

GUILDFORD BOROUGH COUNCIL



BILLINGTON MAYOR

Contact Officer:

John Armstrong,
Democratic Services and Elections Manager
Tel: 01483 444102

11 May 2021

To the Councillors of Guildford Borough Council

You are hereby summoned to attend the forty-eighth Annual Meeting of the Council for the Borough of Guildford, which will be combined with the Selection Meeting, and will be held at the **Guildford Baptist Church, Millmead, Guildford, Surrey, GU2 4BE** on **WEDNESDAY 19 MAY 2021** commencing at 7.00 pm.

James Whiteman
Managing Director

Millmead House
Millmead
Guildford
Surrey GU2 4BB

www.guildford.gov.uk

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 |
| Seconder of a motion: | 5 minutes |
| Other councillors speaking during the debate on a motion: | 5 minutes |
| Proposer of a motion's right of reply at the end of the debate on the motion: | 10 minutes |
| Proposer of an amendment: | 5 minutes |
| Seconder of an amendment: | 5 minutes |
| Other councillors speaking during the debate on an amendment: | 5 minutes |
| Proposer of a motion's right of reply at the end of the debate on an amendment: | 5 minutes |
| Proposer of an amendment's right of reply at the end of the debate on an amendment: | 5 minutes |

AGENDA

The Mayor to receive from the Honorary Remembrancer (Mr Matthew Alexander) his reports for the municipal year 2019-20, and the municipal year just ending.

1. ELECTION OF MAYOR

To elect the Mayor for the municipal year 2021-22.

2. APPOINTMENT OF DEPUTY MAYOR

To appoint the Deputy Mayor for the municipal year 2021-22.

3. APOLOGIES FOR ABSENCE

4. 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.

5. MINUTES (Pages 5 - 22)

To confirm the minutes of the meeting of the Council held on 13 April 2021.

6. MAYOR'S COMMUNICATIONS

To receive any communications which the Mayor may desire to lay before the Council.

7. LEADER'S COMMUNICATIONS

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

- 8. BY-ELECTIONS: RETURNING OFFICER'S REPORT (Pages 23 - 24)**
To receive the report of the Returning Officer upon the election of a Borough Councillor for each of the following wards held on Thursday 6 May 2021:
- Friary and St. Nicolas
 - Pirbright
 - Send
- 9. MAYOR'S CHAPLAIN**
The Mayor to announce the appointment of Chaplain for the municipal year 2021-22.
- 10. APPOINTMENT OF HONORARY REMEMBRANCER**
To appoint the Honorary Remembrancer for the Borough for the municipal year 2021-22.
- 11. PUBLIC PARTICIPATION**
- 12. QUESTIONS FROM COUNCILLORS**
To hear questions (if any) from councillors of which due notice has been given.
- 13. APPOINTMENT TO COMMITTEES 2021-22 (Pages 25 - 42)**
- 14. 'MAKE' (ADOPT) THE LOVELACE, PUTTENHAM AND SEND NEIGHBOURHOOD PLANS (Pages 43 - 80)**
- 15. REVIEW OF PROCUREMENT PROCEDURE RULES (Pages 81 - 134)**
- 16. COUNCILLORS' CODE OF CONDUCT - ACCEPTANCE OF GIFTS AND HOSPITALITY (Pages 135 - 140)**
- 17. MINUTES OF THE EXECUTIVE (Pages 141 - 148)**
To receive and note the attached minutes of the meeting of the Executive held on 23 March 2021.
- 18. 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 via Microsoft Team on Tuesday, 13 April 2021

- * 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 John Rigg |
| * Councillor Angela Goodwin | * Councillor Tony Rooth |
| * Councillor David Goodwin | * Councillor Will Salmon |
| * Councillor Angela Gunning | * Councillor Deborah Seabrook |
| * Councillor Gillian Harwood | * Councillor Pauline Searle |
| * Councillor Jan Harwood | * Councillor Paul Spooner |
| Councillor Liz Hogger | * Councillor James Steel |
| * Councillor Tom Hunt | * Councillor James Walsh |
| * Councillor Diana Jones | * Councillor Fiona White |
| * Councillor Steven Lee | * Councillor Catherine Young |
| * Councillor Nigel Manning | |

*Present

The Council observed two minutes' in memory of His Royal Highness, The Prince Philip, Duke of Edinburgh, who had died on Friday 9 April 2021. The Mayor had written to Her Majesty The Queen on behalf of the people of Guildford to offer sincere condolences to Her Majesty and other members of the Royal Family following the death of His Royal Highness.

CO91 APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor Liz Hogger.

CO92 DISCLOSURES OF INTEREST

There were no disclosures of interest.

CO93 MINUTES

The Council confirmed, as a correct record, the minutes of the Budget meeting held on 10 February and the extraordinary meeting held on 4 March 2021. The Mayor signed the minutes.

CO94 MAYOR'S COMMUNICATIONS

The Mayor reported that the Deputy Mayor, Councillor Marsha Moseley had attended the funeral last week of former councillor and past Mayor of Guildford Jenny Jordan. The Mayor hoped that the Council would be able to honour Jenny Jordan, Gordon Bridger, Tony Page, and Jessica Page, and all those we had lost in this past year, as part of a Civic Service later in the year.

CO95 LEADER'S COMMUNICATIONS

The Leader commented on life gradually returning to normal with non-essential retail, hospitality businesses and our indoor leisure venues opening for the first time in over three months, including Guildford Spectrum and Ash Manor Sports Centre. The Leader was also pleased that the Surrey Ethical Vegan Market would return to Guildford on Sunday 18 April from 10.30am to 3.30pm on the Portsmouth Road car park.

Whilst these were very important steps on the road to recovery, there were still large numbers of people that had not yet been vaccinated, so it was very important that we continued to follow the guidelines on face coverings and social distancing.

The Leader remarked that, in the first quarter of this year, there had been an 85% increase in visitors to our parks and countryside compared to the same period last year. Whilst that had been excellent news for the health and wellbeing of our borough, it had unfortunately been accompanied by a significant increase in litter. Visitors were requested to take their litter home and leave our beautiful green spaces in the same state as they had found them.

The Leader reported that there had been an excellent response to the national census, with the level of returns in every ward meeting or exceeding expectations. Field officers were now visiting households who had not yet completed the census which closed on 4 May 2021.

The Leader had agreed the following changes to the Executive on 12 March 2021:

- the appointment of Councillor Jan Harwood as Deputy Leader of the Council;
- the appointment of Councillor Tom Hunt as the new Lead Councillor for Development Management;
- Councillor Julia McShane's lead councillor portfolio to include Housing and her portfolio title to change to Lead Councillor for Community and Housing;
- the Leader's portfolio of direct responsibilities to include Corporate Strategy and Communications.

CO96 PUBLIC PARTICIPATION

Mr Mark Rostron made a statement in respect of the matter referred to in agenda item 8 (see Minute CO97 below).

Mr Rostron commented that he was objecting to the livery policy for taxis on the basis that there was no public safety evidence reason for it, rather the real reason had been disclosed in the first report made to the Council five years ago and that was to do with the Council branding. At the last Licensing Committee meeting, the Licensing Team Leader had said that (a) the reason was contained in the Government's statutory taxi and private hire licensing standards, but there was no reference to livery in that document, and (b) that the guidance applied to the general public, whereas it only applied to children and vulnerable individuals who were over 18. Mr Rostron therefore contended that the livery policy was ultra vires. Mr Rostron stated that the original choice of livery colour had been agreed at an unauthorised meeting attended by four councillors and four officers, with no minutes kept and e-mails associated with it destroyed.

In response, the Lead Councillor for Environment, Councillor James Steel confirmed that the decision on the livery policy taken in December 2015 had been based on a public safety rationale to improve confidence in the use of the taxi service in Guildford and was consulted upon at the time quite extensively. That decision was not challenged by way of a judicial review at the time and, as such, there was no reason to change the requirements under any updated policy. Removal of the livery requirement would be detrimental to public safety and contrary to the statutory government guidance.

CO97 QUESTIONS FROM COUNCILLORS

There were no questions from councillors.

CO98 REVIEW OF THE TAXI AND PRIVATE HIRE VEHICLE LICENSING POLICY

Councillors noted that that the Council, in its role as the Licensing Authority for the hackney carriage and private hire vehicle trades, had a paramount obligation to ensure the safety of the public. Following the publication of Statutory Taxi and Private Hire Standards in July 2020, a draft updated Policy had been approved by Licensing Committee for full public consultation in September 2020.

The results of that consultation had been presented to the Committee at its meeting on 24 March 2021. Following consideration of the consultation responses, the Committee had recommended that the Council approves the Policy, which was set out as Appendix 1 to the report submitted to the Council.

The Lead Councillor for Environment, Councillor James Steel, proposed and the Chairman of the Licensing Committee, Councillor David Goodwin seconded the motion to approve the updated Hackney Carriage and Private Hire Licensing Policy

It was suggested that, for future reviews, it would be useful if a summary of the changes to the Policy could be provided.

Councillors sought assurance that approval of the Policy would not be ultra vires. The Monitoring Officer confirmed that the new policy would stand up to any legal challenge and the Council would not be acting ultra vires in approving it. Councillors noted that the Policy did not preclude an applicant who may not meet the criteria from making an application and that each case must be considered on its own merits with the decision maker being prepared to make exceptions to the policy in appropriate circumstances.

Accordingly, the Council

RESOLVED: That the updated Hackney Carriage and Private Hire Licensing Policy, attached as Appendix 1 to the report submitted to the Council, be approved.

Reasons:

To ensure that the Council's Licensing Policy is updated to reflect the needs of the Borough and to account for the requirements of the Statutory Guidance issued under section 177 of the Policing and Crime Act 2017.

Under the Remote Meetings Protocol, a roll call was taken to record the vote on the motion in respect of this matter, which was approved, with thirty-seven councillors voting in favour, none voting against and seven abstentions, as follows:

FOR:

Councillor Tim Anderson
Councillor Jon Askew
Councillor Christopher Barrass
Councillor Joss Bigmore
Councillor David Bilbé
Councillor Chris Blow
Councillor Dennis Booth
Councillor Ruth Brothwell
Councillor Graham Eyre
Councillor Andrew Gomm
Councillor Angela Goodwin

AGAINST:

ABSTAIN:

Councillor Paul Abbey
Councillor Richard Billington
Councillor Colin Cross
Councillor Ramsey Nagaty
Councillor Susan Parker
Councillor Tony Rooth
Councillor John Redpath

FOR:

Councillor David Goodwin
Councillor Angela Gunning
Councillor Gillian Harwood
Councillor Jan Harwood
Councillor Tom Hunt
Councillor Diana Jones
Councillor Steven Lee
Councillor Nigel Manning
Councillor Ted Mayne
Councillor Julia McShane
Councillor Ann McShee
Councillor Bob McShee
Councillor Masuk Miah
Councillor Marsha Moseley
Councillor George Potter
Councillor Jo Randall
Councillor Maddy Redpath
Councillor John Rigg
Councillor Will Salmon
Councillor Deborah Seabrook
Councillor Pauline Searle
Councillor Paul Spooner
Councillor James Steel
Councillor James Walsh
Councillor Fiona White
Councillor Catherine Young

AGAINST:

ABSTAIN:

CO99 REVIEW OF ALLOCATION OF SEATS ON COMMITTEES: 2020-21

The Council received the report of the proper officer (Democratic Services and Elections Manager) on the review of the allocation of seats on committees, following the resignations of Councillors Gordon Jackson and Caroline Reeves from the Council on 11 and 12 March 2021 respectively.

Consequently, the political balance on the Council was now:

Guildford Liberal Democrats: 16
Residents for Guildford and Villages: 16
Conservative Group: 8
Guildford Greenbelt Group: 3
Labour: 2
Vacancies: 3

Under Council Procedure Rule 23, whenever there was a change in the political constitution of the Council, the Council must, as soon as reasonably practicable, review the allocation of seats on committees to political groups.

The report included a suggested numerical allocation of seats on committees to political groups that would best meet, as far as reasonably practicable, the requirements for political balance for the remainder of the 2020-21 Municipal Year.

As an alternative, the report had also suggested, given that:

- (a) there were only four meetings of politically balanced committees remaining in the 2020-21 municipal year; and

- (b) the revised numerical allocation of seats made changes to three committees, two of which were academic as the committees concerned, did not have meetings between now and 18 May 2021 when the Selection Council meeting would be considering the numerical allocation of seats for 2021-22.

the Council could justifiably take the view that making no changes to the allocation of seats was the better option.

Upon the motion of the Leader of the Council, Councillor Joss Bigmore, seconded by the Deputy Leader of the Council, Councillor Jan Harwood, the Council

RESOLVED: That no change be made to the numerical allocation of seats on committees to political groups for the remainder of the 2020-21 municipal year.

Reason:

To enable the Council to comply with Council Procedure Rule 23 in respect of the requirement to review as soon as reasonably practicable the allocation of seats on committees whenever there is a change on the political constitution of the Council.

CO100 MINUTES OF THE EXECUTIVE

The Council received and noted the minutes of the meetings of the Executive held on 26 January and 16 February 2021.

CO101 NOTICE OF MOTION DATED 18 MARCH 2021: UNIVERSAL BASIC INCOME SCHEME

In accordance with Council Procedure Rule 11, Councillor Steven Lee proposed, and Councillor George Potter seconded, the following motion:

“The Council notes that many residents in Guildford are living in precarious circumstances. Furthermore, many who work in either the gig economy or under zero hours contracts lack the job security afforded to previous generations and that even those who may seem to be in traditionally safer employment are at a growing risk of redundancy from the increasing use of Artificial Intelligence and automation.

This Council notes that a Universal Basic Income (UBI) scheme has the potential to provide security for our residents and improve wellbeing thereby increasing financial security for everyone whilst safeguarding our most vulnerable residents.

Other Councils, including Sheffield, Mendip, Bristol, Oxford, Newbury Town, Richmond and Lewes have put themselves forward in support of UBI trials. This Council joins them to call for a trial scheme to be established in Guildford now so that the challenges and benefits of UBI can be properly researched and understood.

Accordingly, this Council

RESOLVES:

- (1) To engage with our local UBI lab in order to get funding for a pilot UBI trial in Guildford.
- (2) To call upon the government to fund UBI trials across the UK and to support trials of UBI in Guildford now and that the findings of these trials be published and used to assess the best way to implement financial security for every family.
- (3) To write a letter signed by the Leader of the Council and all leaders of the Groups on the Council choosing to support this motion and address it to: the Prime Minister;

the Secretary of State for Work and Pensions; the Chancellor of the Exchequer; the leaders of all opposition parties in Parliament; all Surrey MPs and the media.

- (4) To send the aforementioned letter, accompanied by this motion to addressees and ask in it for a trial of Universal Basic Income in Guildford to be urgently established and funded by Government."

Under Council Procedure Rule 15 (o), Councillor Lee 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:

- (a) After "Accordingly, this Council RESOLVES:" add the following:

"That the Executive be requested to consider the following action:"

- (b) Substitute the following in place of paragraph (1) of the resolution:

"(1) To engage with our local UBI lab in order to seek government funding for a pilot UBI trial in Guildford"

The motion, as altered, therefore read as follows:

"The Council notes that many residents in Guildford are living in precarious circumstances. Furthermore, many who work in either the gig economy or under zero hours contracts lack the job security afforded to previous generations and that even those who may seem to be in traditionally safer employment are at a growing risk of redundancy from the increasing use of Artificial Intelligence and automation.

This Council notes that a Universal Basic Income scheme has the potential to provide security for our residents and improve wellbeing thereby increasing financial security for everyone whilst safeguarding our most vulnerable residents.

Other Councils, including Sheffield, Mendip, Bristol, Oxford, Newbury Town, Richmond and Lewes have put themselves forward in support of UBI trials. This Council joins them to call for a trial scheme to be established in Guildford now so that the challenges and benefits of UBI can be properly researched and understood.

Accordingly, this Council

RESOLVES: That the Executive be requested to consider the following action:

- (1) To engage with our local UBI lab in order to seek government funding for a pilot UBI trial in Guildford.
- (2) To call upon the government to fund UBI trials across the UK and to support trials of UBI in Guildford now and that the findings of these trials be published and used to assess the best way to implement financial security for every family.
- (3) To write a letter signed by the Leader of the Council and all leaders of the Groups on the Council choosing to support this motion and address it to: the Prime Minister; the Secretary of State for Work and Pensions; the Chancellor of the Exchequer; the leaders of all opposition parties in Parliament; all Surrey MPs and the media.
- (4) To send the aforementioned letter, accompanied by this motion to addressees and ask in it for a trial of Universal Basic Income in Guildford to be urgently established and funded by Government."

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.

Having debated the motion, the Council

RESOLVED: That substantive motion, as detailed above be adopted.

Under the Remote Meetings Protocol, a roll call was taken to record the vote on the substantive motion, which was carried, with thirty-six councillors voting in favour, one voting against and seven abstentions, as follows:

FOR:

Councillor Paul Abbey
Councillor Tim Anderson
Councillor Jon Askew
Councillor Christopher Barrass
Councillor Joss Bigmore
Councillor Chris Blow
Councillor Ruth Brothwell
Councillor Colin Cross
Councillor Andrew Gomm
Councillor Angela Goodwin
Councillor David Goodwin
Councillor Gillian Harwood
Councillor Jan Harwood
Councillor Tom Hunt
Councillor Diana Jones
Councillor Steven Lee
Councillor Nigel Manning
Councillor Ted Mayne
Councillor Julia McShane
Councillor Ann McShee
Councillor Bob McShee
Councillor Masuk Miah
Councillor Ramsey Nagaty
Councillor Susan Parker
Councillor George Potter
Councillor Jo Randall
Councillor John Redpath
Councillor Maddy Redpath
Councillor 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 Angela Gunning

ABSTAIN:

Councillor David Bilbé
Councillor Richard Billington
Councillor Dennis Booth
Councillor Graham Eyre
Councillor Marsha Moseley
Councillor Paul Spooner
Councillor James Walsh

CO102 NOTICE OF MOTION DATED 19 MARCH 2021: LOCAL PLAN

In accordance with Council Procedure Rule 11, Councillor Paul Spooner proposed, and Councillor Nigel Manning seconded, the following motion:

“The Guildford Borough Local Plan was based on Brownfield sites and Infrastructure first. Infrastructure was a key requirement in the Local Plan and if it could not be delivered then housing should not be built. This constraint was a key factor in the adopted local plan.

Agenda item number: 5

It is now clear that the most significant piece of infrastructure affecting Guildford Town Centre, namely the A3 Capacity Upgrade, can no longer be delivered in this Local Plan period.

Whilst Highways England submitted this capacity upgrade as part of Road Investment Strategy 2 (2020-2025) this has not been taken forward.

Surrey Highways and Transport for South East are pushing for it to be included in Road Investment Strategy 3 (2025-2030). If accepted and designed during this period, buildout of this complex upgrade would follow in 2030 through 2035 which is after the period of this local plan.

Therefore, a review of the Local Plan must now take place as this key constraint is now a reality and the Local Plan should not be delivered as originally set out.

Neither Surrey Highways nor Highways England have been asked by Guildford Borough Council to review the transport and infrastructure evidence base following this clear indication that the A3 Capacity Upgrade will not be delivered within the Local Plan period.

Housing capacity without the A3 upgrade was significantly constrained and affects thousands of houses along its corridor with the Guildford Town Centre and surrounding area.

This Council therefore:

RESOLVES: That a review of the Local Plan be undertaken immediately to reduce the housing numbers as the A3 capacity upgrade cannot be delivered in the plan period.”

During the debate on the motion, Councillor Paul Spooner proposed, and Councillor Nigel Manning seconded, the following procedural motion, on the basis that the continued debate of this matter in a pre-election period would be very difficult without being political:

“That the debate be adjourned to the next meeting of the Council.”

Under the Remote Meetings Protocol, a roll call was taken to record the vote on the procedural motion to adjourn the debate to the next meeting of the Council, which was lost, with seventeen councillors voting in favour, twenty-seven voting against and no abstentions, as follows:

FOR:

Councillor David Bilbé
Councillor Richard Billington
Councillor Graham Eyre
Councillor Andrew Gomm
Councillor Angela Goodwin
Councillor David Goodwin
Councillor Angela Gunning
Councillor Nigel Manning
Councillor Ann McShee
Councillor Bob McShee
Councillor Marsha Moseley
Councillor Ramsey Nagaty
Councillor Susan Parker
Councillor Jo Randall
Councillor Paul Spooner
Councillor James Walsh
Councillor Catherine Young

AGAINST:

Councillor Paul Abbey
Councillor Tim Anderson
Councillor Jon Askew
Councillor Christopher Barrass
Councillor Joss Bigmore
Councillor Chris Blow
Councillor Dennis Booth
Councillor Ruth Brothwell
Councillor Colin Cross
Councillor Gillian Harwood
Councillor Jan Harwood
Councillor Tom Hunt
Councillor Diana Jones
Councillor Steven Lee
Councillor Ted Mayne
Councillor Julia McShane
Councillor Masuk Miah

ABSTAIN:

FOR:

AGAINST:

ABSTAIN:

Councillor George Potter
Councillor John Redpath
Councillor Maddy Redpath
Councillor John Rigg
Councillor Tony Rooth
Councillor Will Salmon
Councillor Deborah Seabrook
Councillor Pauline Searle
Councillor James Steel
Councillor Fiona White

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

Amendment No.1

In the proposed resolution, delete “..as the A3 capacity upgrade cannot be delivered in the plan period”.

The proposed resolution, as amended, would therefore read as follows:

“That a review of the Local Plan be undertaken immediately to reduce the housing numbers.”

Following the debate on Amendment No.1 it was put to a vote and was lost.

