Council's budget for next year which would mean further inroads into increasingly scarce reserves, cuts to some of the services or projects to deliver higher revenues. The Council would be starting the formal budget process shortly, which would involve consultation with residents in order to properly inform us as to what the community thinks are priorities, which was important when making difficult decisions about the Council's future service provision.

EX48 TENANCY STRATEGY

The Executive considered a report setting out the requirement for the Council to have a tenancy strategy and appended a revised strategy for adoption. Under the Localism Act 2011 (s.150), the Council had a duty to prepare and publish a tenancy strategy, which should be periodically reviewed. The Council had published a tenancy strategy in 2013 that now required review. The revised strategy had set out how the Council would determine the type and length of tenancies to be offered to social tenants in the Borough. There was a high demand for social housing across the Borough and the Council was the biggest landlord. It was noted that the highest levels of family deprivation in Surrey were to be found in parts of Guildford. Other social landlords (Registered Providers or housing associations) that operated in Guildford would have regard to the Strategy.

The Lead Councillor for Housing and Development Control introduced the report and noted that the landscape of social housing was changing and that it would be necessary to review the Tenancy Strategy more regularly to ensure it was up to date with policy and best practice.

The report included comments from the Community Executive Advisory Board (EAB) arising from the meeting held on 10 September 2020. The Vice Chairman of the EAB endorsed the comments at the meeting.

Having considered the report and the comments of the EAB, the Executive

RESOLVED: That the revised Tenancy Strategy be adopted

Reasons:

1. There is a legal requirement under the Localism Act 2011 for the Council to prepare and publish a tenancy strategy and to review that strategy periodically, which this report addresses. In line with this statutory requirement, all of the social landlords operating in Guildford must consider the Council's over-arching strategy, as set out in the appendices to this report, which has been circulated as a consultation document to each social landlord operating in the Borough, as well as being available online for all stakeholders.

Agenda item number: 14

2. Flexible and other tenancies assist as tools in the efficient management of social housing stock in Guildford, which is valued by the Council's social landlord services' function and other social landlords operating in the borough.

EX49 INTRODUCING CHARGES FOR RAT AND MICE TREATMENTS

The Executive considered a report that set out the existing service provision for rodent (mice and rat) pest control treatments provided by the Council. The report proposed a number of options for introducing a charge for the delivery of rodent control treatments which would enable the Executive to make a decision about future service provision.

The Lead Councillor for Environment introduced the report and spoke in support of Option 2. It was noted that the Council provided a high standard of service to residents, but that it was also essential in the current financial climate to consider where savings could be made. It was recommended that a charge should be introduced for rat and mice control treatments but that there should be no charge for those residents in receipt of qualifying benefits. The charge would provide £135,000 saving to the Housing Revenue Account.

Consideration of the report by the Community Executive Advisory Board on 10 September had resulted in an update of the list of qualifying benefits. The EAB's comments and recommendations were set out the report. The Vice Chairman of the EAB attended the Executive meeting and explained that discussion of this topic had raised a number of concerns including the implications of a possible change to the structure of local authorities in the County. Ultimately, the EAB had been most concerned about the implications of the non-reporting of infestations should a charge be levied across the board. The Vice-Chairman, whilst happy to support Option 2, reiterated the EAB's preferred option of continuing the contract for a further 12 months, or Option 1.

Having considered the report and the EAB's comments and recommendations, the Executive

RESOLVED: That Option 2: To continue to offer a contracted-out Pest Control treatment service but introduce charges for rodent treatments with a 100% concession for users in receipt of qualifying benefits, be adopted.

Reason:

In order to ensure the Council had fully considered recommendations for introducing charges for rats and mice treatments for residents.

The meeting finished at 7.37 pm

Signed

Chairman

Date