Under the Remote Meetings Protocol, a roll call was taken to record the vote on Amendment No1, which was lost, with three councillors voting in favour, thirty-seven voting against and four abstentions, as follows:

FOR:

Councillor Ramsey Nagaty
Councillor Susan Parker
Councillor Catherine Young

AGAINST:

Councillor Paul Abbey
Councillor Tim Anderson
Councillor Jon Askew
Councillor Christopher Barrass
Councillor Joss Bigmore
Councillor David Bilbé
Councillor Chris Blow
Councillor Dennis Booth
Councillor Ruth Brothwell
Councillor Graham Eyre
Councillor Andrew Gomm
Councillor Angela Goodwin
Councillor David Goodwin
Councillor Angela Gunning
Councillor Gillian Harwood
Councillor Jan Harwood
Councillor Tom Hunt
Councillor Nigel Manning
Councillor Ted Mayne
Councillor Julia McShane
Councillor Ann McShee
Councillor Bob McShee
Councillor Masuk Miah
Councillor Marsha Moseley
Councillor George Potter

ABSTAIN:

Councillor Richard Billington
Councillor Colin Cross
Councillor Diana Jones
Councillor Steven Lee

FOR:

AGAINST:

ABSTAIN:

Councillor Jo Randall
Councillor John Redpath
Councillor Maddy Redpath
Councillor John Rigg
Councillor Tony Rooth
Councillor Will Salmon
Councillor Deborah Seabrook
Councillor Pauline Searle
Councillor Paul Spooner
Councillor James Steel
Councillor James Walsh
Councillor Fiona White

The Lead Councillor for Resources, Councillor Tim Anderson proposed, and the Deputy Leader of the Council, Councillor Jan Harwood seconded the following amendment:

Amendment No.2

(a) Substitute the following in place of the fifth, sixth, and seventh paragraphs of the motion:

“Adopted Local Plan Policy ID2 Paragraph 2 anticipated such an eventuality with respect to the A3 scheme. It specifically states:

‘In the event that there is a material delay in the anticipated completion and or a reduction in scope of the A3 Guildford (A320 Stoke interchange junction to A31 Hog’s Back junction) “Road Investment Strategy” scheme from that assumed in plan-making, or cancellation of the scheme, Guildford Borough Council will review its transport evidence base to investigate the consequent cumulative impacts of approved developments and Local Plan growth including site allocations on the safe operation and the performance of the Local Road Networks and the Strategic Road Network. In the case of material delay in the anticipated completion and or a reduction in scope in the A3 Guildford scheme, the review will consider the period up to the revised date of completion of the scheme. This review will be undertaken with input as appropriate from Surrey County Council and Highways England or any other licenced strategic highway authority appointed by the Secretary of State under the Infrastructure Act 2015.’

This review process commenced in April 2020 when Guildford Borough Council contacted Surrey County Council to request a review of the transport evidence base previously assembled from 2010 onward for the 2019 Local Plan.

However, greater changes than the A3 have occurred of late which call for a review of the Plan. These include the impact of COVID-19 on retailing, employment, transportation, and residential use, as well as changing population forecasts and the progress of the Guildford Regeneration Project (Town Centre Master Plan). Government proposals to amend the local plan process and zoning are also expected.

All these matters could lead to a change in housing numbers and will require a new Local Plan Evidence Base. They also clearly pose complex opportunities and threats for our Borough which require understanding, careful judgements and expertise ahead of completing the decision on the review and then the decision on an update of the Local Plan.”

(b) Substitute the following in place of the proposed resolution:

“To continue to plan the review of the Local Plan and evidence base, to obtain expert independent assessment of the new issues and changed circumstances to advise on the appropriate route to review the Local Plan, update the Plan’s Evidence Base and then update the Local Plan in order to secure the best outcomes for our community and borough.”

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

“The Guildford Borough Local Plan was based on Brownfield sites and Infrastructure first. Infrastructure was a key requirement in the Local Plan and if it could not be delivered then housing should not be built. This constraint was a key factor in the adopted local plan.

It is now clear that the most significant piece of infrastructure affecting Guildford Town Centre, namely the A3 Capacity Upgrade, can no longer be delivered in this Local Plan period.

Whilst Highways England submitted this capacity upgrade as part of Road Investment Strategy 2 (2020-2025) this has not been taken forward.

Surrey Highways and Transport for South East are pushing for it to be included in Road Investment Strategy 3 (2025-2030). If accepted and designed during this period, buildout of this complex upgrade would follow in 2030 through 2035 which is after the period of this local plan.

Adopted Local Plan Policy ID2 Paragraph 2 anticipated such an eventuality with respect to the A3 scheme. It specifically states:

‘In the event that there is a material delay in the anticipated completion and or a reduction in scope of the A3 Guildford (A320 Stoke interchange junction to A31 Hog’s Back junction) “Road Investment Strategy” scheme from that assumed in plan-making, or cancellation of the scheme, Guildford Borough Council will review its transport evidence base to investigate the consequent cumulative impacts of approved developments and Local Plan growth including site allocations on the safe operation and the performance of the Local Road Networks and the Strategic Road Network. In the case of material delay in the anticipated completion and or a reduction in scope in the A3 Guildford scheme, the review will consider the period up to the revised date of completion of the scheme. This review will be undertaken with input as appropriate from Surrey County Council and Highways England or any other licenced strategic highway authority appointed by the Secretary of State under the Infrastructure Act 2015.’

This review process commenced in April 2020 when Guildford Borough Council contacted Surrey County Council to request a review of the transport evidence base previously assembled from 2010 onward for the 2019 Local Plan.

However, greater changes than the A3 have occurred of late which call for a review of the Plan. These include the impact of COVID-19 on retailing, employment, transportation, and residential use, as well as changing population forecasts and the progress of the Guildford Regeneration Project (Town Centre Master Plan). Government proposals to amend the local plan process and zoning are also expected.

All these matters could lead to a change in housing numbers and will require a new Local Plan Evidence Base. They also clearly pose complex opportunities and threats for our Borough which require understanding, careful judgements and expertise ahead of completing the decision on the review and then the decision on an update of the Local Plan.

This Council therefore:

RESOLVES: To continue to plan the review of the Local Plan and evidence base, to obtain expert independent assessment of the new issues and changed circumstances, to advise on the appropriate route to review the Local Plan, update the Plan's Evidence Base and then update the Local Plan in order to secure the best outcomes for our community and borough."

During the debate on Amendment No. 2, the Deputy Mayor, Councillor Marsha Moseley proposed, and Councillor Nigel Manning seconded, the following closure motion:

"That an immediate vote be taken on Amendment No. 2."

The closure motion was put to the vote and was carried.

Under the Remote Meetings Protocol, a roll call was taken to record the vote on the closure motion to take an immediate vote on Amendment No.2, which was carried, with twenty-seven councillors voting in favour, fourteen voting against and three abstentions, as follows:

FOR:

Councillor Paul Abbey
Councillor Tim Anderson
Councillor David Bilbé
Councillor Joss Bigmore
Councillor Dennis Booth
Councillor Colin Cross
Councillor Graham Eyre
Councillor Angela Goodwin
Councillor Angela Gunning
Councillor Gillian Harwood
Councillor Jan Harwood
Councillor Tom Hunt
Councillor Diana Jones
Councillor Steven Lee
Councillor Nigel Manning
Councillor Julia McShane
Councillor Masuk Miah
Councillor Marsha Moseley
Councillor Ramsey Nagaty
Councillor Jo Randall
Councillor John Redpath
Councillor Tony Rooth
Councillor Deborah Seabrook
Councillor Pauline Searle
Councillor James Steel
Councillor Fiona White
Councillor James Walsh

AGAINST:

Councillor Jon Askew
Councillor Christopher Barrass
Councillor Chris Blow
Councillor Ruth Brothwell
Councillor David Goodwin
Councillor Ted Mayne
Councillor Ann McShee
Councillor Bob McShee
Councillor Susan Parker
Councillor George Potter
Councillor Maddy Redpath
Councillor John Rigg
Councillor Will Salmon
Councillor Catherine Young

ABSTAIN:

Councillor Richard Billington
Councillor Andrew Gomm
Councillor Paul Spooner

Following the right of reply from the mover of Amendment No.2, the Mayor became unwell and left the meeting. The Deputy Mayor, Councillor Marsha Moseley took the chair for the remainder of the meeting.

Following the right of reply from the mover of the original motion, Amendment No. 2 was put to the vote and was carried. The motion thereby became the substantive motion.

Under the Remote Meetings Protocol, a roll call was taken to record the vote on Amendment No.2, which was carried, with thirty-five councillors voting in favour, five voting against and three abstentions, as follows:

FOR:

Councillor Paul Abbey
Councillor Tim Anderson
Councillor Jon Askew
Councillor Christopher Barrass
Councillor Joss Bigmore
Councillor David Bilbé
Councillor Chris Blow
Councillor Dennis Booth
Councillor Ruth Brothwell
Councillor Colin Cross
Councillor Angela Goodwin
Councillor David Goodwin
Councillor Angela Gunning
Councillor Gillian Harwood
Councillor Jan Harwood
Councillor Tom Hunt
Councillor Diana Jones
Councillor Steven Lee
Councillor Ted Mayne
Councillor Julia McShane
Councillor Ann McShee
Councillor Bob McShee
Councillor Masuk Miah
Councillor Marsha Moseley
Councillor George Potter
Councillor John Redpath
Councillor Maddy Redpath
Councillor John Rigg
Councillor Tony Rooth
Councillor Will Salmon
Councillor Deborah Seabrook
Councillor Pauline Searle
Councillor James Steel
Councillor James Walsh
Councillor Fiona White

AGAINST:

Councillor Andrew Gomm
Councillor Nigel Manning
Councillor Susan Parker
Councillor Jo Randall
Councillor Paul Spooner

ABSTAIN:

Councillor Graham Eyre
Councillor Ramsey Nagaty
Councillor Catherine Young

The Council, having considered the substantive motion,

RESOLVED: That the substantive motion be adopted as follows:

“The Guildford Borough Local Plan was based on Brownfield sites and Infrastructure first. Infrastructure was a key requirement in the Local Plan and if it could not be delivered then housing should not be built. This constraint was a key factor in the adopted local plan.

It is now clear that the most significant piece of infrastructure affecting Guildford Town Centre, namely the A3 Capacity Upgrade, can no longer be delivered in this Local Plan period.

Whilst Highways England submitted this capacity upgrade as part of Road Investment Strategy 2 (2020-2025) this has not been taken forward.

Surrey Highways and Transport for South East are pushing for it to be included in Road Investment Strategy 3 (2025-2030). If accepted and designed during this period, buildout of this complex upgrade would follow in 2030 through 2035 which is after the period of this local plan.

Adopted Local Plan Policy ID2 Paragraph 2 anticipated such an eventuality with respect to the A3 scheme. It specifically states:

'In the event that there is a material delay in the anticipated completion and or a reduction in scope of the A3 Guildford (A320 Stoke interchange junction to A31 Hog's Back junction) "Road Investment Strategy" scheme from that assumed in plan-making, or cancellation of the scheme, Guildford Borough Council will review its transport evidence base to investigate the consequent cumulative impacts of approved developments and Local Plan growth including site allocations on the safe operation and the performance of the Local Road Networks and the Strategic Road Network. In the case of material delay in the anticipated completion and or a reduction in scope in the A3 Guildford scheme, the review will consider the period up to the revised date of completion of the scheme. This review will be undertaken with input as appropriate from Surrey County Council and Highways England or any other licenced strategic highway authority appointed by the Secretary of State under the Infrastructure Act 2015.'

This review process commenced in April 2020 when Guildford Borough Council contacted Surrey County Council to request a review of the transport evidence base previously assembled from 2010 onward for the 2019 Local Plan.

However, greater changes than the A3 have occurred of late which call for a review of the Plan. These include the impact of COVID-19 on retailing, employment, transportation, and residential use, as well as changing population forecasts and the progress of the Guildford Regeneration Project (Town Centre Master Plan). Government proposals to amend the local plan process and zoning are also expected.

All these matters could lead to a change in housing numbers and will require a new Local Plan Evidence Base. They also clearly pose complex opportunities and threats for our Borough which require understanding, careful judgements and expertise ahead of completing the decision on the review and then the decision on an update of the Local Plan.

This Council therefore:

RESOLVES: To continue to plan the review of the Local Plan and evidence base, to obtain expert independent assessment of the new issues and changed circumstances, to advise on the appropriate route to review the Local Plan, update the Plan's Evidence Base and then update the Local Plan in order to secure the best outcomes for our community and borough."

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

FOR:

Councillor Paul Abbey
Councillor Tim Anderson
Councillor Jon Askew
Councillor Christopher Barrass
Councillor Joss Bigmore
Councillor David Bilbé
Councillor Chris Blow

AGAINST:

ABSTAIN:

Councillor Marsha Moseley

FOR:

Councillor Dennis Booth
Councillor Ruth Brothwell
Councillor Colin Cross
Councillor Graham Eyre
Councillor Andrew Gomm
Councillor Angela Goodwin
Councillor David Goodwin
Councillor Angela Gunning
Councillor Gillian Harwood
Councillor Jan Harwood
Councillor Tom Hunt
Councillor Diana Jones
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Councillor Maddy Redpath
Councillor John Rigg
Councillor Tony Rooth
Councillor Will Salmon
Councillor Deborah Seabrook
Councillor Pauline Searle
Councillor Paul Spooner
Councillor James Steel
Councillor James Walsh
Councillor Fiona White
Councillor Catherine Young

AGAINST:

ABSTAIN:

In view of the lateness of the hour, the Council agreed in accordance with Council Procedure Rule 15 (z), to proceed with the business remaining on the agenda.

CO103 REMOTE COUNCIL AND COMMITTEE MEETINGS

The Council was reminded that regulations made under the Coronavirus Act 2020 to provide for the remote attendance and participation of councillors and the public at local authority meetings came into force on 4 April 2020. These arrangements had operated very successfully in Guildford and elsewhere since their introduction.

Apart from the obvious public health benefits of holding meetings remotely during a pandemic, they had brought other benefits, including the removal of the need for travel to meetings, and associated cost savings, increased participation in the democratic process and equality of access to meetings.

However, the Regulations were time limited and were due to expire on 6 May 2021, and there was no certainty that the current arrangements for remotely held meetings would continue after 6 May.

Various organisations including the Local Government Association, the National Association of Local Councils (representing parish councils), Lawyers in Local Government (LLG) and the Association of Democratic Services Officers (ADSO) and many councils, including Guildford, had called for the ability of English councils to hold remote meetings to be made permanent. In February 2021, the Secretary of State ("SoS") had accepted that whilst these arrangements had been successful, there were no plans to extend the ability to hold remote meetings beyond 6 May as it would require primary legislation and there was no vehicle to do that in time for May in terms of Parliamentary time. The SoS had indicated that whilst it was not possible at the moment, if there was an opportunity to make it more permanent, then he would take it.

With the intention of seeking a way to assist the SoS in this regard, LLG and ADSO had asked whether a change in primary legislation was actually required and had sought Counsel's Opinion on the matter, which had been shared with the SoS.

Notwithstanding this, in a letter dated 25 March 2021 to Leaders of principal councils in England, the Minister of State for Regional Growth and Local Government, whilst acknowledging the "considerable investment of time, training and technology to enable these (remote) meetings to take place", nevertheless reiterated the SoS's view that "extending the regulations to meetings beyond May 7 would require primary legislation".

The Minister had also stated that:

"The Government has considered the case for legislation very carefully, including the significant impact it would have on the Government's legislative programme which is already under severe pressure in these unprecedented times. We are also mindful of the excellent progress that has been made on our vaccination programme and the announcement of the Government's roadmap for lifting Covid-19 restrictions. Given this context, the Government has concluded that it is not possible to bring forward emergency legislation on this issue at this time."

LLG, ADSO, and Hertfordshire County Council had made an application to the High Court to seek a declaration from the Court that existing legislation governing local authority meetings under Schedule 12 to the Local Government Act 1972, and meetings of an Executive or a committee of an Executive under the Local Authorities Executive Arrangements (Meetings and Access to Information) (England) Regulations 2012, could continue to be held remotely in the way that had been authorised specifically by the Coronavirus Meetings Regulations.

This application was scheduled to be heard on 21 April 2021. If the Court ruled that the current legislation could be interpreted in such a way that the terms 'place', 'meeting' and 'present' in this context could be construed as being both physical *and* virtual 'places', 'meetings' and 'presence' then the Council could, if it chose, continue to hold meetings wholly remotely, or partly remotely ('hybrid meetings'), or wholly in person.

However, as there was no certainty over this, the Council had to consider its options as to how meetings beyond 6 May 2021 would be held until such time as the current restrictions were fully lifted which, under the current "roadmap", was expected no earlier than 21 June 2021.

Upon the motion of the Leader of the Council, Councillor Joss Bigmore, seconded by the Deputy Leader of the Council, Councillor Jan Harwood, the Council:

RESOLVED:

- (1) That, subject to paragraph (2) below, the following arrangements be put in place for the holding of face-to-face meetings during the period between 6 May and the date on which Covid restrictions are fully lifted:

- (a) That in respect of determining the business scheduled for the Executive on 25 May 2021, the Leader be requested to consider repeating the arrangements introduced following the cancellation of the Executive meeting scheduled for 24 March 2020 (before the Coronavirus Meetings Regulations were in force) in which the then Leader of the Council took certain Executive decisions after inviting written representations from all councillors and the public to be submitted to the Leader in advance of the decisions being taken. As decisions taken by the Leader or individual Executive councillors are not required to be made at a formally constituted meeting, such decisions be taken by the Leader, via Microsoft Teams, inviting all councillors in the usual way with those in attendance able to comment in the same way as if it were a formal meeting of the Executive, the only difference being that the Leader (rather than the Executive collectively) would make the decisions. Call-in provisions would be unaffected.
 - (b) That EAB, Overview & Scrutiny Committee, Licensing Sub-Committee and working group meetings continue to be held remotely.
 - (c) That, subject to a satisfactory risk assessment, Planning, Licensing, Corporate Governance and Standards, and (where necessary) Employment Committee and Licensing Regulatory Sub-Committee meetings be held in the Council Chamber/Committee Room 1, and that remote attendance by non-committee members, certain officers, and the public be encouraged, whilst still providing limited, socially distanced seating for the public.
 - (d) That, for 2021 only, the Annual Meeting and Selection Meeting be combined into one meeting and held, subject to a satisfactory risk assessment, on Wednesday 19 May 2021 at 7pm at the Guildford Baptist Church, Millmead, Guildford, noting that it will not be possible to webcast the meeting.
 - (e) That the Planning Committee meeting scheduled for Wednesday 19 May 2021 be put back to Thursday 20 May 2021 at 7pm.
 - (f) That the Service Delivery EAB scheduled for Thursday 20 May 2021 be put back to Monday 24 May 2021 at 7pm.
- (2) That should the High Court declare that existing legislation governing local authority meetings permits councils to continue to hold remote meetings after 6 May 2021, the Council agrees that such meetings should continue as scheduled via Microsoft Teams at least until Covid restrictions are lifted completely.
 - (3) That, should it not be possible to hold remote meetings lawfully, the Council agrees that any councillor who, for medical reasons, is unable to be vaccinated against Covid-19 shall receive a dispensation from the requirements of Section 85 of the Local Government Act 1972 until 6 October 2021.

Reason:

To make arrangements, if necessary, for a return to face-to-face meetings after 6 May 2021 when the Coronavirus Meetings Regulations expire.

CO104 ASH ROAD BRIDGE UPDATE

Before the Council considered this item, the Deputy Mayor drew attention to the two reports on Ash Road Bridge on the agenda, the first of which was Item no. 14 which would be considered in public. The second report, which was Item no. 16, was essentially the same report as Item 14 except that Item 16 included the “not for publication” commercially sensitive detail of the

budget and funding strategy and more detailed legal advice in respect of the Ash Road Bridge project.

As no councillor wished to discuss, or seek clarification on, any information contained in Item 16, the Deputy Mayor indicated that the Council would deal with this matter wholly in public by considering Item 14.

The Council noted that the Ash Road Bridge Scheme comprised a long-term infrastructure solution to the current and future issues posed by the Ash level crossing, including increased usage associated with housing growth in the Ash and Tongham area and greater barrier downtime resulting from enhanced rail use of the North Downs Line.

The Council was asked to approve the new budget for the Ash Road Bridge Scheme, which had been revised to £33.77 million for Stage 1 (road bridge) and £5.02 million for Stage 2 (footbridge) and the funding strategy for both Stages, to ensure that the scheme was satisfactorily funded. The funding strategy included further Homes England funding of £13.9 million, in addition to the £10 million agreed previously, which was being secured through a Deed of Amendment to the original funding agreement. An update on progress with the Deed of Amendment was included on the Order Paper.

Upon the motion of the Lead Councillor for Regeneration, Councillor John Rigg, seconded by the Leader of the Council, Councillor Joss Bigmore, the Council:

RESOLVED: That the Council approves the budget and funding strategy as set out in the budget and funding sections of the exempt (Part 2) report published as Item 16 with the agenda for this meeting.

Reasons:

This is a unique opportunity to utilise £23.9 million of central government funding towards the Ash Road Bridge Scheme to deliver an alternative road crossing of the North Downs railway line in close proximity to the Ash level crossing. The Ash Road Bridge Scheme forms a requirement of Policy A31 of the Council's Local Plan which allocates land for housing in Ash. Delivery of this scheme will also enable the closure of Ash level crossing, which will improve safety for highway and rail users and significantly reduce traffic congestion on the A323 and the use of alternative local roads to avoid the Ash level crossing in Ash.

CO105 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 10.52 pm.

Signed
Mayor

Date

GUILDFORD BOROUGH COUNCIL
ELECTION OF BOROUGH COUNCILLORS
6 MAY 2021

REPORT OF THE RETURNING OFFICER

| Borough Ward | Candidates | Votes Cast |
|---------------------|------------------------------|-------------------|
| Friary & St Nicolas | Jacob Darby Allen | 430 |
| | Sallie Anne Barker | 548 |
| | Dom Frazer | 660 |
| | Cait Taylor | 1056 (Elected) |
| | Turn out: 39.59% | |
| Pirbright | Gerry Lytle | 109 |
| | Ali Mirmak | 56 |
| | Claire Whitehouse | 119 |
| | Keith Francis Witham | 440 (Elected) |
| | Turn out: 34.51% | |
| Send | Guida Esteves | 851 (Elected) |
| | Justin Phillip Andrew Offord | 500 |
| | Sam Elliot Cordero Peters | 206 |
| | Charlotte Ann Smith | 68 |
| | Turn out: 47.88% | |

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Council Report

Ward(s) affected: n/a

Report of Director of Strategic Services

Author: John Armstrong (Democratic Services and Elections Manager)

Tel: 01483 444102

Email: john.armstrong@guildford.gov.uk

Date: 19 May 2021

Appointment of Committees: 2021-22

Recommendation to Council:

- (1) That, for the municipal year 2021-22, the Council agrees to appoint the committees referred to in the table set out in paragraph 4.1 of this report, and agrees their respective size referred to therein and the proposed terms of reference, as indicated in Appendix 1 to this report.
- (2) That the numerical allocation of seats on committees to each political group on the Council, as shown in Appendix 2 to this report, be approved for the 2021-22 municipal year.
- (3) That the nominations for membership and substitute membership (where applicable) of the committees, Executive Advisory Boards, and the Guildford Joint Committee, for the 2021-22 municipal year, as shown on a schedule to be submitted to the Council, be approved in accordance with the wishes of the political groups.
- (4) That the nominations for election of chairmen and vice-chairmen of committees (including Executive Advisory Boards) and relevant sub-committees for the 2021-22 municipal year, as shown on a schedule to be submitted to the Council, be approved.
- (5) That the Council appoints the following councillor Champions for 2021-22:
 - Armed Forces Champion
 - Historic Environment and Design Champion
 - Older Persons' Champion

Reasons for Recommendation:

- To comply with Council Procedure Rules 23 and 29 of the Constitution in respect of the appointment of committees and election of chairmen and vice-chairmen
- To enable the Council to comply with its obligations under the Local Government and Housing Act 1989 in respect of the political proportionality on its committees.

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

1. Purpose of report

1.1 This report asks the Council:

- (a) to appoint a number of committees to discharge various non-executive functions and to agree their respective size, terms of reference, and numerical allocation of seats to political groups;
- (b) to appoint councillors to those committees in accordance with the statutory requirements for political balance;
- (c) to elect committee and sub-committee chairmen and vice-chairmen, as appropriate; and
- (d) to agree the appointment of a number of Councillor Champions.

2. Background

Appointment of Committees

- 2.1 Council Procedure Rule 23 (a) requires the Council, at its Selection meeting each year, to appoint such committees as it shall determine and to agree their respective size and terms of reference.
- 2.2 Except in relation to the Licensing Committee and its sub-committees where the Council has absolute discretion as to whether they are politically balanced, the membership of each of the Council's committees and sub-committees shall be in accordance with statutory requirements for political balance. As far as possible, the number of seats allocated to a political group on committees and sub-committees will reflect the size of that group in proportion to the total Council membership.
- 2.3 Under Council Procedure Rule 23, the Council is required to review the allocation of seats on committees to political groups at its Selection meeting and as soon as reasonably practicable following any change in the political constitution of the Council or as otherwise required by statute. Wherever such a review is required, the Democratic Services and Elections Manager will submit a report to the Council showing what allocation of seats would best meet the requirements for political balance.

3. Political Composition of the Council

3.1 Following the three by-elections in the Friary & St Nicolas, Pirbright, and Send wards on 6 May 2021, the three new borough councillors have indicated their wish to be regarded as members of the following political groups on the Council:

| | Political Group |
|--------------------------|-----------------------------|
| Councillor Guida Esteves | Guildford Greenbelt Group |
| Councillor Cait Taylor | Guildford Liberal Democrats |
| Councillor Keith Witham | Conservative Group |

3.2 The political composition of the Council is therefore:

| | |
|---------------------------------------|----|
| Guildford Liberal Democrats: | 17 |
| Residents for Guildford and Villages: | 16 |
| Conservatives: | 9 |
| Guildford Greenbelt Group: | 4 |
| Labour: | 2 |

4. Appointment of Committees

4.1 Under Council Procedure Rule 23 (g), the Council is invited to appoint the following committees in the manner specified in the table below:

| Committee | No. of voting members of Committee | No. of substitute members of Committee | No. of co-opted (non-voting) members |
|---|---|---|---|
| Corporate Governance and Standards Committee | 7 councillors ¹ | Up to 3 councillors per political group | 3 independent members and 3 parish members ² |
| Employment Committee | 3 councillors ³ | Up to 4 councillors per political group | None |
| Service Delivery Executive Advisory Board | 12 councillors (non-Executive) | Up to 7 councillors per political group | None |
| Strategy and Resources Executive Advisory Board | 12 councillors (non-Executive) | Up to 7 councillors per political group | None |
| Guildford Joint Committee | 10 councillors ⁴ | None | None |
| Licensing Committee | 15 councillors | None | None |
| Overview and Scrutiny Committee | 12 councillors (non-Executive) | Unlimited ⁵ | None |
| Planning Committee | 15 councillors | Up to 5 councillors per political group | None |

4.2 Where applicable, the committees will appoint their respective sub-committees. The Council is also invited to consider and approve the terms of reference of these committees for 2021-22, details of which are set out in **Appendix 1** to this report.

5. Requirement for political balance and numerical allocation of seats on committees

5.1 Section 15 of the Local Government and Housing Act 1989 sets out how committees must be constituted when the Council is divided into one or more political groups. The Council must give effect, *as far as reasonably practicable*, to the following four principles in constituting its committees or sub-committees:

- (a) that not all of the seats on any committee are allocated to the same political group;
- (b) that if a political group has a majority on the Council, it must have a majority of seats on all committees;
- (c) that, subject to (a) and (b) above, the number of seats allocated to a political group across all the committees must reflect their proportion of the authority’s membership; and
- (d) that, subject to (a) to (c) above, the number of seats allocated to a political group on each committee is as far as possible in proportion to the group’s membership of the authority.

5.2 The current numerical allocation of seats on the committees to the political groups was agreed by the Council on 13 April 2021. As there has been a change to the political balance on the Council since then following the by-elections, the Council is asked to

¹ who may include one member of the Executive except the lead councillor whose portfolio includes finance and resources. Neither the Leader nor Deputy Leader may be a member or substitute member of this Committee

² These co-optees have been appointed for a four-year term ending May 2023

³ including at least one member of the Executive

⁴ The Joint Committee comprises 10 Surrey County Councillors (representing each of the 10 county divisions within the borough) and 10 Borough Councillors (at least one of whom must be a member of the Executive)

⁵ provided that none are Executive members (or Deputy Lead Councillors)

review the numerical allocation of seats on committees for the 2021-22 municipal year. The draft revised calculation of the numerical allocation of seats to political groups on committees for the 2021-22 municipal year is set out in **Appendix 2** to this report.

- 5.3 Once the allocation of seats to different political groups has been determined, section 16 of the 1989 Act places a duty on the Council to allocate those seats in accordance with the wishes of the political groups. Details of each group's nominations to fill those seats (and substitutes where appropriate) will be set out in the Order Paper for the meeting.
- 5.4 Whenever, during the course of the year, an appointment of a member or substitute member of a committee or sub-committee falls to be made in accordance with the wishes of a political group to whom the seat has been allocated or whenever such an appointment falls to be terminated in accordance with such wishes, the Managing Director shall make or terminate such appointments in accordance with the wishes of that political group. The wishes of a political group are taken to be those expressed to the Managing Director in writing by (a) the leader of the political group or (b) in a statement to the Managing Director supported in writing by a majority of the members of that group. In the event that different wishes of a political group are notified in accordance with (a) and (b) above, the wishes notified in accordance with (b) shall prevail. No member of a committee shall be appointed so as to hold office later than the next annual meeting of the Council (i.e. May 2022).

6. Election of chairmen and vice-chairmen of committees and sub-committees

- 6.1 At the Selection Meeting each year, and following the appointment of committees, Council Procedure Rule 29 requires the Council to elect the chairmen and vice-chairmen of all committees, including the Executive Advisory Boards, and any sub-committees of those committees for the ensuing municipal year. Nominations for election of committee and sub-committee chairmen and vice-chairmen shall be submitted to the Democratic Services Manager in advance of the Selection Meeting at the same time as nominations are submitted for appointments to committees.
- 6.2 Details of nominations received in respect of the election of committee and sub-committee chairmen and vice-chairmen will also be set out in the Order Paper for the meeting.

7. Councillor Champions

Armed Forces Champion

- 7.1 Borough and district councils across Surrey have been invited to appoint a member of the Executive, or Chairman of an appropriate Scrutiny Committee, or a Member with an interest in the Armed Forces community, as the Council's Armed Forces Champion. The role involves raising the profile and needs of the Armed Forces community (serving personnel, both regular and reserve, their families, and veterans), within the Council and the Borough. Close liaison with the Council's Armed Forces Covenant Officer, with particular reference to the Council's obligations undertaken through the Armed Forces Covenant and the Community Covenant, will be essential.

The Armed Forces Champion for 2020-21 was Councillor Tom Hunt (deputy: Councillor Dennis Booth).

Historic Environment and Design Champion

- 7.2 Since 2004, the Council has appointed an Historic Environment and Design Champion whose role has been to promote and support best practice in the built and historic environment by ensuring that the Council provides a vision for how the quality of the built environment will improve. This will require an overview of the host of responsibilities the Council has, for example via planning, conservation, procurement of new buildings and the management of streets and green spaces.

The Historic Environment and Design Champion for 2020-21 was Councillor Caroline Reeves (deputy: Councillor Bob McShee).

Older Persons' Champion

- 7.3 When the Executive adopted the Later Life Strategy in October 2010, the appointment of an independent Older Persons' Champion was approved in principle and it was agreed that future appointments should be made annually by the Council at its Selection meeting. The Champion's role is to promote services for older people within the Borough. The role requires a willingness to challenge existing structures and cultures; and an ability to work across organisational boundaries and motivate key partners.

The Older Persons' Champion for 2020-21 was Councillor Maddy Redpath (deputy: Councillor Ted Mayne).

- 7.4 The Council is invited to appoint Councillor Champions for 2021-22, nominations for which will also be set out in the Order Paper for the meeting.

8. Legal implications

- 8.1 As the Council's membership is divided into political groups, it is required by sections 15 and 16 of the Local Government and Housing Act 1989 and related regulations, to ensure that appointments to fill seats on committees are allocated in the same proportion as that in which the Council as a whole is divided. There is also a duty to review annually the allocation of seats on committees to political groups or following any change in the political constitution of the Council.
- 8.2 The Council has wide powers in the Local Government Act 1972 to appoint committees and delegate (non-executive) functions to them. As the Council operates executive arrangements, it is required under the Local Government Act 2000, to establish at least one overview and scrutiny committee.
- 8.3 The Council should ensure the separation of roles between the Council as developer and the Council as Local Planning Authority so as to ensure there is no conflict of interests or perception of pre-determination or bias. Members should take particular care in the following circumstances:
- Ward member for where the development is located who is also a member of the Planning Committee;
 - Project board member who is also a member of the Planning Committee; and
 - Executive member who is also a member of the Planning Committee
- 8.4 In these circumstances it is advisable that the following safeguards should be in place:
- The ward member should be substituted on the Planning Committee determining the relevant planning application;

- Members of the Planning Committee either should not sit on project boards for projects where the Council will be applying to itself for planning permission (or the Council has significant involvement in the project) or should be prepared to be substituted on Planning Committee when the relevant planning application is being considered; and
- Executive members should either not sit on Planning Committee or should be prepared to be substituted when a planning application related to a decision taken by the Executive is being considered.

9 Financial Implications

9.1 There are no significant financial implications arising from this report.

10 Human resource Implications

10.1 There are no significant human resource implications arising from this report.

11 Background Papers

None

12 Appendices

Appendix 1: Proposed terms of reference of the Council's Committees for 2021-22
Appendix 2: Draft Calculation of the Numerical Allocation of Seats to Political Groups on Committees for the 2021-22 Municipal Year

TERMS OF REFERENCE OF COMMITTEES FOR 2021-22

CORPORATE GOVERNANCE AND STANDARDS COMMITTEE

Audit and Accounts Activity

1. To consider the Managing Director's bi-annual report on the summary of internal audit activity (actual and proposed) and the level of assurance that it can give over the Council's corporate governance arrangements.
2. To consider reports dealing with the management and performance of the providers of the internal audit function.
3. To consider reports from internal audit on recommendations agreed with heads of service as a result of an internal audit review which have not been implemented within a reasonable timescale.
4. To consider the external auditor's annual letter, relevant reports (both financial and strategic) and the report to those charged with governance and submit any comments to the Executive.
5. To consider specific reports submitted by the internal or external auditors.
6. To comment on the scope and depth of external audit work and ensure that it gives value for money.
7. To review the annual statement of accounts with specific emphasis on whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the Council.
8. To approve the Council's statement of accounts each year.
9. To consider reports on treasury management matters prior to their referral to the Executive and Council
10. To consider quarterly budget monitoring reports.

Corporate Governance Activity

11. To monitor and review the operation of the Council's Constitution, particularly in respect of financial procedures and protocols, procurement procedures and guidelines.
12. To review any corporate governance issue referred to the Committee by the Managing Director, a Director, the Leader/Executive or any other committee of the Council.
13. To monitor the effective development and operation of risk management and corporate governance in the Council.
14. To consider the Council's statement on internal control and to recommend its adoption.
15. To consider the Council's arrangements for corporate governance and necessary actions to ensure compliance with best practice, together with any relevant issues referred by the Corporate Governance Group.

16. To consider the Council's compliance with its own and other published standards and controls.
17. To consider the annual report regarding complaints about the Council referred to the Local Government Ombudsman.
18. To approve payments or other benefits of a value greater than £5,000 arising from complaints to the Local Government Ombudsman.
19. To monitor the effectiveness of the Council's:
 - whistle-blowing procedure,
 - anti-fraud and corruption policy,
 - anti-bribery policy and procedure
 - complaints procedureand make appropriate recommendations to the Executive.
20. In relation to corporate health and safety, to receive reports on compliance with the Council's health and safety policies and standards, accident rates and claims and the financial implications of action taken in that regard.
21. In relation to human resources functions delegated to the Managing Director and Directors to receive reports on compliance with the Council's policies and procedures and the financial implications of action taken in that regard.
22. To consider an annual report on insurance claims against the Council including issues arising from them and steps taken to manage the risk of future claims of a similar nature.
23. Monitoring and auditing of the Council's equality and diversity policies.

Ethical Standards Activity

24. To promote and maintain high standards of conduct by councillors and co-opted members¹
25. To advise the Council on the adoption or revision of its code of conduct.
26. To assist councillors and co-opted members to observe the code of conduct.
27. To advise, train or arrange to train councillors and co-opted members on matters relating to the code of conduct.
28. To advise the public on matters relating to the code of conduct.
29. To agree arrangements for the selection and interviewing of candidates for appointment as Independent Persons (including such joint arrangements with other

¹ A "co-opted member" for this purpose is, defined in the Localism Act section 27 (4) as "a person who is not a member of the authority but who

- (a) is a member of any committee or sub-committee of the authority, or
- (b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority;

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee".

councils as may be deemed by the Monitoring Officer to be appropriate) and to make recommendations to full Council on these appointments.

30. To agree allowances and expenses for the Independent Person and any Reserve Independent Persons
31. To grant dispensations, after consultation with the independent person, to councillors and co-opted members with disclosable pecuniary interests.
32. To determine whether to investigate allegations of misconduct by councillors or co-opted members in circumstances where such determination by the Monitoring Officer is considered by him to be inappropriate.
33. To determine, by way of a hearing, those allegations of misconduct by councillors or co-opted members where a formal investigation has found evidence of failure to comply with the code of conduct and where a local resolution has not been agreed.
34. To determine, following a hearing and a finding that a councillor or co-opted member has failed to comply with the code of conduct, such action as may be deemed appropriate and proportionate.
35. To make recommendations, following a hearing, to any parish council in the Council's area on action to be taken against any councillor or co-opted member of that parish council found to have failed to comply with that council's code of conduct.
36. To implement, monitor and review the operation of the code of conduct for staff.
37. To implement, monitor and review the operation of the Protocol on Councillor/ Officer Relations.
38. To undertake the Council's ethical governance audit of the rules and procedures applying within the Council and to consider the need for any further provisions.
39. To consider any other matter referred by the Monitoring Officer.

NB. Reference to councillors or co-opted members includes councillors or co-opted members of parish councils in the Council's area.

EMPLOYMENT COMMITTEE

1. To approve the Council's human resources policies.
2. Following the relevant procedures set out in Officer Employment Procedure Rules in Part 4 of the Constitution:
 - (a) To make recommendations to full Council in respect of the appointment or dismissal of Relevant Officers
 - (b) To determine disciplinary action short of dismissal of Relevant Officers
 - (c) To determine the appointment, dismissal or disciplinary action short of dismissal of the Deputy Managing Director or Directors, provided that they are not Relevant Officers

- (d) To constitute the Appeals Panel provided that such Panel shall comprise only those members or substitute members of the Employment Committee who were not involved in the original Hearing.
3. To determine remuneration and pension discretions relating to the Managing Director and Directors in accordance with the Council's approved human resources policies and Pay Policy Statement.
4. To approve or make a recommendation to Council for any financial settlement with any Director in connection with the termination of his or her employment, subject to the requirements of the Pay Policy Statement.
5. To make recommendations to Council in relation to any financial settlement with the Managing Director in connection with the termination of his or her employment.
6. To conduct a hearing into any unresolved grievance brought by the Managing Director.

EXECUTIVE ADVISORY BOARDS

Each Executive Advisory Board will consider reports on matters relating to the functions of the Executive that fall within its remit. The remits of each Executive Advisory Board are shown below and are aligned to themes in the Corporate Plan; they will be reviewed and approved at the Council's Selection meeting each year. The Executive Advisory Boards will meet in public, be webcast, and be subject to Part C of the Council Procedure Rules, Public Speaking Procedure Rules and Access to Information Procedure Rules in Part 4 of the Constitution.

Membership:

- (a) Each Executive Advisory Board shall comprise 12 non-executive councillors, one of whom shall be appointed by the Council as chairman, with normal voting rights.
- (b) The Council shall appoint a vice-chairman for each Executive Advisory Board.
- (c) Proportionality rules will apply.
- (d) Substitutes will be allowed in accordance with the rules and procedures of this Constitution, and in respect of each Executive Advisory Board, the Council may appoint up to seven substitute members for each political group.

Meetings:

- (a) Each Executive Advisory Board shall normally meet 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.
- (b) The relevant Lead Councillor (or other Executive members in the absence of the relevant Lead Councillor) will be expected to proactively attend Executive Advisory Board meetings and should normally present matters (with officer support) for discussion at meetings and engage actively in a dialogue with the Executive Advisory Boards regarding those matters.
- (c) The quorum of each Executive Advisory Board will be 4.

Responsibilities:

Each Executive Advisory Board will have free range to select their own review topics on which to advise the Executive in addition to the following general responsibilities within its remit:

- (a) To consider and (where necessary) make recommendations on all Key (or other significant) Decisions, prior to the formal consideration of all such decisions by the Executive.
- (b) To assist and advise the Executive in the development of Policy Framework issues.
- (c) To undertake research and reviews for the purpose of advising the Executive on the delivery of Corporate Plan Priorities.
- (d) To advise the Executive at an early stage in respect of the formulation and development of policies and projects that will help to deliver Corporate Plan Priorities
- (e) To assist in the development of Executive Decisions
- (f) To assist and advise the Executive as regards budget preparation.
- (g) To develop and maintain a work programme ensuring that there is efficient use of its time

Powers:

Each Executive Advisory Board will have the power:

- (a) To require the Leader and/or lead councillors and officers to attend before it to answer questions
- (b) To question and gather evidence from any person (with their consent)
- (c) To co-opt expert individuals on a non-voting basis to assist their work.
- (d) To set up, subject to available resources, panels, task groups or breakout groups to look at specific issues relating to the delivery of the Corporate Plan (or other significant priorities) in order to inform decision making by the Executive. For the avoidance of doubt, the membership of such panels and groups shall be open to all councillors.

Remits:

The remits of the Executive Advisory Boards will be aligned to reflect the Executive portfolios and Directorates of the Council, as follows:

- (a) The Service Delivery Executive Advisory Board.
- (b) The Strategy and Resources Executive Advisory Board

Protocol for their operation:

- (1) EABS are advisory in nature and do not have any substantive decision-making powers delegated to them. EABs are to act as a source of advice to the Executive.
- (2) EABs will enable greater involvement and engagement of councillors and the public in significant Executive decisions.
- (3) EABS will advise the Executive at an early stage about the formulation and development of policies and projects that will help deliver Corporate Plan priorities. The EABs are intended to enable backbench councillors to be more closely involved with issues of greatest importance to the Council.

- (4) The chairmen and vice-chairmen of the EABs will meet regularly to identify priorities and prepare draft work programmes for consideration and approval by the EABs and, as part of this process, will take into account the forthcoming key or significant Executive decisions set out in the Forward Plan. Subject to paragraph (5) below, those matters identified in the agreed work programmes will be considered by the EABs in detail.
- (5) When considering an Executive decision, the EABs will aim to do so at a time when it is still open to influence, that is to say, when there is an expectation that advice from the EAB or any recommendation or suggestion for improvement could realistically lead to change. EAB agendas will list all forthcoming key or significant Executive decisions set out in the Forward Plan, except those that are urgent.
- (6) EABs will determine their final recommendations to the Executive by consensus if at all possible.
- (7) The advice of EABs to the Executive, including explanation for any recommendations, will be contained within a report considered by the Executive. The justification for not accepting advice from an EAB is to be made clear in the options considered by the Executive.
- (8) EAB Chairmen and / or Vice-Chairmen shall attend Executive meetings to elaborate on advice given by their respective EABs, and shall receive feedback from the Executive.
- (9) Membership of both an EAB and the Overview and Scrutiny Committee does not inevitably create a conflict of interest. As a rule, councillors should not be involved in scrutinising a decision in which they have been involved directly; yet, EABs are advisory and it remains the responsibility of the Executive to formally take and implement the decision.

LICENSING COMMITTEE

1. Except as otherwise provided in the Licensing Act 2003 and the Gambling Act 2005, all functions of the licensing authority prescribed by those Acts.
2. All other functions relating to licensing and registration in so far as they are the responsibility of the Borough Council as specified in Section B of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended).
3. All functions relating to health and safety at work in so far as they are the responsibility of the Borough Council as specified in Section C of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended).
4. To determine any changes to taxi and private hire licence fees and charges on an annual basis, and to authorise statutory publication of the fees and charges.
5. To consider objections following the statutory publication of the fees and charges referred to in 4. above and to approve the final fees and charges.

OVERVIEW AND SCRUTINY COMMITTEE

The Council will appoint an Overview and Scrutiny Committee to discharge the functions conferred by Sections 21 and 21A of the Local Government Act 2000 or regulations made under Section 32 of the Local Government Act 2000. This Committee is also the Council's designated crime and disorder committee under Section 19 of the Police and Justice Act 2006.

The work of the Overview and Scrutiny Committee should focus on the Council's principles, practice, procedures and performance (rather than politics and personalities); the work will be informed by the following principles:

- (i) Constructive "critical friend" challenge
- (ii) Amplifies the voices and concerns of the Public
- (iii) Led by independent people who take responsibility for their role; and
- (iv) Drives improvement in public services

The provisions of these terms of reference are subject always, and without prejudice, to Section 9F of the Local Government 2000.

General Terms of Reference:

- (a) to perform all overview and scrutiny functions on behalf of the Council;
- (b) to appoint such formal sub-committees and informal task and finish groups as it considers appropriate to fulfil those overview and scrutiny functions;
- (c) to approve the overview and scrutiny work programme so as to ensure that the Committee's time is effectively and efficiently utilised;
- (d) to undertake investigations into such matters relating to the Council's functions and powers as:
 - (i) may be referred by the Leader/Executive; or
 - (ii) the Committee may consider appropriate; or
 - (iii) have been referred to the Committee pursuant to the "call-in" procedure set out in the Overview and Scrutiny Procedure Rules in Part 4 of this Constitution;

(In respect of (iii) above, the Committee may review the decision or, if it so wishes, refer the matter to the full Council for review.)

- (e) to review and advise on all existing policies of the Council, including making recommendations for future options to the Leader/Executive;
- (f) to review arrangements to secure continuous improvement in the way in which the Council's functions are exercised, having regard to a combination of economy, efficiency and effectiveness;
- (g) to monitor and review the Council's performance against relevant national and local performance indicators and adopted plans and strategies;
- (h) to consider any matter affecting the area or its inhabitants;

- (i) to discuss initiatives put forward for consideration by individual members of the Committee;
- (j) to deal with any relevant councillor call-for-action in accordance with the protocol attached as Appendix 1 to the Overview and Scrutiny Procedure Rules set out in Part 4 of this Constitution; and
- (k) to consider petitions received under the adopted Petition Scheme that fall into the following categories:
 - petitions requiring a senior officer to give evidence to the Committee; and
 - a request from a petition organiser, who is not satisfied with the Council's response to a petition, for a review of the adequacy of the steps taken or proposed to be taken in response to the petition.

Specific Functions

(a) Policy Development and Review

The Overview and Scrutiny Committee may:

- (i) assist the Council and the Leader/Executive in the development of the budget and policy framework by in-depth analysis of policy issues; and the Overview and Scrutiny Committee may obtain evidence from members of the public or expert witnesses to inform its response
- (ii) conduct research, community and other consultation in the analysis of policy issues and possible options;
- (iii) question the Leader, lead councillors, Managing Director and Directors about their views on issues and proposals affecting the area; and
- (iv) liaise with, and scrutinise, other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working; any such organisation that is working in partnership with the Council will be expected to have regard to the reports and recommendations of the Committee

(b) Scrutiny

The Overview and Scrutiny Committee may:

- (i) review and scrutinise the performance of and the decisions made by the Leader, lead councillors individually or the Executive collectively and Council officers both in relation to individual decisions and over time;
- (ii) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas;
- (iii) question the Leader, lead councillors, Managing Director and Directors about their decisions and performance, whether generally in comparison with service plans and targets over a period of time; in relation to particular decisions, initiatives or projects; or in relation to the portfolios of the

Leader or of Lead Councillors (or any parts thereof). As part of this process, the Committee may facilitate the asking of questions submitted in advance by members of the public;

- (iv) make recommendations as appropriate to the Leader/Executive and/or the Council arising from the outcome of the scrutiny process;
- (v) review and scrutinise the performance of other public bodies in the area and invite reports from them by requesting them to address the Committee and local people about their activities and performance;
- (vi) question and gather evidence from any person (with their consent) and require information from partner organisations; and
- (vii) use innovative ways to scrutinise matters of concern such as select committees, public hearings, mystery shopping and workshops; the issue being investigated should be matched to the most appropriate process.

(c) Finance

- (i) The Overview and Scrutiny Committee may exercise overall responsibility for the finances made available to them.
- (ii) The Committee may request that a budget be made available to it for the purposes of research, the costs of expert witnesses, site visits, non-meeting based activities and matters similar thereto.

(d) Annual Report

The Overview and Scrutiny Committee must report annually to the full Council on its work undertaken during the year, its future work programme and amended working methods if appropriate.

PLANNING COMMITTEE

1. All functions relating to town and country planning and development control in so far as they are the responsibility of the Borough Council as specified in Section A of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended).
2. All functions relating to:
 - (a) the stopping up or diversion of footpaths, bridleways or restricted byways affected by development;
 - (b) the extinguishment of public rights of way over land held for planning purposes; and
 - (c) trees and hedgerows

as specified in Section I of Schedule 1 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended).

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Draft Calculation of the Numerical Allocation of Seats to Political Groups on Committees 2021-22

| Committee | Guildford Liberal Democrats | Residents for Guildford & Villages | Conservatives | Guildford Greenbelt Group | Labour |
|--|------------------------------------|---|----------------------|----------------------------------|---------------|
| Total no. of seats on the Council | 17 | 16 | 9 | 4 | 2 |
| % of no. of seats on the Council | 35.42% | 33.33% | 18.75% | 8.33% | 4.17% |
| Total number of seats on committees (Total: 86) | 30 | 29 | 16 | 7 | 4 |
| Corporate Governance & Standards Committee (7 seats) | 2 | 2 | 1 | 1 | 1 |
| Employment Committee (3 seats) | 1 | 1 | 1 | 0 | 0 |
| Service Delivery EAB (12 seats) | 4 | 5 | 2 | 1 | 0 |
| Strategy and Resources EAB (12 seats) | 4 | 4 | 2 | 1 | 1 |
| Guildford Joint Committee (10 seats) | 4 | 3 | 2 | 1 | 0 |
| Licensing Committee (15 seats) | 6 | 5 | 3 | 1 | 0 |
| Overview & Scrutiny Committee (12 seats) | 4 | 4 | 2 | 1 | 1 |
| Planning Committee (15 seats) | 5 | 5 | 3 | 1 | 1 |
| Total no. of seats on committees | 30 | 29 | 16 | 7 | 4 |

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Council Report

Ward(s) affected: Lovelace, The Pilgrims, and Send

Report of Director of Strategic Services

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Date: 19 May 2021

‘Make’ (adopt) the Lovelace, Puttenham and Send Neighbourhood Plans

Executive Summary

Neighbourhood plans are development plans produced by parish/town councils or neighbourhood forums. Ripley and Ockham parish councils have produced the Lovelace Neighbourhood Plan covering the Lovelace Neighbourhood Area (Lovelace ward, which encompasses the parishes of Ripley, Ockham and Wisley). Puttenham Parish Council has produced the Puttenham Neighbourhood Plan covering the Puttenham Neighbourhood Area (Puttenham Parish). Send Parish Council has produced the Send Neighbourhood Plan covering the Send Neighbourhood Area (Send Parish).

To meet the requirements of The Neighbourhood Planning (General) Regulations 2012 (as amended) (“the Regulations”), the Council held six-week consultations and an arranged for an examination for each of the plans. The plans were then amended in line with the examiner’s recommendations and the subject of a referendum of qualifying voters within the respective neighbourhood areas on 6 May 2021. In response to the referendum question “Do you want Guildford Borough Council to use the Neighbourhood Plan for the [Lovelace or Puttenham or Send] Neighbourhood Area to help it decide planning applications in the neighbourhood area?” The following percentages of those voting voted “Yes”: Lovelace 82.33%, Puttenham 87.62% and Send 81.15%.

By virtue of the Planning and Compulsory Purchase Act 2004 (as amended) (“the Act”) and the Regulations, the Council must ‘make’ (adopt) the Plan as soon as reasonably practicable after the referendum is held and, in any event, not later than the last day of the period of 8 weeks from the day after the referendum. The Council does not need to make a neighbourhood plan if it considers that the making of it would be a breach, or would otherwise be incompatible with, any EU obligations (as incorporated into UK law) or any human rights obligations. Officers are of the view that making the plans would not breach these obligations. The Council must therefore decide whether or not to make the Plan.

As a result of amendments to the Regulations¹, neighbourhood plans now form part of the statutory Development Plan and carry full weight in planning decisions as soon as they are approved at a referendum, rather than when they are made by the Council at the final stage of the process. Applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

Recommendation to Council

That the Council resolves to 'make' (adopt) the Lovelace, Puttenham and Send neighbourhood plans.

Reason(s) for Recommendation:

To meet the requirements of the Act and the Regulations.

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

1. Purpose of Report

- 1.1 To inform councillors of the present position regarding the Lovelace Neighbourhood Plan, the Puttenham Neighbourhood Plan and the Send Neighbourhood Plan ("the Plans") following a referendum on 6 May 2021, and to set out the reasons for the recommendation to 'make' (adopt) the Plans.

2. Strategic Priorities

- 2.1 The Council's Strategic Framework identifies the following relevant key strategic priorities from the Corporate Plan (2018-2023)²: 'Place-making, 'Community, and 'Innovation'.
- 2.2 The Plans address a range of strategic priorities across the three fundamental themes of the Corporate Plan. For example, by providing the 'range of housing that people need', 'protecting our environment', 'encouraging sustainable and proportionate economic growth', and 'supporting older, more vulnerable and less advantaged people in our community'.
- 2.3 The Plans have been tested at examination and amended to comply with the requirements of legislation³. The requirements include that the Plans must contribute to the achievement of sustainable development, defined in national planning policy as sustainability across the environmental, social, and economic dimensions. The Plans, as amended, therefore will help deliver a sustainable local environment in economic, social, and environmental terms.

¹ The Neighbourhood Planning Act 2017 (Commencement No. 1) Regulations 2017

² Available online at: <https://www.guildford.gov.uk/article/17282/Corporate-Plan-2018-2023>.

³ These are the 'basic conditions' referred to in paragraph 8(2) of Schedule 4B to the Town & Country Planning Act 1990 (inserted by Schedule 10 to the Localism Act 2011)

- 2.4 The Plans have been produced through engagement between the relevant parish councils and members of the parish communities. By supporting the Plans, the Council can support sustainable and vibrant communities at the local level.

3. Background

- 3.1 The Localism Act 2011 and Neighbourhood Planning (General) Regulations 2012 (as amended) grant powers that allow qualifying bodies (parish or town councils, and neighbourhood forums in areas without parish or town councils) to produce neighbourhood plans and Neighbourhood Development Orders. Neighbourhood plans allow communities to set planning policies for their area which form part of the borough's statutory Development Plan and therefore carry the same weight as an adopted Local Plan policy. Neighbourhood Development Orders allow communities to grant up-front planning permission for developments.
- 3.2 Neighbourhood plans must be subject to an examination and pass a referendum of local voters by a simple majority before they can be adopted.

The Plans

- 3.3 The Lovelace Neighbourhood Area, Puttenham Neighbourhood Area and Send Neighbourhood Area were designated by the Council on 2 July 2015, 3 December 2014, and 2 July 2015 respectively. Designation of the neighbourhood areas conferred powers on the relevant parish councils to undertake neighbourhood planning and they subsequently produced the Plans.
- 3.4 The Lovelace Neighbourhood Plan, Puttenham Neighbourhood Plan and Send Neighbourhood Plan were submitted to the Council in September 2019, February 2020, and November 2019 respectively. Each was then subject to a six-week public consultation, followed by an independent examination, to meet the requirements of the Regulations. Each plan's examiner recommended modifications in order to make the plan meet the 'basic conditions' set out in legislation. The Council agreed with the examiner's recommendations in all three cases and published a decision statement setting this out. Officers then prepared the modified versions of the Plans. The parish councils did not object to the decisions to make the recommended modifications to the Plans.
- 3.5 The Plans were each subject to a referendum on 6 May 2021. The gap between publishing the decision statement and holding the referendums was a much longer period than is usual. The referendums were delayed to this date because regulations⁴ made under the Coronavirus Act 2020 postponed the holding of all elections, local polls and referendums which would have taken place during the period between 16 March 2020 and 5 May 2021 to the ordinary day of election in 2021 (6 May 2021). Voters who are eligible to vote in Local Elections within each of the three neighbourhood areas were eligible to vote in their respective referendum.

⁴ The Local Government and Police and Crime Commissioner (Coronavirus) (Postponement of Elections and Referendums) (England and Wales) Regulations 2020 (Reg 13 (1))

- 3.6 The referendum question was “Do you want Guildford Borough Council to use the Neighbourhood Plan for the [Lovelace or Puttenham or Send] Neighbourhood Area to help it decide planning applications in the neighbourhood area?” The result of each referendum was as follows:

Lovelace:

| | Votes Recorded |
|---------------------------------------|-----------------------|
| Number cast in favour of a Yes | 671 |
| Number cast in favour of a No | 132 |
| Number of rejected ballot papers | 12 |

| | | |
|----------------------|------------------------------|--------------------|
| Electorate: 1,952 | Ballot Papers Issued: 815 | Turnout: 41.75% |
|----------------------|------------------------------|--------------------|

Puttenham:

| | Votes Recorded |
|---------------------------------------|-----------------------|
| Number cast in favour of a Yes | 177 |
| Number cast in favour of a No | 24 |
| Number of rejected ballot papers | 1 |

| | | |
|--------------------|------------------------------|-------------------|
| Electorate: 458 | Ballot Papers Issued: 202 | Turnout: 44.1% |
|--------------------|------------------------------|-------------------|

Send:

| | Votes Recorded |
|---------------------------------------|-----------------------|
| Number cast in favour of a Yes | 1,322 |
| Number cast in favour of a No | 289 |
| Number of rejected ballot papers | 18 |

| | | |
|----------------------|--------------------------------|-------------------|
| Electorate: 3,415 | Ballot Papers Issued: 1,629 | Turnout: 47.7% |
|----------------------|--------------------------------|-------------------|

- 3.7 Once approved at a referendum, each Plan forms part of the Council’s Development Plan. Applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise (s38 (6) of the Planning and Compulsory Purchase Act 2004).
- 3.8 By virtue of the legislative framework, the Council must now make (adopt) the Plans as soon as reasonably practicable after the referendum is held and, in any event, the last day of the period of 8 weeks starting from the day after the referendum. The Council does not need to make a neighbourhood plan if it considers that making it

would breach, or otherwise be incompatible with, any EU⁵ or human rights obligations. Making the Plans will have limited impact on their status as they already form part of the Development Plan, following the majority ‘Yes’ vote at referendum⁶.

- 3.9 The Plans were tested against the ‘basic conditions’ set by legislation during their examinations. One of the basic conditions is that the Plans must be compatible with EU and human rights obligations. Officers agree with the examiners’ view that the Plans, as amended, each meet all of the basic conditions including EU and human rights obligations and that therefore the Plans should be made.

4. Consultations

- 4.1 The Plans have been through two consultations required by the Regulations. The parish councils undertook a Pre-submission (Regulation 14) consultation on their draft plan and the Council undertook a Post-submission (Regulation 16) consultation on the submission plans during the following periods.

| | Pre-submission (Reg 14) | Post-submission (Reg 16) |
|-----------|--------------------------------|---------------------------------|
| Lovelace | September - November 2018 | November/December 2019 |
| Puttenham | March/April 2019 | March/April 2020 |
| Send | April/May 2019 | January/February 2020 |

- 4.2 The parish councils considered the comments received during their Regulation 14 consultation and made changes to their Plans prior to submission to the Council. The comments received during the Council’s Regulation 16 consultations were provided to the examiner of each Plan. The amendments to each Plan recommended by the relevant examiner were informed by the content of representations received during both consultations and by a representation from the Council.

5. Key Risks

- 5.1 The Council risks reputational damage and legal challenge if it does not follow the due process set by Act and the Regulations.

6. Financial Implications

- 6.1 Should the Community Infrastructure Levy (CIL) be introduced, 15 per cent of CIL receipts must be passed to any parish council within whose parish a development occurs, capped at a maximum of £100 multiplied by the total number of dwellings in the parish area. The parish council has responsibility for determining how these CIL funds are spent but they must be spent on measures that support development and have the agreement of the Council as the charging authority. Alternatively, the parish council can opt not to receive some or its entire portion of the CIL funds and to keep the funds with the charging authority.

⁵ Following the UK’s departure from the EU, compliance with relevant EU obligations remains a requirement of both UK legislation and the neighbourhood planning ‘basic conditions’.

⁶ Under the Neighbourhood Planning Act 2017 S3

- 6.2 The making of a neighbourhood plan for a neighbourhood area that covers a parish has the effect of increasing the neighbourhood share of CIL funds to 25 per cent (uncapped). In the case of Wisley Parish, which has no parish council, the funds would stay with the Council to be spent in consultation with the local community, as is the case for non-parished areas.
- 6.3 The neighbourhood portion of the CIL must be spent to “support the development of the area” but can be used to fund a wider range of projects than the CIL funds held by the Council, which must be spent on infrastructure. The neighbourhood share of CIL funds may be spent on affordable housing.
- 6.4 The Plans will be made available to the public electronically for free. As with other planning documents, the Plans will be made available in print for a fee that covers printing costs.
- 6.5 As making the Plans does not alter their status in the planning system, there are not considered to be any additional cost implications for planning decisions.

7. Legal Implications

- 7.1 Section 38A (4) of the Planning and Compulsory Purchase Act 2004 Act (“the Act”) as inserted by the Localism Act 2011 states that a local planning authority:
- must make a neighbourhood development plan if more than half of those voting in the neighbourhood plan referendum vote are in favour of the Plan; and
 - do so as soon as reasonably practicable after the referendum is held and in any event by such date as may be prescribed.
- 7.2 Pursuant to the Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016, the prescribed date for a Council to make a neighbourhood development plan following an affirmative vote at a referendum is the last day of the period of 8 weeks beginning with the day immediately following the day of the referendum.
- 7.3 Under the Act, a neighbourhood plan comes into force as part of the statutory development plan once it has been approved at referendum.
- 7.4 There are narrow circumstances where the local planning authority is not required to make the neighbourhood plan. Section 38A (6) of the 2004 Act states that the authority is not subject to this duty if it considers that making the neighbourhood plans would breach, or would otherwise be incompatible with, any EU or Convention rights (within the meaning of the Human Rights Act 1998). No other circumstances for refusing to make the neighbourhood plans are prescribed.
- 7.5 In accordance with the Act, only a draft neighbourhood plan that meets certain prescribed conditions can be put to a referendum. The prescribed conditions include whether a plan conforms with EU and Convention rights. The neighbourhood plan examiners found the Plans to be compliant with this requirement. There is no reason for officers to question their conclusions.

8. Human Resource Implications

- 8.1 Making the Plans is not expected to have any significant human resource implications as doing so will not alter the status of the Plans in planning decisions or the process of planning decisions.

9. Equality and Diversity Implications

- 9.1 S149 of the Equality Act 2010 requires that “A public authority must, in the exercise of its functions, have due regard to the need to:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.”
- 9.2 The making (adoption) of the Plans is not expected to have any adverse impact on people with protected characteristics under the Equality Act 2010. Each plan’s policies were considered in relation to potential equality impacts that could arise as a result of the plan’s referendum and adoption, which officers consider to be either neutral or positive. Equality Impact Assessment reports were completed for each Plan and these are attached at Appendix 1 to this report.
- 9.3 The examiner’s report for each plan concludes that the plan is compatible with EU obligations and the European Convention on Human Rights.
- 9.4 The plans were also subject to extensive public consultation at the Regulation 14 (pre submission) and Regulation 16 (publicity for plan proposals) stages in order to involve as broad a range of people as possible from across the relevant local communities. At the Regulation 14 stage, the Plans employed a selection of consultation methods such as online questionnaires, publicity in local newsletters and by email and hosting community events and there was direct resident involvement on the Parish Councils’ steering groups.

10. Climate Change/Sustainability Implications

- 10.1 The Secretary of State for Housing, Communities and Local Government sets out policies and advice including the National Planning Policy Framework and the Planning Practice Guidance. Both documents cover climate change mitigation and adaptation and the principles of sustainable development. One of the ‘basic conditions’ that neighbourhood plans must meet is that they have had regard to the policies and advice from the Secretary of State. The examiners have found that the plans, as modified, meet this test and therefore the plans will respond positively to the need to mitigate and adapt to climate change and ensure development is sustainable.
- 10.2 A further ‘basic condition’ is that neighbourhood plans must contribute to the achievement of sustainable development. The plans, as modified, have been found to comply with this requirement so will have a positive impact on sustainability.

11. Summary of Options

11.1 The two options available are:

- Make the Plans
- Refuse to make the Plans

11.2 Refusing to make the Plans without sound reasons for doing so in compliance with the narrow circumstances outlined above carries legal risks as set out at paragraph 5.1 above.

12. Conclusion

12.1 Following the results of the referendums held on 6th May 2021 and based on the conclusions of the examinations, there is no reason to conclude that the Plans fail to comply with EU obligations and Convention rights. As such, it is recommended that the Council should make the Plans.

13. Background Papers

13.1 Links to background papers are available below.

Lovelace Neighbourhood Plan, examiner's report and decision statement:

<https://www.guildford.gov.uk/lovelace>

Puttenham Neighbourhood Plan, examiner's report and decision statement:

<https://www.guildford.gov.uk/puttenham>

Send Neighbourhood Plan, examiner's report and decision statement:

<https://www.guildford.gov.uk/article/16998/Send>

14. Appendices

Appendix 1: Equality Impact Assessment report – Lovelace

Appendix 2: Equality Impact Assessment report – Puttenham

Appendix 3: Equality Impact Assessment report – Send



THE LOVELACE NEIGHBOURHOOD PLAN
A plan for Ripley, Ockham and Wisley
2019 – 2034

Equalities Impact Assessment

February 2021

If you would like this document in a different format, different language, Braille, large print or audio, please contact the Planning Policy Team on 01483 444471.

Screening/Scoping Pro Forma

| | | | | | |
|--|--|--|--|----------------|--|
| Service | Strategic Services | | Officer responsible for the screening/scoping | Dan Knowles | |
| Name of the activity to be assessed | Lovelace Neighbourhood Plan A plan for Ripley, Ockham and Wisley 2019 – 2034 | | Date of Assessment | 23 / 02 / 2021 | Is this a proposed new or existing activity? Proposed new activity |
| 1. Briefly describe the aims, objectives and purpose of the activity? | | | To 'make' (adopt) the Lovelace Neighbourhood Plan covering the parishes of Ockham, Ripley and Wisley. | | |
| 2. Are there any associated or specific objectives of the activity? Please explain. | | | To implement a series of policies contained within the plan that will form part of the Council's statutory Development Plan and will assist developers in preparing planning proposals for sites within the Lovelace Neighbourhood Area and guide the Council when determining planning applications within this area. | | |
| 3. Who is intended to benefit from this activity and in what way? | | | Those living, working or visiting Lovelace ward will benefit from the improvements that would arise from policies in the Plan aimed at improving local design and character, biodiversity, green space, improved footpaths, cycle ways, flooding, pollution, business and leisure and community facilities. The Plan would also provide benefits to residents in relation to the availability of a range of housing types. | | |
| 4. What outcomes are wanted from this activity? | | | To deliver the vision for Lovelace (set out in the Plan) which is (paraphrased): to ensure housing to meet local needs, respect rural character and offer sustainable transport options, to protect and enhance the local environment, to provide infrastructure and facilities that support local needs and promote sustainable and healthy lifestyles, and to support the local economy. | | |

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| <p>5. What factors/forces could contribute/detract from the outcomes?</p> | <p>None known.</p> | | |
| <p>6. Who are the main stakeholders in relation to the activity?</p> | <p>Ripley and Ockham parish councils, residents of Lovelace ward.</p> | <p>7. Who implements the activity, and who is responsible for the activity?</p> | <p>The Lovelace Neighbourhood Plan was prepared by Ripley and Ockham parish councils. Guildford Borough Council, appeal inspectors and the Secretary of State (the planning decision makers) are responsible for implementing the plan's policies in planning decisions.</p> |
| <p>8. Are there concerns that the activity <u>could</u> have a differential impact on racial groups?</p> | | <p>N</p> | |
| <p>What existing evidence, local or national, actual or presumed, do you have to support your response?</p> | <p>None of the policies have implications for racial bias. The plan relates to new development irrespective of developer or occupant of new buildings, and to the development or improvement of local facilities that would benefit all racial groups equally.</p> | | |
| <p>9. Are there concerns that the activity <u>could</u> have a differential impact on grounds of gender?</p> | | <p>N</p> | |
| <p>What existing evidence, local or national, actual or presumed, do you have to support your response?</p> | <p>The strategy provides a range of land-use policies that provide benefits which are unlikely to impact differentially based on gender.</p> | | |
| <p>10. Are there concerns that the activity <u>could</u> have a differential impact on those who have a disability?</p> | | <p>N</p> | |

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| <p>What existing evidence, local or national, actual or presumed, do you have to support your response?</p> | <p>The purpose of the plan is to promote a high standard of development throughout the Lovelace Neighbourhood Area; therefore, there are no policies that would have an adverse impact for those with disabilities. The plan promotes parking spaces that are larger than typically provided in order to assist those using wheelchairs or mobility scooters which would likely be of benefit to some disabled people.</p> | |
| <p>11. Are there concerns that the activity <u>could</u> have a differential impact on grounds of sexual orientation?</p> | | <p>N</p> |
| <p>What existing evidence, local or national, actual or presumed, do you have to support your response?</p> | <p>The Plan aims to promote a high standard of development throughout the Lovelace Neighbourhood Area; therefore, it is not likely to have a specific differential impact on people of different sexual orientations.</p> | |
| <p>12. Are there concerns that the activity <u>could</u> have a differential impact on grounds of age?</p> | | <p>N</p> |
| <p>What existing evidence, local or national, actual or presumed, do you have to support your response?</p> | <p>The purpose of the plan is to promote a high standard of development throughout the Lovelace Neighbourhood Area; therefore, there are no policies that would have an adverse impact for those with disabilities. The plan promotes parking spaces that are larger than typically provided in order to assist those using wheelchairs or mobility scooters, which would likely be of benefit to elderly people.</p> | |
| <p>13. Are there concerns that the activity <u>could</u> have a differential impact on grounds of religious belief?</p> | | <p>N</p> |
| <p>What existing evidence, local or national, actual or presumed, do you have to support</p> | <p>The Plan aims to promote a high standard of development throughout the Lovelace Neighbourhood Area; therefore, it is not likely to have a specific differential impact on people of</p> | |

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| your response? | different religious beliefs. | |
| 14. Are there concerns that the activity <u>could</u> have a differential impact on those who have caring responsibilities? | | N |
| What existing evidence, local or national, actual or presumed, do you have to support your response? | The Plan aims to promote a high standard of development throughout the Lovelace Neighbourhood Area; therefore, it is not likely to have a specific differential impact on people with caring responsibilities specifically. However, the plan supports community facilities that would typically include day care centres and childcare facilities that would benefit those caring for children or adults with special needs. | |
| 15. Are there concerns that the activity could have a differential impact on grounds of marital status or civil partnership? | | N |
| What existing evidence, local or national, actual or presumed, do you have to support your response? | The Plan aims to promote a high standard of development throughout the Lovelace Neighbourhood Area; therefore, it is not likely to have a specific differential impact on people of different marital/civil partnership status. | |
| 16. Are there concerns that the activity <u>could</u> have a differential impact due a woman's pregnancy or maternity? | | N |
| What existing evidence, local or national, actual or presumed, do you have to support your response? | The Plan aims to promote a high standard of development throughout the Lovelace Neighbourhood Area; therefore, it is not likely to have a specific differential impact due to a women's pregnancy or maternity. However, the plan supports healthcare facilities and community facilities which could include childcare options, which would benefit women who are pregnant or caring for young children. | |

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| 17. Are there concerns that the activity <u>could</u> have a differential impact due to gender reassignment? | | N | |
| What existing evidence, local or national, actual or presumed, do you have to support your response? | The Plan aims to promote a high standard of development throughout the Lovelace Neighbourhood Area; therefore, it is not likely to have a specific differential impact on transgender or gender reassigned people. | | |
| 18. Could any differential impact identified in 8-17 amount to there being the potential for adverse impact in this activity? | | N | It is very unlikely that there would be any differential adverse impact on any sections of the community. Overall impact would be either neutral or an improvement for some of the protected groups. |
| 19. Can this adverse impact be justified on the grounds of promoting equality of opportunity for one or more of the protected groups or any other reason? | | | No adverse impacts identified. |
| 20. If the activity is of a strategic nature, could it help to reduce inequalities associated with socio-economic disadvantage? | Y | | The plan sets out a housing mix based on local need and seeks to deliver affordable housing and promote public and sustainable transport options which will help to reduce inequalities around shelter and movement related to socio-economic disadvantage. The plan conforms with the National Planning Policy Framework which seeks to ensure communities are a mix of socio-economic groups. |
| 21. Is there any concern that there are unmet needs in relation to any of the above protected groups? | | N | No concerns. |
| 22. Does 'differential impact' or 'unmet need' cut across one or more of the protected | | N | No specific differential impact or unmet need identified. |

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| groups (e.g. elder BME groups)? | | | |
| 23. If yes, should a full EIA, if necessary, be conducted jointly with another service area or contractor or partner or agency? | | | Not applicable. |
| 24. Is there a missed opportunity to improve this activity to meet the general duties placed on public bodies to eliminate unlawful discrimination, to advance equality of opportunity and to promote good relations between people who share protected characteristics and those who do not? | | N | No inequalities have been identified in the Plan and as a land-use plan it is limited to addressing development. The land-use policies generally will lead to a betterment for the protected groups where this is possible. The Council has not prepared the plan and cannot amend it so cannot use it to further advance equality or promote good relations between protected groups. |

| | | | | | | | | | | | | | |
|---|--|---|--|------------|-----|--------|----------|------|-------|-----------|----------|-------|--------|
| 25. Should the policy proceed to a full equality impact assessment? Please use the scoring process in the right hand column to guide you. | | N | 0 – no possible relevance or adverse impact 1 – extremely low relevance and adverse impact 0-11 points - low adverse impact, no need for full EIA 2 – relatively low relevance and adverse impact 12-20points - medium adverse impact, full EIA required 3 – medium relevance and adverse impact 21-27 points - high adverse impact, full EIA required 4 - relatively high relevance and adverse impact | | | | | | | | | | |
| | | | Age | Disability | Mat | Gender | Marriage | Race | Trans | Sexuality | Religion | Total | Impact |
| | | | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 26. If a full EIA is not required, are there any changes required to the proposal to improve it around the equality agenda? | | | None identified. | | | | | | | | | | |
| 27. How will any actions identified in 20. to 26. above be taken forward? | | | Not applicable. | | | | | | | | | | |

Signed
(completing officer)

Dan Knowles

Date

Signed
(Policy Lead – Planning Policy)

Stuart Harrison

Date

Signed
(Equalities lead – Human Resources)

Ali Holman

Date



**THE PUTTENHAM NEIGHBOURHOOD PLAN
2016 – 2033**

Equalities Impact Assessment

February 2021

If you would like this document in a different format, different language, Braille, large print or audio, please contact the Planning Policy Team on 01483 444471.

Screening/Scoping Pro Forma

| | | | | | |
|--|---|--|--|---|-----------------------|
| Service | Strategic Services | | Officer responsible for the screening/scoping | Daniel Nunn | |
| Name of the activity to be assessed | Puttenham Neighbourhood Plan 2016 – 2033 | Date of Assessment | 24 / 02 / 2021 | Is this a proposed new or existing activity? | Proposed new activity |
| 1. Briefly describe the aims, objectives and purpose of the activity? | | To ‘make’ (adopt) the Puttenham Neighbourhood Plan covering the parish of Puttenham. | | | |
| 2. Are there any associated or specific objectives of the activity? Please explain. | | Implementation of the series of policies that are contained within the plan, which will form part of the Council’s statutory Development Plan, assisting applicants in preparing planning proposals for sites within the Puttenham Neighbourhood Area and guide the Council in the determination of planning applications within the area. | | | |
| 3. Who is intended to benefit from this activity and in what way? | | Those living, working or visiting Puttenham Parish will benefit from the improvements that would arise from policies in the Plan, which are aimed at improving local design and the character of the built environment, biodiversity, habitats and the natural environment, other green space, rural tourism, and community facilities. The Plan would also provide benefits to residents in relation to the availability of a range of housing types, including affordable housing. | | | |
| 4. What outcomes are wanted from this activity? | | To deliver the vision for Puttenham (set out in the Plan) which is: “to maintain Puttenham Parish as a thriving vibrant community of rural character and identity, preserving its heritage assets, Listed Buildings and conservation area so that it will remain a visually attractive, independent settlement, set in unspoilt, tranquil and accessible countryside, providing an excellent quality of life for residents, visitors and those who work in the Parish”. | | | |

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| <p>5. What factors/forces could contribute/detract from the outcomes?</p> | <p>None known.</p> | | |
| <p>6. Who are the main stakeholders in relation to the activity?</p> | <p>Puttenham Parish Council and the residents of the Puttenham Neighbourhood Area (Puttenham Parish).</p> | <p>7. Who implements the activity, and who is responsible for the activity?</p> | <p>The Puttenham Neighbourhood Plan was prepared by Puttenham Parish Council. Guildford Borough Council, appeal inspectors and the Secretary of State (the planning decision makers) are responsible for implementing the plan's policies in planning decisions.</p> |
| <p>8. Are there concerns that the activity <u>could</u> have a differential impact on racial groups?</p> | | <p>N</p> | |
| <p>What existing evidence, local or national, actual or presumed, do you have to support your response?</p> | <p>None of the policies have implications for racial bias. The plan relates to new development irrespective of developer or occupant of new buildings, and to the development or improvement of local facilities that would benefit all racial groups equally.</p> | | |
| <p>9. Are there concerns that the activity <u>could</u> have a differential impact on grounds of gender?</p> | | <p>N</p> | |
| <p>What existing evidence, local or national, actual or presumed, do you have to support your response?</p> | <p>The strategy provides a range of land-use policies that provide benefits which are unlikely to impact differentially based on gender.</p> | | |
| <p>10. Are there concerns that the activity <u>could</u> have a differential impact on those who have a disability?</p> | | <p>N</p> | |

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|--|--|-----------------|
| <p>What existing evidence, local or national, actual or presumed, do you have to support your response?</p> | <p>The purpose of the plan is to promote a high standard of development throughout the Puttenham Neighbourhood Area; therefore, there are no policies that would have an adverse impact for those with disabilities. The plan promotes the development of accessible footpaths and cycleways, off-street parking and additional provision of parking spaces (including larger disabled-access spaces), close to the centre of the settlement and community facilities, which may benefit those using wheelchairs or mobility scooters and be of benefit to some disabled people.</p> | |
| <p>11. Are there concerns that the activity <u>could</u> have a differential impact on grounds of sexual orientation?</p> | | <p>N</p> |
| <p>What existing evidence, local or national, actual or presumed, do you have to support your response?</p> | <p>The Plan aims to promote a high standard of development throughout the Puttenham Neighbourhood Area; therefore, it is not likely to have a specific differential impact on people of different sexual orientations.</p> | |
| <p>12. Are there concerns that the activity <u>could</u> have a differential impact on grounds of age?</p> | | <p>N</p> |
| <p>What existing evidence, local or national, actual or presumed, do you have to support your response?</p> | <p>The purpose of the plan is to promote a high standard of development throughout the Puttenham Neighbourhood Area; therefore, there are no policies that would have an adverse impact for those with disabilities. The plan promotes the development of accessible footpaths and cycleways, off-street parking and additional provision of parking spaces (including larger disabled-access spaces), close to the centre of the settlement and community facilities, which may benefit those using wheelchairs or mobility scooters and be of benefit to some elderly people.</p> | |
| <p>13. Are there concerns that the activity <u>could</u> have a differential impact on grounds of religious belief?</p> | | <p>N</p> |

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| <p>What existing evidence, local or national, actual or presumed, do you have to support your response?</p> | <p>The Plan aims to promote a high standard of development throughout the Puttenham Neighbourhood Area; therefore, it is not likely to have a specific differential impact on people of different religious beliefs.</p> | |
| <p>14. Are there concerns that the activity <u>could</u> have a differential impact on those who have caring responsibilities?</p> | <p>N</p> | |
| <p>What existing evidence, local or national, actual or presumed, do you have to support your response?</p> | <p>The Plan aims to promote a high standard of development throughout the Puttenham Neighbourhood Area; therefore, it is not likely to have a specific differential impact on people with caring responsibilities specifically. However, the plan supports retaining and improving community facilities, which may include day care centres and childcare facilities that would benefit those caring for children or adults with special needs.</p> | |
| <p>15. Are there concerns that the activity could have a differential impact on grounds of marital status or civil partnership?</p> | <p>N</p> | |
| <p>What existing evidence, local or national, actual or presumed, do you have to support your response?</p> | <p>The Plan aims to promote a high standard of development throughout the West Horsley neighbourhood area; therefore, it is not likely to have a specific differential impact on people of different marital/civil partnership status.</p> | |
| <p>16. Are there concerns that the activity <u>could</u> have a differential impact due a woman's pregnancy or maternity?</p> | <p>N</p> | |
| <p>What existing evidence, local or national, actual or presumed, do you have to support</p> | <p>The Plan aims to promote a high standard of development throughout the Puttenham neighbourhood area; therefore, it is not likely to have a specific differential impact due to a women's pregnancy or maternity. However, the plan supports healthcare facilities and</p> | |

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| your response? | community facilities which could include childcare options, which would benefit women who are pregnant or caring for young children. | |
| 17. Are there concerns that the activity <u>could</u> have a differential impact due to gender reassignment? | | N |
| What existing evidence, local or national, actual or presumed, do you have to support your response? | The Plan aims to promote a high standard of development throughout the Puttenham neighbourhood area; therefore, it is not likely to have a specific differential impact on transgender or gender reassigned people. | |
| 18. Could any differential impact identified in 8-17 amount to there being the potential for adverse impact in this activity? | | N It is very unlikely that there would be any differential adverse impact on any sections of the community. Overall impact would be either neutral or an improvement for some of the protected groups. |
| 19. Can this adverse impact be justified on the grounds of promoting equality of opportunity for one or more of the protected groups or any other reason? | | No adverse impacts identified. |
| 20. If the activity is of a strategic nature, could it help to reduce inequalities associated with socio-economic disadvantage? | Y | The plan seeks to deliver affordable housing and promote public and sustainable transport options, which will help to reduce inequalities around shelter and movement related to socio-economic disadvantage. The plan conforms with the National Planning Policy Framework, which seeks to ensure communities are a mix of socio-economic groups. |
| 21. Is there any concern that there are unmet needs in relation to any of the above protected groups? | | N No concerns. |

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| <p>22. Does ‘differential impact’ or ‘unmet need’ cut across one or more of the protected groups (e.g. elder BME groups)?</p> | | <p style="text-align: center;">N</p> | <p>No specific differential impact or unmet need identified.</p> |
| <p>23. If yes, should a full EIA, if necessary, be conducted jointly with another service area or contractor or partner or agency?</p> | | | <p>Not applicable.</p> |
| <p>24. Is there a missed opportunity to improve this activity to meet the general duties placed on public bodies to eliminate unlawful discrimination, to advance equality of opportunity and to promote good relations between people who share protected characteristics and those who do not?</p> | | <p style="text-align: center;">N</p> | <p>No inequalities have been identified in the Plan and as a land-use plan it is limited to addressing development. The land-use policies generally will lead to a betterment for the protected groups where this is possible. The Council has not prepared the plan and cannot amend it so cannot use it to further advance equality or promote good relations between protected groups.</p> |

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| <p>25. Should the policy proceed to a full equality impact assessment? Please use the scoring process in the right hand column to guide you.</p> | | <p style="text-align: center;">N</p> | <p>0 – no possible relevance or adverse impact 1 – extremely low relevance and adverse impact 0-11 points - low adverse impact, no need for full EIA 2 – relatively low relevance and adverse impact 12-20points - medium adverse impact, full EIA required 3 – medium relevance and adverse impact 21-27 points - high adverse impact, full EIA required 4 - relatively high relevance and adverse impact</p> | | | | | | | | | | |
| | | | <p style="text-align: center;">Age</p> | <p style="text-align: center;">Disability</p> | <p style="text-align: center;">Mat</p> | <p style="text-align: center;">Gender</p> | <p style="text-align: center;">Marriage</p> | <p style="text-align: center;">Race</p> | <p style="text-align: center;">Trans</p> | <p style="text-align: center;">Sexuality</p> | <p style="text-align: center;">Religion</p> | <p style="text-align: center;">Total</p> | <p style="text-align: center;">Impact</p> |
| | | | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| <p>26. If a full EIA is not required, are there any changes required to the proposal to improve it around the equality agenda?</p> | | | <p>None identified.</p> | | | | | | | | | | |

| | | | |
|--|--|--|-----------------|
| 27. How will any actions identified in 20. to 26. above be taken forward? | | | Not applicable. |
|--|--|--|-----------------|

Signed:
(completing officer)



Daniel Nunn

Date: 24/02/2021

Signed:
(Policy Lead – Planning Policy)



Stuart Harrison

Date: 24/02/2021

Signed:
(Equalities lead – Human Resources)

Ali Holman

Date



**SEND NEIGHBOURHOOD DEVELOPMENT PLAN
2019 – 2034**

Equalities Impact Assessment

February 2021

If you would like this document in a different format, different language, Braille, large print or audio, please contact the Planning Policy Team on 01483 444471.

Screening/Scoping Pro Forma

| | | | | | |
|--|--|--|--|---|-----------------------|
| Service | Strategic Services | | Officer responsible for the screening/scoping | Gavin Stonham | |
| Name of the activity to be assessed | Send Neighbourhood Development Plan 2019 – 2034 | Date of Assessment | 23 / 02 / 2021 | Is this a proposed new or existing activity? | Proposed new activity |
| 1. Briefly describe the aims, objectives and purpose of the activity? | | To 'make' (adopt) the Send Neighbourhood Plan covering the parish of Send. | | | |
| 2. Are there any associated or specific objectives of the activity? Please explain. | | To implement a series of policies contained within the plan that will form part of the Council's statutory Development Plan and will assist developers in preparing planning proposals for sites within the Send Neighbourhood Area and guide the Council when determining planning applications within this area. | | | |
| 3. Who is intended to benefit from this activity and in what way? | | Those living, working or visiting Send Parish/Send Neighbourhood Area will benefit from the improvements that would arise from policies in the Plan aimed at improving local design, character and biodiversity, the local economy, green and blue infrastructure, local green space, sustainable and community transport initiatives, car parking provision, business, leisure and community facilities. | | | |
| 4. What outcomes are wanted from this activity? | | To deliver the vision for Send (set out in the Plan) which is (paraphrased): "By 2034, Send Parish will be vibrant and sustainable with a distinct character, good facilities, a strong sense of community and retain a rural village feel. Send will have an enhanced local centre and provide a mix of housing types for all, whilst retaining the character, environmental and heritage assets of the parish and separate identities of the various settlements, which have not merged into | | | |

| | | | |
|--|---|---|---|
| | | surrounding towns and villages.” | |
| 5. What factors/forces could contribute/detract from the outcomes? | | None known. | |
| 6. Who are the main stakeholders in relation to the activity? | Send Parish Council, residents of Send Parish. | 7. Who implements the activity, and who is responsible for the activity? | The Send Neighbourhood Plan was prepared by Send Parish Council. Guildford Borough Council, appeal inspectors and the Secretary of State (the planning decision makers) are responsible for implementing the plan’s policies in planning decisions. |
| 8. Are there concerns that the activity <u>could</u> have a differential impact on racial groups? | | N | |
| What existing evidence, local or national, actual or presumed, do you have to support your response? | None of the policies have implications for racial bias. The plan relates to new development irrespective of developer or occupant of new buildings, and to the development or improvement of local facilities that would benefit all racial groups equally. | | |
| 9. Are there concerns that the activity <u>could</u> have a differential impact on grounds of gender? | | N | |
| What existing evidence, local or national, actual or presumed, do you have to support your response? | The Plan provides a range of land-use policies that provide benefits which are unlikely to impact differentially based on gender. None of the policies have implications for gender bias. | | |
| 10. Are there concerns that the activity <u>could</u> have a differential impact on those who have | | N | |

| | | | |
|--|--|---|--|
| a disability? | | | |
| What existing evidence, local or national, actual or presumed, do you have to support your response? | The Plan aims to promote a high standard of development throughout the Send Neighbourhood Area; therefore, there are no policies that would have an adverse impact for those with disabilities. | | |
| 11. Are there concerns that the activity <u>could</u> have a differential impact on grounds of sexual orientation? | | N | |
| What existing evidence, local or national, actual or presumed, do you have to support your response? | The Plan provides a range of land-use policies that provide benefits for all people regardless of their sexual orientation. None of the policies have implications for differential or adverse impact in regard to this protected characteristic. | | |
| 12. Are there concerns that the activity <u>could</u> have a differential impact on grounds of age? | | N | |
| What existing evidence, local or national, actual or presumed, do you have to support your response? | The Plan's land-use policies will benefit people regardless of their age. There are no policies that would have a differential or adverse impact for certain age groups. | | |
| 13. Are there concerns that the activity <u>could</u> have a differential impact on grounds of religious belief? | | N | |
| What existing evidence, local or national, actual or presumed, do you have to support your response? | The Plan aims to promote a high standard of development throughout the Send Neighbourhood Area; therefore, it is not likely to have an adverse impact on people of different religious beliefs. It does however support new community facilities and protect existing community facilities, including places of worship. | | |

| | | | |
|--|--|-----------------|--|
| <p>14. Are there concerns that the activity <u>could</u> have a differential impact on those who have caring responsibilities?</p> | | <p>N</p> | |
| <p>What existing evidence, local or national, actual or presumed, do you have to support your response?</p> | <p>The Plan aims to promote a high standard of development throughout the Send Neighbourhood Area; therefore, it is not likely to have a specific differential impact on people with caring responsibilities specifically. However, the plan supports community facilities that would typically include day care centres and childcare facilities that would benefit those caring for children or adults with special needs.</p> | | |
| <p>15. Are there concerns that the activity could have a differential impact on grounds of marital status or civil partnership?</p> | | <p>N</p> | |
| <p>What existing evidence, local or national, actual or presumed, do you have to support your response?</p> | <p>The Plan aims to promote a high standard of development throughout the Send Neighbourhood Area; therefore, it is not likely to have a specific differential impact on people of different marital/civil partnership status.</p> | | |
| <p>16. Are there concerns that the activity <u>could</u> have a differential impact due a woman's pregnancy or maternity?</p> | | <p>N</p> | |
| <p>What existing evidence, local or national, actual or presumed, do you have to support your response?</p> | <p>The Plan aims to promote a high standard of development throughout the Send Neighbourhood Area; therefore, it is not likely to have a specific differential impact due to a women's pregnancy or maternity. However, the plan supports healthcare facilities and community facilities which could include childcare options, which would benefit women who are pregnant or caring for young children.</p> | | |

| | | | |
|---|--|---|--|
| 17. Are there concerns that the activity <u>could</u> have a differential impact due to gender reassignment? | | N | |
| What existing evidence, local or national, actual or presumed, do you have to support your response? | The Plan aims to promote a high standard of development throughout the Send Neighbourhood Area; therefore, it is not likely to have a specific differential impact on transgender or gender reassigned people. | | |
| 18. Could any differential impact identified in 8-17 amount to there being the potential for adverse impact in this activity? | | N | It is very unlikely that there would be any differential adverse impact on any sections of the community. Overall impact would be either neutral or an improvement for some of the protected groups. |
| 19. Can this adverse impact be justified on the grounds of promoting equality of opportunity for one or more of the protected groups or any other reason? | | | No adverse impacts identified. |
| 20. If the activity is of a strategic nature, could it help to reduce inequalities associated with socio-economic disadvantage? | Y | | The plan seeks to deliver affordable housing and promote public and sustainable transport options which will help to reduce inequalities around shelter and movement related to socio-economic disadvantage. The plan conforms with the National Planning Policy Framework which seeks to ensure communities are a mix of socio-economic groups. |
| 21. Is there any concern that there are unmet needs in relation to any of the above protected groups? | | N | No concerns. |
| 22. Does 'differential impact' or 'unmet need' cut across one or more of the protected | | N | No specific differential impact or unmet need identified. |

| | | | |
|---|--|---|--|
| groups (e.g. elder BME groups)? | | | |
| 23. If yes, should a full EIA, if necessary, be conducted jointly with another service area or contractor or partner or agency? | | | Not applicable. |
| 24. Is there a missed opportunity to improve this activity to meet the general duties placed on public bodies to eliminate unlawful discrimination, to advance equality of opportunity and to promote good relations between people who share protected characteristics and those who do not? | | N | No inequalities have been identified in the Plan and as a land-use plan it is limited to addressing development. The land-use policies generally will lead to a betterment for the protected groups where this is possible. The Council has not prepared the Plan and cannot amend it so cannot use it to further advance equality or promote good relations between protected groups. |

| | | | | | | | | | | | | | |
|---|--|---|---|------------|-----|--------|----------|------|-------|-----------|----------|-------|--------|
| 25. Should the policy proceed to a full equality impact assessment? Please use the scoring process in the right hand column to guide you. | | N | <p>0 – no possible relevance or adverse impact</p> <p>1 – extremely low relevance and adverse impact 0-11 points - low adverse impact, no need for full EIA</p> <p>2 – relatively low relevance and adverse impact 12-20points - medium adverse impact, full EIA required</p> <p>3 – medium relevance and adverse impact 21-27 points - high adverse impact, full EIA required</p> <p>4 - relatively high relevance and adverse impact</p> | | | | | | | | | | |
| | | | Age | Disability | Mat | Gender | Marriage | Race | Trans | Sexuality | Religion | Total | Impact |
| | | | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 26. If a full EIA is not required, are there any changes required to the proposal to improve it around the equality agenda? | | | None identified. | | | | | | | | | | |
| 27. How will any actions identified in 20. to 26. above be taken forward? | | | Not applicable. | | | | | | | | | | |

Signed
(completing officer)

Gavin Stonham

Date

Signed
(Policy Lead – Planning Policy)

Stuart Harrison

Date

Signed
(Equalities lead – Human Resources)

Ali Holman

Date

Council Report

Ward(s) affected: All wards

Report of Director of Resources

Author: Faye Gould, Senior Specialist Procurement

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Lead Councillor responsible: Tim Anderson

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Date: 19 May 2021

Review of Procurement Procedure Rules

Executive Summary

The Council's expenditure on goods, works, and services is approximately £50 million per annum and the Procurement Strategy adopted by the Executive on 26 May 2020 provides a strategic approach to sourcing in order to demonstrate best value and meet the requirements of the Public Contract Regulations 2015.

A need was identified to update the Procurement Procedure Rules, which form part of the Council's Constitution, in line with the adoption of the Procurement Strategy and subsequent shift to strategic sourcing as the last substantial review of the Rules was in 2016 which was based on historic practices; the devolved procurement model.

Key changes as outlined in this report are necessary to the Procurement Procedure Rules in order to bring them in line with the current way of working, a summary of the changes is as follows:

- Update to threshold for procurement advice
- Defining the role of Corporate Procurement Board
- Update to Tendering thresholds
- Updated exemption grounds
- Specific inclusion of embedding Social Value
- Specific inclusion of adopting Modern Slavery
- Specific inclusion of Climate change considerations

By adopting the updated Procurement Procedure Rules, the Council will bring the Rules in line with current practices and commit to delivering a robust approach to Commissioning and Procurement. Compliance with the Public Contract Regulations 2015 will be achieved, significant savings realised, and commercial opportunity maximised.

The Council's Constitution will also be brought up to date which will mirror current working practices, removing any potential conflicts.

Recommendation to Selection Council

That the updated Procurement Procedure Rules, as set out in Appendix 1 to this report, be adopted.

Reason(s) for Recommendation:

The current Procurement Procedure Rules were last subject to a full review in 2016, there are therefore substantial changes and updates required in order to align with the Procurement Strategy adopted by the Executive on 26 May 2020.

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

1. Purpose of Report

1.1 This report outlines the necessary changes to the Council's Procurement Procedure Rules (PPRs) which form part of the Council's Constitution.

2. Strategic Priorities

2.1 Procurement supports the Council's Strategic Framework, in particular the Innovation theme as it encourages sustainable and proportionate economic growth to help provide the prosperity and employment that people need.

2.2 Procurement and Commissioning is a highly innovative work area which utilises technology and new ways of working to improve value for money and efficiency in Council services.

3. Background

3.1 The Procurement Function

3.1.1 The Procurement function sits within Financial Services in the Resources Directorate following the implementation of Phase A of Future Guildford. The Procurement team are supported by Legal services colleagues who ensure compliance with the Public Contracts Regulations (PCR 2015) and Procurement Procedure Rules (PPRs) as well as providing contract and commercial legal advice.

3.1.2 The Council's annual spend on procuring goods, works, and services is approximately £50 million.

3.2 The Procurement Strategy

3.2.1 The Executive adopted the Procurement Strategy 2020-2023 on 26 May 2020. The Strategy serves to support the Council in delivering its strategic objectives and to ensure that, in the procurement of goods, works, and services, the very best value for money is obtained along with the required quality at the best price achievable. A significant modification as part of the Strategy was to update the threshold for engagement with the Procurement Team to seek procurement advice, which now stands at any expenditure over £1,500 requires advice.

- 3.2.2 The Strategy dictates that a Category Management approach is adopted, which consists of understanding spend data through the Council's Finance system Business World, by supplier, contract, category or period to be mapped and analysed. This information then forms part of the initial approach to Category management which is required in order to deliver a more strategic approach to sourcing.
- 3.2.3 Implementing category management techniques allow the Council to bring contracts similar in nature together into a single Procurement exercise and seek opportunities to collaborate and/or develop shared services with other public bodies which maintain or improve quality but at a lower overall price. Category Management also enables alignment with the market and thus more successful Tendering.
- 3.2.4 The introduction of Business World has also triggered all new supplier set up being subject to procurement approval. This is in order to maximise use of existing contracts where compliant and where possible, rationalise the number of suppliers reducing back office costs of set up and sense check the need for the new commission.

3.3 **Existing Procurement Procedure Rules**

- 3.3.1 The current PPRs (which are attached as Appendix 2) were last reviewed in full in 2016 and are based on a devolved procurement model and are therefore out of date.
- 3.3.2 In October 2018, a permanent Procurement Manager was appointed as a strategic appointment to transform procurement into a central function. Since this point, the Procurement service has been in a transformational stage moving from a devolved unit to a central team delivering category management which is integral to facilitating how the Council operates and makes decisions regarding spend. The current PPRs are therefore not fit for purpose and do not reflect the new operating model. They are also too lengthy and contain an excess of detail in some areas.

3.4 **Updated Procurement Procedure Rules**

- 3.4.1 The updated PPRs are based on the model of a modern day central Procurement function which is there to add value, deliver savings, and meet the Council's compliance obligations under the PCR 2015.
- 3.4.2 The Rules have been benchmarked and compared with other Council's rules and aim to provide clarity on role and responsibilities and what the procurement function is expected to deliver.
- 3.4.3 The key updates to the PPRs, which are summarised in the table below, also aim to implement some of the Council's priority issues and embed these into purchasing.

Table 1 – Key updates to the PPRs

| Key Change | Commentary | Section in PPRs |
|--|---|------------------------|
| I. Threshold Procurement engagement | Addition of new threshold; expenditure in excess of £1,500 requires procurement advice | 1.3 |
| II. Role of Corporate Procurement Board (CPB) | Addition of the role of the CPB, the introduction of Gateway reports for above threshold activity – (See Appendix 3) | 8 |
| III. Tendering thresholds | Updating the thresholds in line with the Procurement Strategy | 10 |
| IV. Updated exemption grounds | Addition of two new exemption grounds have been added 3.3.2.5 and 3.3.2.6, and two existing grounds have been removed as incorrect as follows: Goods or materials are proprietary items or are sold only at a fixed price and no satisfactory alternative is available <i>And</i> The work to be executed or the goods or materials supplied constitute an extension or variation permitted under the terms of an existing contract provided the extension or variation is compliant with English or National law. | 3.3.2 |
| V. Social value | Addition of Social value and that it should form part of a bidder's commitments at tender stage, be evaluated and therefore tailored to the subject nature of the contract being awarded | 13 |
| VI. The Modern Slavery Act | Addition of Modern Slavery following the Council's formal adoption of the Modern Slavery Motion in 2020 and that proportionate, due diligence should be undertaken to certify that council appointed contractors do not participate in modern slavery, either directly or within their supply chains. | 14 |
| VII. Climate Change | Addition of Climate Change, the environmental impact must be considered in every procurement, and if relevant evaluated with the emphasis being placed on minimising the carbon footprint | 15 |

4. Consultations

Corporate Governance and Standards Committee

- 4.1 This report was considered by the Corporate Governance and Standards Committee at its meeting held on 22 April 2021. The Committee made the following comments/points/requests:

- In cases where contracts are procured in collaboration with other local authorities where the Council is not the lead authority, a request that not only do we seek assurance that the lead authority acts in compliance with its own contract procedure rules, but also that that authority's rules are up to the same standards as ours.
 - Request for an annual report to the Committee on how savings on procurement are being realised and how well the new Procurement Procedure Rules are being adhered to.
 - Welcome the addition of the three key changes to the Procurement Procedure Rules: Social Value, Modern Slavery, and Climate Change, but query over the impact of these on the procurement process, and whether it might mean that we require additional resources or attract fewer tenders.
 - Request for clarification of the application of the specific permitted exemption referred to in the draft Procurement Procedure Rules where "it is in the overall best interest of the Council".
- 4.2 The Committee recommended to the Council that the updated Procurement Procedure Rules as set out in Appendix 1 to the report be adopted.

Commentary from Councillor Tim Anderson, Lead Councillor for Resources

- 4.3 Procurement is a crucial work area and needs robust Governance in place. These rules were last fully reviewed in 2016, they therefore need to be updated to align with the Procurement Strategy adopted by the Executive on 26 May 2020.
- 4.4 The report details the key changes in table 1 which is clear, short and to the point. It scrolls through from the Threshold for engagement with Procurement through the role of the Corporate Procurement Board to Modern Slavery and Climate Change.
- 4.5 By adopting the updated Procurement Rules, the Council will commit to delivering a robust approach to Commissioning and Procurement, Compliance will be achieved, significant savings delivered, and commercial opportunity maximised.
- 4.6 The key principles are best value for money, transparency, legality, fairness, sustainability, social value objectives, and equality. Nothing is left to chance. The responsibilities of the Procurement Service and the Corporate Procurement Board are identified in fine detail and are those of Service Leaders.
- 4.7 Cost thresholds are clearly set and with each, the changes to procedures. Those responsible are identified in each category. A seven stage, step by step procurement procedure rules road map leaves no scope for ambiguity.

5. Key Risks

- 5.1 If the current PPRs remain, they are not in line with the adopted Procurement Strategy presenting an overall lack of cohesion and governance to underpin the Strategy.
- 5.2 As the PPRs form part of the Council's Constitution, it is important they are kept up to date as they constitute a key reference point for officers; there is also a legal obligation to ensure compliance with the Council's Constitution so they need to be up to date with current legislation and the Council policies.

6. Financial Implications

- 6.1 Annual Procurement expenditure is currently in the region of £50 million per annum.
- 6.2 As part of the Future Guildford Programme, a procurement savings target of £1.2 million has been earmarked to be delivered annually from 2022.
- 6.3 Savings are reported to the Corporate Procurement Board and noted in terms of being cost avoidance or actual budget savings realised.

7. Legal Implications

- 7.1 The Council when procuring goods, services, and works has a legal duty to comply with the following legislation:
 - The Public Contract Regulations 2015
 - Section 3 of the Local Government Act 1999 'best value' duty.
 - Public Services (Social Value) Act 2012
 - Rule 31 of Local Government Transparency Code 2015.

The changes to the PPRs detailed in this report ensure full compliance with current legislation.

- 7.2 In addition when procuring goods, services and works officers must comply with the PPRs, Financial Procedure Rules and Scheme of Delegation as set out in the Council's Constitution. Reducing the detail in the Rules and making them easier to follow will assist officers in this compliance.

8. Human Resource Implications

- 8.1 It is proposed that the option of introducing a corporate training provision is explored and should consist of an online module covering an introduction to procurement. This should be completed by all new members of staff as part of the Corporate training package added to the induction checklist as a requirement if applicable, and a module in the induction course.

9. Equality and Diversity Implications

- 9.1 This duty has been considered in the context of this report and it has been concluded that there are no equality and diversity implications arising directly from this report.

10. Climate Change/Sustainability Implications

- 10.1 As outlined in section 3.4 of this report a specific reference has been made to Climate Change in the PPRs. Procurement will be working closely with the Council's climate change lead in order to fully maximise the opportunity to embed environmental measures into supplier selection and procurement. There are also now standard terms in the template contract terms relating to climate change and sustainability.

11. Summary of Options

- 11.1 Option 1: The PPRs are updated to align with the adopted Procurement Strategy. This is the recommended option.
- 11.2 Option 2: The PPRs are not updated and will therefore not align with the adopted Procurement Strategy causing a lack of cohesion between services and procurement, lack of compliance and missed opportunity. This is not the recommended option.
- 11.3 Option 3: It has been suggested that Procurement provide an annual update report to Committee. This is a further option for consideration.

12. Conclusion

- 12.1 By adopting the updated PPRs, the Council will commit to delivering a robust approach to Commissioning and Procurement. Compliance will be achieved, significant savings achieved, and commercial opportunity maximised.
- 12.2 The PPRs will continue to be reviewed on a regular basis by Legal and Procurement and any substantial changes reported to Selection Council.

13. Background Papers

[Procurement Service Strategy 2020-2023 approved by Executive on 26 May 2020](#)

14. Appendices

Appendix 1: Updated Procurement Procedure Rules
Appendix 2: Existing Procurement Procedure Rules
Appendix 3: Gateway report Template

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GUILDFORD BOROUGH COUNCIL

PROCUREMENT PROCEDURE RULES

May 2021

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Appendix 1: Steps to Procurement: Minimum requirements

Part 1

1 INTRODUCTION

- 1.1 These Procurement Procedure Rules apply to all purchases of works, goods, and services by the Council. They provide a framework within which all the procurement activity of the Council is undertaken. The object of these Rules is to ensure that all the Council's procurement activity regardless of value is fair, open, transparent, non-discriminatory, and lawful. Their observance is mandatory. The Rules are to protect the interests of the Council and also councillors and officers from the risk of challenge, undue criticism, or allegations of wrongdoing.
- 1.2 Procurement decisions are among the most important decisions a local authority will make in order to ensure that public money is appropriately directed and that the goods, works, and services are procured effectively and in accordance with Procurement Legislation and represent best value. The Council's reputation is equally important and should be safeguarded from any imputation of dishonesty or corruption.
- 1.3 These Procedure Rules should be seen as setting minimum requirements. Where better value for the Council might be achieved by seeking more tenders or quotations this should be done. The threshold for engaging with the Procurement Team is for all expenditure in excess of £1,500.
- 1.4 Corporate Procurement Board (CPB) is to take an active role in the management of the procurement process. The CPB will ensure that the processes and reporting requirements are followed and will enable the identification of areas of strength and weakness within the procurement function. It will seek out solutions and better methods of working, encouraging consistency and efficiency to achieve best value through the procurement process across the Council.
- 1.5 If there is any relevant change to English Law, which affects these rules then that change must be observed until these rules can be revised. Where there is a difference between these Rules and the current legislation, the legislation will prevail.
- 1.6 The Council is required by section 135 of the Local Government Act 1972 to maintain these Rules as part of the Constitution.
- 1.7 The Council's Monitoring Officer has Delegated Authority to make minor amendments to the Constitution and therefore these Rules. The Senior Specialist Procurement together with the Lead Specialist Legal in consultation with the Lead Councillor, shall publish details of any substantial amendments, following formal approval by full Council.
- 1.8 Procurement and Legal are the custodian of these Rules and are responsible for keeping them under review.

Part 2

2 KEY PRINCIPLES

- 2.1 These Rules are based on the following key principles:
- 2.2 To ensure that the Council meets its statutory duty to deliver **best value for money** and creates healthy competition and markets for the Goods, Services and Works purchased
- 2.3 To be **transparent** to our residents about how the Council spend their money
- 2.4 To ensure that public money is spent **legally** and **fairly**
- 2.5 To support **sustainability** and **social value objectives**, and our public sector **equality** duty, encouraging local small businesses.

3 APPLICATION

- 3.1 These Rules apply to:
 - 3.1.1 All contracts for the supply of works, goods, or services (including consultancy) to the Council, regardless of value.
 - 3.1.2 Partnership and collaborative arrangements with other bodies.
 - 3.1.3 Concession Contracts
- 3.2 These rules do not apply to:
 - 3.2.1 Contracts for the purchase or sale of any interest in land including leasehold interests and licences, which are purely land transactions, for which reference should be made to the Financial Procedure Rules.
 - 3.2.2 Contracts of employment for the appointment of individual members of staff.
 - 3.2.3 Grant agreements, where the Council is giving an unconditional grant.
 - 3.2.4 Sponsorship agreements regulated by the Sponsorship Rules.
 - 3.2.5 Supply of works, goods, and services by the Council. [The Lead Specialist – Legal must be consulted where the Council is contemplating this route.]
 - 3.2.6 Contracts procured in collaboration with other local authorities where the Council is not the lead authority (subject to the necessary approvals having been obtained from the appropriate decision maker at the Council). The Procurement/Contract Procedure Rules of the lead authority shall apply. Assurance is to be sought that the lead authority is acting in compliance with its own contract procedure rules.
- 3.3. Exemptions to these rules
 - 3.3.1 In all cases, where an exemption to the tendering or quotation process is sought the Director or Service Leader for the area shall obtain the consent of

Appendix 1

the Corporate Procurement Board. The Senior Specialist -Procurement will document the exemption request, all reasons for the exemption request and record the decision. **It should be noted that no exemptions are permitted if the value requires compliance with the National Procurement Directives and thresholds.**

3.3.2 The following circumstances represent the permitted exemptions from all or part of these Rules. Tenders or quotations need not be sought in the following circumstances:

3.3.2.1 The price of the goods or materials is wholly controlled by trade organisations, government order or statutory undertakers where they have monopoly status and no satisfactory alternative is available;

3.3.2.2 The work to be executed or the goods or materials to be supplied consist of repairs to or the supply of parts for existing proprietary machinery or plant or the execution of work or supply of goods or services or materials necessary for maintenance or repairs to existing machinery or plant;

3.3.2.3 Where the work to be executed or goods to be supplied are required urgently and would not, therefore, permit the invitation of quotations or tenders;

3.3.2.4 The execution of works or the supply of services is of such a specialised nature that in the opinion of the Director or Service Leader the number of prospective contractors is less than required by these rules. In this case, tenders or quotations shall be obtained from the sole or all available suppliers who possess the relevant knowledge or expertise;

3.3.2.5 the nature of the market for the goods, works or services has been investigated and it is demonstrated that a departure from the Regulations is justified.

3.3.2.6 If it is in the overall best interest of the Council.

3.3.2.7 Legal services falling within Regulation 10(i)(d) of the Public Contracts Regulations 2015.

3.3.3 The Senior Specialist Procurement will report on exemptions to the CPB and has authority to approve any direct award requests under the value of £10,000.

4 COMPLIANCE

4.1 Every Contract entered into on behalf of the Council shall comply with

- these Procurement Procedure Rules.
- the Council's Financial Procedure Rules, and
- all relevant legislation.

- 4.2 All members of staff and consultants engaged in any capacity to manage or supervise the procurement of any works, goods or services for the Council must comply with these Procurement Procedure Rules. The attention of Officers is drawn to the Council's Code of Conduct for Staff at Part 5 of the Constitution. Non-compliance with these Rules may constitute grounds for disciplinary action.
- 4.3 Generally, work must not begin under a contract until both parties have signed the contract document, except in the cases of urgency when the approval of the Lead Specialist – Legal is to be obtained. Letters of intent may only be provided with the approval of the Lead Specialist - Legal who must agree the terms of any such letter. If a Letter of Intent is provided a contract must be signed as soon as possible thereafter.
- 4.4 If there is any doubt about the application of the rules the issues should be referred to the Senior Specialist - Procurement.

5 CONFLICTS OF INTEREST

- 5.1 Members of staff must avoid any conflict between their own interests and the interests of the Council. This is a requirement of the Council's Code of Conduct for Staff and includes:
- 5.1.1 not accepting gifts or hospitality from organisations or suppliers that the Council has dealings with;
- 5.1.2 not working for organisations or suppliers that the Council has dealings with;
- 5.1.3 notifying the Director or Service Leader in writing if an officer has links with an organisation or supplier who is tendering or quoting for a contract with the Council or already has a contract with the Council (for example, a family member or close friend works for the organisation).
- 5.2 All consultants engaged to act on behalf of the Council must declare that they will avoid any conflict between their own interests or those of any of their other clients and the interests of the Council.
- 5.3 If a councillor or a member of staff has an interest, financial, otherwise, in a contract, or proposed contract, he/she must declare it in writing to the Monitoring Officer as soon as he/she becomes aware of the interest. A councillor or member of staff who has an interest in a contract must not take part in the procurement or management of that contract.

6 PREVENTION OF BRIBERY AND CORRUPTION

- 6.1 A contract may be terminated immediately, and any losses to the Council arising from the termination recovered from the supplier, if the supplier, or anyone acting on his behalf (with or without the supplier's knowledge), offers or promises or gives a financial or other advantage to a councillor any member of staff or any consultant in connection with the contract.
- 6.2 Any councillor, member of staff or consultant who becomes aware or has reason to believe that a supplier or potential supplier has committed one of the corrupt acts referred to in Rule 4.1, must report it to the Monitoring Officer.

- 6.3 The Monitoring Officer must maintain a record of all declarations of interest notified by Councillors and Officers.

Part 3

7 RESPONSIBILITIES OF THE PROCUREMENT SERVICE

- 7.1 The Procurement service is responsible for
- a. Delivering the Procurement Strategy adopting a Category Management approach to the Councils expenditure and purchasing activity.
 - b. Ensuring transparency over spend, contracts and contract opportunities
 - c. Embedding social value and sustainability across the supply chain
 - d. Ensuring efficient and effective purchasing practices are in place for all staff
 - e. Providing general commercial advice and support as required,
 - f. Ensuring suppliers are aware of, and follow, the Council's Supplier Code of Conduct when bidding and carrying out contracts
 - g. Approving all new supplier set up requests
 - h. Authorising any Procurement card transactions outside of the nominated card holders
 - i. Purchasing from existing contracts where they are appropriate and in place
 - j. Ensuring there is adequate budget available prior to any procurement activity commencing
 - k. Taking a commercial lead on all major contracts and relationships with suppliers alongside the Contract Manager

8 ROLE AND RESPONSIBILITIES OF THE CORPORATE PROCUREMENT BOARD (CPB)

- 8.1 The Council recognise that, in order to achieve consistency and compliance with these Regulations and the Procurement Strategy, there is a need for the involvement of key corporate advisers in all significant procurement processes. All procurement of goods, works or services in excess of the National thresholds, must be referred to the CPB.
- 8.2 The CPB will consist of the following Officers (or their nominated deputies):
- Director of Resources
 - Senior Specialist Procurement
 - Financial Services representative
 - Legal Services representative
- Procurement Specialists together with the Service leads shall routinely attend Corporate Procurement Board to present proposals and updates.
 - Deputies must attend if the primary representative is not available.
- 8.3 The CPB aims to ensure that the Council's Procurement Procedure Rules, Scheme of Delegation and Procurement Strategy is implemented in all cases and at all stages.
- 8.4 The CPB shall operate a Procurement Gateway process whereby a full report is presented to CPB for sign off, this is split into two stages as follows:
- Gateway part one: Commissioning and Procurement Strategy.
 - Gateway part two: Tender Evaluation and Contract Award.

- 8.5 Any failure to consult the CPB at the appropriate time shall be deemed to be a breach of these Regulations.

9 RESPONSIBILITIES OF SERVICE LEADERS

- 9.1 Service Leaders must ensure adequate budget provision is in place prior to engaging in any Procurement activity. Procuring officers must observe the Council's Financial Procedure Rules at all times.

- 9.2 It is the responsibility of each Service Leader:

9.2.1 To incorporate within their service plan, a list of all current and forecast contract opportunities for the upcoming three years. This list is to be updated as necessary throughout the year and shared with the Procurement Team to inform the pipeline of work.

9.2.2 To ensure that all procurements and contracts within the named department comply with Procurement Procedure Rules, Financial Procedure Rules, and all applicable public procurement legislation.

9.2.3 To ensure those officers to whom they delegate their functions are aware of the strategic direction of the service and have authorisation to engage with procurement.

9.2.4 To manage Contracts within the named department to ensure that contracts deliver best value, are operated effectively, efficiently, and economically, and are operated in accordance with the contract provisions.

9.2.5 To keep adequate records to show compliance with the Procurement Procedure Rules, Financial Procedure Rules and all relevant legislation.

- 9.3 At the outset of each procurement, the Service Leader must in conjunction with the Procurement Team:

9.3.1 assess the business needs determining whether the requirement shall be subject to the project and programme governance board prior to commencing procurement

9.3.2 ensure the procurement complies with corporate policies and priorities

9.3.3 review ethical, social and sustainability issues

9.3.4 consider potential contractual relationships

9.3.5 undertake a risk management exercise at the start of any procurement exercise, which is commensurate with the value and complexity of the procurement

9.3.6 undertake when appropriate a pre-market testing exercise

9.3.8 (a) Ensure that adequate provision has been made within the Council's capital or revenue estimates and that proper technical and financial

appraisals of the procurement have been carried out in accordance with the Council's Financial Procedure Rules.

10 TENDERING THRESHOLDS

- 10.1 The following minimum number of invitations to tender or quote shall apply to all contracts including those let to the Voluntary / Not for Profit Sector, subject to National procurement regulations (including aggregation).

| Type of procurement and total cost threshold | Minimum number of invitations to tender or quote | Responsibility |
|---|---|--|
| Goods, Works, and Services estimated to cost no more than £1,500 | No requirement to seek Procurement advice but key principles outlined in Part 2, section 2 apply. | Service led |
| Goods, Works, and Services estimated to cost between £1,500 and £50,000 | Seek procurement advice on route to market to demonstrate best value | Procurement led together with Service |
| Goods, Works, and Services estimated to cost between £50,000 and the National threshold for Goods and Services limit (currently £189,330 or £663,540 for Light Touch Regime contract) | 3 Formal Tenders as a minimum | Procurement led together with Service |
| Goods, Works, and Services estimated to cost above the relevant National tendering threshold. (works currently £4,733,252) | In accordance with the Public Contract Regulations 2015 as a minimum. Approval from Corporate Procurement Board at Gateway One/Two. | Procurement led together with Service |

11 ESTIMATE OF TOTAL CONTRACT VALUE (TCV)

- 11.1 The value of a contract is the **total** amount that the Council expects to pay for the contract, including any contract extension period and any options within the contract.
- 11.2 Contracts must **not** be packaged or divided into smaller units for the purpose of creating lower value contracts to avoid any provision of these Rules or national procurement legislation. When tendering consideration must be given to the extent to which it is appropriate to divide the contract into lots to facilitate opportunities for small businesses and voluntary organisations.

12 SPECIFICATION / EVALUATION CRITERIA/ ROUTE TO MARKET

- 12.1 Each procurement must be appropriately specified, and selection and award criteria must be formulated in advance to ensure the Council obtains value for money, the procurement process is transparent, and the desired outcome is obtained. Tenders will be assessed on a price / technical split in order to determine the Most Economically

Advantageous Tender (MEAT) the weightings and price / technical split will be determined by Procurement taking into account the requirements of the service area.

- 12.2 All works, goods and services must be specified by reference to national standards. The specification must be a clear and comprehensive description of the Council's requirements and should incorporate measurable and, so far as is possible, objective quality and performance criteria to enable a proper assessment to be made of the supplier's ability to meet the Council's requirements.
- 12.3 The appropriate route to market must be selected as advised by the Procurement Officer or approved by CPB where required by these Rules. This may be a Request for quote (RFQ) or an Invitation to Tender (ITT) or a two stage procedure when Tenderers are invited to submit initial information via a Selection Questionnaire (SQ) and a number qualify to receive an ITT on the basis of the information provided. Additional procedures including Competitive Dialogue, Competitive procedure with Negotiation, Frameworks and Dynamic Purchasing System (DPS) may be available but advice must be taken from the Procurement team on the most appropriate route.

13. SOCIAL VALUE

- 13.1 The Public Services (Social Value) Act 2012 places a requirement on officers who commission, or buy, public services to consider securing added economic, social, or environmental benefits for their local area.
- 13.2 The Act currently applies only to service Contracts over the National Tendering threshold but must be considered in all procurements where applicable.
- 13.3 Social value should form part of a bidder's commitments at tender stage and should be tailored to the subject nature of the contract being awarded

14. MODERN SLAVERY

- 14.1 The Modern Slavery Act 2015 was implemented to tackle modern slavery, defined in the act as slavery, servitude, forced or compulsory labour, human trafficking, and exploitation.
- 14.2 The Council adopted the Modern Slavery Motion in 2020 and has an obligation to report annually on its progress. Proportionate due diligence is therefore undertaken to certify that Council appointed contractors do not participate in modern slavery, either directly or within their supply chains.

15. CLIMATE CHANGE

- 15.1 On 23 July 2019 the Council declared a climate emergency across the borough with an ambition of reducing the Council's carbon emissions to net-zero by 2030. As such for every procurement within the scope of these Rules, the environmental impact must be considered, the emphasis should be placed on minimising the carbon footprint and a relevant clause included in the contract where possible.

16 E-TENDERING

- 16.1 All procurement is to take place through the Council's e-tendering portal any exceptions are to be agreed by the Senior Specialist Procurement. The e-tendering

portal must be used for all returns which records the time received and all the necessary information to satisfy audit and transparency principles.

- 16.2 Any tender received after the date and time indicated on the Tender documentation will be excluded from the process.

17 CONTRACTS REGISTER

- 17.1 Spend data, contract opportunities and awards are published in accordance with government requirements and Transparency Agenda, Council expenditure with suppliers that exceeds £500 is published and all contracts valued at £5,000 and above are available on the publicly accessible Contracts Register, this can be found on the Council's public website.

- 17.2 Any advertised opportunity valued over £25,000 must be advertised on Contracts finder, for Contracts over £25,000 a Contract award notice must also be published.

- 17.3 Freedom of Information – in accordance with the Freedom of Information Act (FOIA) 2000 and Environmental Information Regulations (EIR) 2004, the Council has an obligation to publish specific information and to provide information to members of the public upon request. By exception confidential or commercially sensitive information may be withheld.

Part 4

18 LEGAL CONSIDERATIONS

18.1 CONTRACT DOCUMENTS

Wherever practicable, work under a contract must not start until the contract documents and all other procedures have been completed to the satisfaction of the Service Leader or, in the case of a procurement valued at £100,000 or more, the Service Leader and the Lead Specialist - Legal. A letter of intent must not be issued unless approved by the Lead Specialist - Legal.

18.2 TUPE

Where relevant, the procuring officer must consider the implications of the Transfer of Undertakings (Protection of Employment) Regulations 2006 as amended and consult with the allocated Legal advisor as to their application.

18.3 DISPUTE RESOLUTION

The procuring officer must consider the procedure for resolving disputes arising in relation to the procurement and, where appropriate, contracts shall contain provisions for alternative dispute resolution.

18.4 DEEDS, SEALING AND SIGNING OF CONTRACTS

- 18.4.1 Any contract valued at £100,000 or more must, unless the Lead Specialist - Legal determines otherwise, be sealed with the common seal of the Council. In exceptional cases where the Lead Specialist - Legal decides that a contract which amounts to or

exceeds £100,000 in value does not require the common seal, it must be signed, subject to compliance with the Council's Procurement Procedure Rules and Financial Procedure Rules, by Legal services under the authority of a Delegated Authority signed by the relevant Managing Director, Director or Service Leader.

18.4.2 Contracts less than £100,000 in value must be signed by Legal Services under the authority of a Delegated Authority Form signed by the relevant Managing Director, Director or Service Leader or may be sealed with the common seal of the Council in cases where the Lead Specialist - Legal considers it to be appropriate.

18.5 CONTRACT TERMS

18.5.1 Every contract entered into by the Council for the provision of works, goods or services which exceeds £500 in value (and in any other case where the Director or Service Leader shall require) shall:

18.5.2 Specify the works to be executed and goods or services to be supplied;

18.5.3 State the price to be paid detailing the frequency and method of calculation together with a statement as to the amount of any discounts or other deductions and requiring payment within 30 days of receipt of a valid invoice;

18.5.4 State the period or times within which the contract is to be performed;

18.5.5 Prohibit any assignment or sub-letting of the contract without the express agreement in writing of the Council;

18.5.6 State that the Council may cancel the contract and recover any resulting losses if the contractor, his employees or anyone acting on his behalf, with or without his knowledge, does anything improper to influence the Council or commits an offence under Bribery Act 2010;

18.5.7 Require the supplier to comply with the requirements of the Health and Safety at Work etc. Act 1974, and any other relevant Acts, Regulations or Orders pertaining to health and safety;

18.5.8 Require the contractor to comply with the Equality Act 2010 including the Public Sector Equality Duty, the Modern Slavery Act 2015, freedom of information requests and data protection law.

18.5.9 State that if the Contractor enters into liquidation or administration, the Council is entitled to cancel the contract and recover any resulting losses

18.5.10 State the minimum insurance levels required to be held by the contractor

18.6 For contracts with a value in excess of £100,000, if appropriate, make provision for the payment of liquidated damages by the contractor where he fails to complete the contract within the time specified. The level of liquidated damages must be determined by the Director or Service Leader.

Appendix 1

18.7 For every contract with a value of £100,000 or more, require and take sufficient security for the due performance of the contract, unless the Chief Finance Officer deems this inappropriate.

18.8 For contracts which permit sub-contracting, the contractor is to be required to impose on the sub-contractors equivalent contractual requirements in terms of equality, health and safety, bribery and corruption, insurance, data protection, modern slavery, and payment provisions.

19. PERFORMANCE BOND/PARENT COMPANY GUARANTEE

19.1 The Procuring Officer must consult the Lead Specialist Finance to determine whether a Parent Company Guarantee, Performance Bond or in an appropriate case, a deposited sum is necessary and at what level when the total contract value is in excess of £1 million and there is concern about the stability of the bidder following financial appraisal.

19.2 Any decision taken in accordance with 19.1 above must be recorded by the Procuring Officer.

20 INSURANCE

20.1 It is the responsibility of the Service Leader, in consultation with the Insurance Officer to set, where appropriate, adequate levels of insurance for every procurement in respect of employers' liability, product liability, professional indemnity, third party and fire and material damage. As a guide the level of insurance required shall not, unless exceptional circumstances prevail, be less than £10 million for employer's liability insurance, £5 million for public liability insurance and £2 million for professional indemnity insurance.

20.2 The procuring officer must ensure that any insurance required by the Council is held by the provider with a reputable insurance company(ies) and that the policy(ies) are renewed as necessary during the contract period.

OUTLINE STEPS TO BE TAKEN TO PROCURE

These steps are part of the formal rules for undertaking procurement and bound by the formalities of the Council's Constitution. Procurement will keep a full trail of documents relating to each procurement undertaken.

| | |
|--|--|
| STEP 1 IDENTIFY NEED | <ul style="list-style-type: none"> • Procurement is required to commence in good time, having identified the requirement in the Service Plan. This will allow adequate time to re procure and enable the proper procurement and legal guidance necessary to carry out the procurement. The process for urgent procurement is set out in separate guidance. • The Procurement initiation form (PIF) requests budget approval from Finance to perform the procurement before commencement. |
| STEP 2 DEVELOP BUSINESS CASE | <ul style="list-style-type: none"> • An estimated value of the contract is required at the outset, ensuring that there is adequate budget provision for lifetime of the contract or the process for obtaining funds (e.g. CMT approval; Executive approval) has taken place and this is in accordance with the financial procedure rules. • Procurement will provide advice on the route to market options and determine the recommended percentage split of price / technical for the purposes of the evaluation. |
| STEP 3 IDENTIFY MARKET | <ul style="list-style-type: none"> • Pre-market consultation with potential suppliers to establish that the market can meet the requirement for good, works or services is permitted until the point at which the Tender is released. Dialogue with the market pre-procurement is encouraged not only to bring the opportunity to the attention of the market but also to assist in a greater understanding of the marketplace for specific products or services. This intelligence can help to inform the specification. • Steps must be taken to ensure pre-market engagement does not distort competition or violate the transparency and non-discrimination principles. This exercise may also shape your thinking about what alternatives might exist or how suppliers might deliver the Council's requirements with the latest innovation. |

| | |
|---|--|
| STEP 4 DEVELOP TENDER DOCUMENTATION | <ul style="list-style-type: none"> • The specification development and technical evaluation criteria is led by the service. Procurement hold the ownership of the Procurement documentation and application through the e-tendering system. • Best value for the Council must be achieved by balancing cost and technical to produce the most economically advantageous solution over the lifetime of the contract. |
| STEP 5 UNDERTAKE PROCUREMENT PROCESS | <ul style="list-style-type: none"> • Procurement will undertake the process including advertising on appropriate channels, developing, and issuing documentation via the Council’s e-tendering portal, assess due diligence, evaluate the price element, lead the moderation session, and take the process to award. Service are responsible for conducting the technical evaluation. At least three officers are required to do this independently on above threshold activity. |
| STEP 6 AWARD AND IMPLEMENTATION OF CONTRACT | <ul style="list-style-type: none"> • Legal will be notified upon commencement of the standstill period of intent to award to the successful supplier. • The contract will be finalised in standstill and will be issued on expiry of the standstill period. • Procurement will record the contract on the Council’s Contract Register. |
| STEP 7 CONTRACT MANGEMENT | <ul style="list-style-type: none"> • All contracts will have a contract manager nominated by the Director or Service Leader. • The role of the contract manager is to manage the contract throughout its duration, as well as enforce duties owed to the Council and to take responsibility for those duties owed to the contractor. • The contract manager will – <ul style="list-style-type: none"> - monitor performance of the contractor against the agreed level of service, - monitor the continuing level of operational and financial risk to which the Council is exposed and to institute controls as appropriate, - ensure the contractors’ due diligence with all appropriate health and safety obligations, - facilitate the resolutions of issues between the contractor and users of the service, - ensure prompt payment of invoices and compliance with all financial regulations and contract standing orders during the lifetime of the contract, - ensure that appropriate arrangements are made for the termination or re-letting of the contract at the appropriate time in conjunction with procurement. |

GUILDFORD BOROUGH COUNCIL

PROCUREMENT PROCEDURE RULES

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Appendix 1: Quick Guide to Procurement: Minimum requirements

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Part 1**1 INTRODUCTION**

- 1.1 These Procurement Procedure Rules apply to all purchases of works, goods and services by the Council. They provide a framework within which all the procurement activity of the Council is undertaken. The object of these Rules is to ensure that all the Council's procurement activity regardless of value is fair, open, transparent, non-discriminatory and lawful. Their observance is mandatory. The Rules are to protect the interests of the Council and also councillors and officers from the risk of challenge, undue criticism or allegations of wrongdoing.
- 1.2 These Procedure Rules should be seen as setting minimum requirements. Where better value for the Council might be achieved by seeking more tenders or quotations this should be done.
- 1.3 A Corporate Procurement Advisory Panel (CPAP) is to take an active role in the management of the procurement process. The CPAP will ensure that the processes and reporting requirements are followed and will enable the identification of areas of strength and weakness within the procurement function. It will seek out solutions and better methods of working, encouraging consistency and efficiency to achieve best value through the procurement process across the Council.
- 1.4 If there is any relevant change to English or European Law, which affects these rules then that change must be observed until these rules can be revised. Where there is a difference between these Rules and the current legislation, the legislation will prevail.

Part 2**2 APPLICATION**

- 2.1 These rules apply to:
- 2.1.1 All contracts for the supply of works, goods or services (including consultancy) to the Council, regardless of value.
- 2.1.2 Partnership and collaborative arrangements with other bodies.
- 2.1.3 Concession Contracts
- 2.2 These rules do not apply to:
- 2.2.1 Contracts for the purchase or sale of any interest in land including leasehold interests and licences for which reference should be made to the Financial Procedure Rules.
- 2.2.2 Contracts of employment for the appointment of individual members of staff.
- 2.2.3 Grant agreements, where the Council is giving an unconditional grant.
- 2.2.4 Sponsorship agreements regulated by the Sponsorship Rules.

PART 4 – PROCUREMENT PROCEDURE RULES

- 2.2.5 Supply of works, goods and services by the Council. [The Council Solicitor and Monitoring Officer must be consulted where the Council is contemplating this route.]
- 2.2.6 Contracts procured in collaboration with other local authorities where the Council is not the lead authority (subject to the necessary approvals having been obtained from the appropriate decision maker at the Council). The Procurement/Contract Procedure Rules of the lead authority shall apply. Assurance is to be sought that the lead authority is acting in compliance with its own contract procedure rules.
- 2.3. Exceptions to these rules
- 2.3.1 In all cases, where an exception to the tendering or quotation process is sought the Director or Service Leader for the service concerned shall obtain the consent of the Council Solicitor and Monitoring Officer, in consultation with the Procurement Officer and the lead councillor with responsibility for governance. The Procurement Officer will document the request, all reasons for the request and record the decision. Additionally the Director or Service Leader will ensure that a record of the decision of the Council Solicitor and Monitoring Officer, are recorded on the procurement file.
- 2.3.2 The following circumstances represent the permitted exceptions from all or part of these Rules. Tenders or quotations need not be sought in the following circumstances:
- 2.3.2.1 Goods or materials are proprietary items or are sold only at a fixed price and no satisfactory alternative is available;
- 2.3.2.2 The price of the goods or materials is wholly controlled by trade organisations, government order or statutory undertakers where they have monopoly status and no satisfactory alternative is available;
- 2.3.2.3 The work to be executed or the goods or materials to be supplied consist of repairs to or the supply of parts for existing proprietary machinery or plant or the execution of work or supply of goods or services or materials necessary for maintenance or repairs to existing machinery or plant;
- 2.3.2.4 Where the work to be executed or goods to be supplied are required urgently and would not, therefore, permit the invitation of quotations or tenders;
- 2.3.2.5 The execution of works or the supply of services is of such a specialised nature that in the opinion of the Director or Service Leader the number of prospective contractors is less than required by these rules. In this case, tenders or quotations shall be obtained from the sole or all available suppliers who possess the relevant knowledge or expertise;
- 2.3.2.6 The work to be executed or the goods or materials supplied constitute an extension or variation permitted under the terms of an existing contract provided the extension or variation is compliant with English or European law.

2.3.2.7 Legal services falling within Regulation 10(i)(d) of the Public Contracts Regulations 2015.

2.3.3 The Procurement Officer will report on exceptions to the CPAP.

2.3.4 No exemptions are permitted if the value requires compliance with EU Procurement Directives.

3 COMPLIANCE

3.1 Every Contract entered into on behalf of the Council shall comply with

- these Procurement Procedure Rules;
- the Council's Financial Procedure Rules, and
- all relevant English and European legislation.

3.2 All members of staff and consultants engaged in any capacity to manage or supervise the procurement of any works, goods or services for the Council must comply with these Procurement Procedure Rules and with the Council's Manual of Procurement Practice. The attention of Officers is drawn to the Council's Code of Conduct for Staff at Part 5 of the Constitution. Non-compliance with these Rules may constitute grounds for disciplinary action.

3.3 Generally, work must not begin under a contract until both parties have signed the contract document (or, if the only contract document is a purchase order, until the purchase order has been issued), except in the cases of urgency when the approval of the Council Solicitor and Monitoring Officer is to be obtained. Letters of intent may only be provided with the approval of the Council Solicitor and Monitoring Officer who must agree the terms of any such letter.

3.4 If there is any doubt about the application of the rules the issues should be referred to the Council Solicitor and Monitoring Officer.

4 CONFLICTS OF INTEREST

4.1 Members of staff must avoid any conflict between their own interests and the interests of the Council. This is a requirement of the Council's Code of Conduct for Staff and includes:

4.1.1 not accepting gifts or hospitality from organisations or suppliers that the Council has dealings with;

4.1.2 not working for organisations or suppliers that the Council has dealings with;

4.1.3 notifying the Director or Service Leader in writing if an officer has links with an organisation or supplier who is tendering or quoting for a contract with the Council or already has a contract with the Council (for example, a family member or close friend works for the organisation).

4.2 All consultants engaged to act on behalf of the Council must declare that they will avoid any conflict between their own interests or those of any of their other clients and the interests of the Council.

PART 4 – PROCUREMENT PROCEDURE RULES

- 4.3 If a councillor or a member of staff has an interest, financial, otherwise, in a contract, or proposed contract, he/she must declare it in writing to the Monitoring Officer as soon as he/she becomes aware of the interest. A councillor or member of staff who has an interest in a contract must not take part in the procurement or management of that contract.

5 PREVENTION OF BRIBERY AND CORRUPTION

- 5.1 A contract may be terminated immediately, and any losses to the Council arising from the termination recovered from the supplier, if the supplier, or anyone acting on his behalf (with or without the supplier's knowledge), offers or promises or gives a financial or other advantage to a councillor any member of staff or any consultant in connection with the contract.
- 5.2 Any councillor, member of staff or consultant who becomes aware or has reason to believe that a supplier or potential supplier has committed one of the corrupt acts referred to in Rule 4.1, must report it to the Monitoring Officer.
- 5.3 The Monitoring Officer must maintain a record of all declarations of interest notified by Councillors and Officers.

6 RESPONSIBILITIES OF DIRECTORS AND SERVICE LEADERS

- 6.1 Procurement activity in the Council is devolved to individual service units, which are supported in their purchasing activities by Legal Services, Financial Services and by the CPAP, from whom advice must be sought as necessary. Procuring officers must observe the Council's Financial Procedure Rules at all times.
- 6.2 It is the responsibility of each Director and Service Leader:
- 6.2.1 To compile and provide a list of all forecast contract opportunities to the CPAP at the beginning of each business planning year containing projections for the upcoming three years. (This is also part of the business planning process.) This list is to be updated as necessary throughout the year.
- 6.2.1 To ensure that all procurements and contracts within his/her department comply with Procurement Procedure Rules, Financial Procedure Rules and all applicable public procurement legislation.
- 6.2.2 To ensure those officers to whom they delegate their functions have received relevant training and have the necessary skills. The CPAP will from time to time in conjunction with the Training Officer organise training for staff engaged in procurement.
- 6.2.3 To plan the procurement of and manage Contracts within his/her department to ensure that contracts deliver best value, are operated effectively, efficiently and economically and are operated in accordance with the contract provisions.
- 6.2.4 To keep adequate records to show compliance with the Procurement Procedure Rules, Financial Procedure Rules and all relevant legislation. In particular, it is incumbent on the Director and Service Leader to ensure each contract valued at £500 or more is listed on completion in the Contracts Register.

- 6.3 At the outset of each procurement, the Director or Service Leader must:
- 6.3.1 assess the business needs,
 - 6.3.2 ensure the procurement complies with corporate policies and priorities
 - 6.3.3 review ethical, social and sustainability issues
 - 6.3.4 consider potential contractual relationships
 - 6.3.5 undertake a risk management exercise at the start of any procurement exercise, which is commensurate with the value and complexity of the procurement
 - 6.3.6 undertake when appropriate a pre-market testing exercise
 - 6.3.7 ensure that they have the necessary authority to undertake the procurement.
 - 6.3.8 (a) Prepare or obtain an estimate in writing of the probable cost of the procurement and any ongoing revenue costs arising from the procurement; and
 - (b) Ensure that adequate provision has been made within the Council's capital or revenue estimates and that proper technical and financial appraisals of the procurement have been carried out in accordance with the Council's Financial Procedure Rules.

7 ESTIMATE OF CONTRACT VALUE

- 7.1 The value of a contract is the total amount that the Council expects to pay for the contract, including any contract extension period and any options within the contract. This may be a lump sum (e.g. £50,000) or a periodic payment (e.g. £10,000 per year for a 5 year contract = £50,000). If the contract is for an uncertain term (e.g. a “rolling” Contract), the value is the amount the Council expects to pay over four years.
- 7.2 Contracts must **not** be packaged or divided into smaller units for the purpose of creating lower value contracts to avoid any provision of these Rules or EU procurement legislation. When tendering consideration must be given to the extent to which it is appropriate to divide the contract into lots to facilitate opportunities for small and medium sized enterprises and voluntary organisations.

8 USE OF FRAMEWORK AGREEMENTS

- 8.1 The use of framework agreements is permitted for any value of contract. The Council Solicitor and Monitoring Officer must be consulted and confirmation given that the Council may lawfully access the framework before a purchase. The CPAP must be informed of the use of a framework agreement.
- 8.2 In order to select a supplier for a call-off contract under a multi-supplier framework agreement or to conduct a mini competition, the procuring officer must follow the procedure set out in that Framework Agreement.

PART 4 – PROCUREMENT PROCEDURE RULES

- 8.3 The Council Solicitor and Monitoring Officer will keep a record of framework use and provide regular reports to the CPAP.

9 SPECIFICATION

- 9.1 Each procurement must be appropriately specified and selection and award criteria must be formulated in advance of inviting expressions of interest to ensure the Council obtains value for money and the procurement process is transparent.
- 9.2 All works, goods and services must be specified by reference to European standards, or national standards if no European standards are set. The specification must be a clear and comprehensive description of the Council's requirements and should incorporate measurable and, so far as is possible, objective quality and performance criteria to enable a proper assessment to be made of the supplier's ability to meet the Council's requirements.

10 INSURANCE

- 10.1 It is the responsibility of the procuring officer, in consultation with the Insurance Officer to set, where appropriate, adequate levels of insurance for every procurement in respect of employers' liability, product liability, professional indemnity, third party and fire and material damage. As a guide the level of insurance required shall not, unless exceptional circumstances prevail, be less than £10 million for employer's liability insurance, £5 million for public liability insurance and £2 million for professional indemnity insurance.
- 10.2 The procuring officer must ensure that any insurance required by the Council is held by the provider with a reputable insurance company(ies) and that the policy(ies) are renewed as necessary during the contract period.

11 TUPE

- 11.1 Where relevant, the procuring officer must consider the implications of the Transfer of Undertakings (Protection of Employment) Regulations 2006 as amended and consult with the Council Solicitor and Monitoring Officer as to their application.

12 DISPUTE RESOLUTION

- 12.1 The procuring officer must consider the procedure for resolving disputes arising in relation to the procurement and, where appropriate, contracts shall contain provisions for alternative dispute resolution.

13 PURCHASING SERVICE (ePAYMENTS)

- 13.1 Procuring officers must make enquiries of the Financial/Revenue and Payments Services where the procurement is of consumables. These services will advise of any existing corporate contracts or mechanisms through which the purchase is to be made.

14 ELECTRONIC PROCUREMENT

- 14.1 Systems to enable the Council to procure works, goods and services are to begin introduction in the course of the financial year 2015–2016 and details of the system will be incorporated in an appendix to these Rules.

15 ELECTRONIC TENDERING

- 15.1 Electronic tendering systems will be introduced in the course of the financial year 2016-17, details of which are set out in Appendix 2 to these Rules.

- 15.2 Use of the electronic tendering system will become mandatory after an introductory period, during which training will be provided.

16 FORM OF CONTRACT

- 16.1 Each procurement must be in writing or confirmed in writing whether by way of formal contract or by exchange of correspondence. Contracts valued at £10,000 or more must be in a form approved by the Council Solicitor and Monitoring Officer.

17 CONTRACTS REGISTER

- 17.1 All contracts having a value or estimated value of £500 (five hundred pounds) or more must be entered in the central Contracts Register, which will be monitored by the CPAP. The register will specify the information that is to be held, but will include:

- contract value or estimated value
- description of contract
- name of contractor/supplier
- name of contract administrator
- start and completion dates
- payment details

18 PERFORMANCE BOND/PARENT COMPANY GUARANTEE

- 18.1 A performance bond or, in an appropriate case, a deposited sum must be obtained for any construction contract with a contract sum in excess of £100,000.00 unless the procuring officer, in consultation with the Chief Finance Officer, deems it to be unnecessary having undertaken an appropriate risk assessment.

- 18.2 For any other contract for works, goods or services having a value of £100,000 or more, the procuring officer must consider in consultation with the Chief Finance Officer whether it is appropriate to take security in the form of a Performance Bond or Parent Company Guarantee. In each case, the procuring officer must record his decision with reasons.

19 DEEDS, SEALING AND SIGNING OF CONTRACTS

- 19.1 Any contract valued at £100,000 or more must, unless the Council Solicitor and Monitoring Officer determines otherwise, be sealed with the common seal of the Council. In exceptional cases where the Council Solicitor and Monitoring Officer decides that a contract which amounts to or exceeds £100,000 in value does not require the common seal, it must be signed, subject to compliance with the Council's Financial Procedure Rules, by the Managing Director and one other Director or by two Directors.

- 19.2 Contracts less than £100,000 in value must be signed by the relevant Director or Service Leader (or, subject to compliance with the Council's Financial Procedure Rules, his or her nominee) or may be sealed with the common seal of the Council in cases where the Council Solicitor and Monitoring Officer considers it to be appropriate.

- 19.3 Before a Contract can be sealed by the Council, the Officer must provide the relevant authority to award in writing from the appropriate decision maker.

PART 4 – PROCUREMENT PROCEDURE RULES**20 CONTRACT DOCUMENTS**

- 20.1 Wherever practicable, work under a contract must not start until the contract documents and all other procedures have been completed to the satisfaction of the Service Leader or, in the case of a procurement valued at £100,000 or more, the Service Leader and the Council Solicitor and Monitoring Officer. A letter of intent must not be issued unless approved by the Council Solicitor and Monitoring Officer.

21 DELAY IN COMPLETING THE CONTRACT

- 21.1 If a written contract is not signed or sealed, as the case may be, within a period of six months from the date of the decision to enter into it, the procuring officer shall report the details to the lead councillor for the procurement activity.

22 NOMINATING SUB-CONTRACTORS AND SUPPLIERS

- 22.1 Where it is decided to be in the Council's interest, that a sub-contractor or supplier should be nominated to a main contractor, at least three tenders for the nomination must be invited in accordance with one of the methods described in Table 1 below.
- 22.2 The invitation to tender as sub-contractors or suppliers must require an undertaking from any tenderer to enter into a contract with the main contractor, including an obligation to indemnify the main contractor in respect of matters included in the sub contract.

23 CONFIDENTIALITY OF TENDERS AND QUOTATIONS

- 23.1 All matters concerned with quotations and tenders must be treated as confidential, including the correction of errors, and any information, discussion or correspondence entered into should be confined to those officers of the Council who are directly concerned and any consultant retained by the Council irrespective of the procurement process in question.
- 23.2 The amount or value of any tender or quotation which is to be considered by the Council or Executive shall not be made public before the meeting and shall be omitted from any written report on the subject which may be circulated before the meeting unless the report is marked as confidential.

24 AMENDMENTS TO PROCUREMENT PROCEDURE RULES

- 24.1 The Council Solicitor and Monitoring Officer shall be empowered to review the Procurement Procedure Rules from time to time and as often as may be necessary in consultation with the lead councillor and, following formal approval by full Council, shall publish details of any amendments.

Part 3**25 THE PROCUREMENT PROCESS**

- 25.1 The process to be adopted is determined by the value of the contract (see paragraph 6 above). The procedure must be both appropriate and proportionate to the value of the contract. It must ensure that the Council achieves best value which is to be assessed by an evaluation of both the price and quality of competitive bids so as to determine the most economically advantageous over the life of the contract.
- 25.2 Procuring officers must, as a minimum, obtain quotations and tenders as follows:

PART 4 – PROCUREMENT PROCEDURE RULES

| | Goods, services and works | Goods, services and works | All goods and services other than Schedule 3 services | | Services covered by Schedule 3 ² and those not covered by the regulations | Services covered by Schedule 3 ² and those not covered by the regulations | Works | |
|---|---|-----------------------------------|--|---|---|--|--|--|
| Value of contract aggregated over 4 years (excluding VAT) | UNDER £10,000 | £10,001 - £100,000 | £100,001 to the EU threshold for standard goods and services (£181,302) ³ | The EU threshold for standard goods and services (£181,302) ³ and over | £100,000 to the relevant EU threshold for Schedule 3 services (£615,278) ³ | Over the relevant EU threshold for Schedule 3 services (£615,278) ³ | £100,001 up to relevant EU threshold for works (£4,551,413) ³ | The relevant EU threshold for works (£4,551,413) ³ and over |
| Minimum requirements | 1 written quotation demonstrating value for money | 3 written quotations ¹ | 3 formal tenders ¹ | Full EU tender process in accordance with the Public Contracts Regulations, | 3 formal tenders ¹ | Light-touch tender regime under regulations 74 to 77 | 3 formal tenders ¹ | Full EU tender process in accordance with the Public Contracts Regulations |

Table 1

- ¹ For sub-threshold procurements of over £25,000 which are covered by the Public Contracts Regulations 2015, the procedures set out in regulations 109 to 112 inclusive will need to be followed in obtaining those quotations or tenders. This will equally apply to Schedule 3 contracts under their higher threshold.
- ² The social and other specific services mentioned in Schedule 3 to the 2015 Regulations have a higher threshold of £615,278 as at January 2018, and for those services there is a light-touch procurement regime (referred to in Regulation 74) even over that threshold.
- ³ The EU threshold for goods and other services (i.e. non-Schedule 3) is £181,302, and for works it is £4,551,413 as at January 2018.

PART 4 – PROCUREMENT PROCEDURE RULES

- 25.3 A summary of these processes and requirements is at **Appendix 1**.
- 25.4 Procuring officers will be issued with the Council's Manual of Procurement Practice providing detailed information and highlighting issues which may arise in respect of which further advice must be sought. The Manual must be followed. Advice must be sought as appropriate from the Council Solicitor and Monitoring Officer or the CPAP. The following is a summary of the key steps to be taken when engaging in a procurement exercise.
- 25.5 Preparation of Business case:
- 25.5.1 A business case proportionate to the complexity, risk and value of any proposed procurement must be prepared setting out the issues in sufficient detail to enable an informed decision to be taken.
- 25.6 Pre-Tender market research and consultation, with a view to preparing the procurement and informing economic operators in the market place of plans and requirements:
- 25.6.1 Advice may be sought from independent experts, authorities or from market participants and may be used in the planning and conduct of the procurement process provided that the consultation does not have the effect of distorting competition and does not breach requirements for non-discrimination and transparency. It is recommended advice be sought from the Council Solicitor and Monitoring Officer as appropriate.
- 25.7 Advertising.
- 25.7.1 If a Contract (**regardless of value**) may be of interest both to local suppliers and more widely including suppliers in EU member states (cross border interest), a sufficiently accessible advertisement must be published. Generally, the greater the likely interest, the wider the advertising coverage should be. At a minimum advertisements should appear on the Council's web site (mandatory for all contracts above £10,000) and may be placed on regional and national portals in addition to local papers and national specialist journals as appropriate.
- In respect of sub-threshold contracts, regulation 109 of the 2015 regulations may require tenders to be advertised on the Cabinet Office's Contracts Finder.
- OJEU notices are mandatory for procurements exceeding the threshold values specified by the current European Directive. Procuring officers are required to keep a record of their consideration of and decision in respect of the potential for cross border interest.
- 25.8 Route to market
- 25.8.1 The appropriate route to market must be selected. This may be an Open procedure through an Invitation to Quote (ITQ) or an Invitation to Tender (ITT) or a Restricted Procedure when candidates are invited to submit initial information and a number are selected to receive an ITT on the basis of the information provided. Additional procedures including Competitive Dialogue, the Competitive Dialogue with Negotiation, the Negotiated Procedure and

PART 4 – PROCUREMENT PROCEDURE RULES

Innovation Partnership may be available but must be selected only after consultation with the Council Solicitor and Monitoring Officer and the CPAP.

25.9 Evaluation criteria and scoring mechanism:

25.9.1 Each procurement must be properly specified and the evaluation criteria and the scoring mechanism clearly explained in the Invitation to Tender or Invitation to Quote.

25.9.2 Award Criteria must be designed to assess the suitability of the offer being made and must be appropriate to the purchase so as to assess which proposal is the most economically advantageous over the life of the contract.

25.10 Return of Quotations and Tenders:

25.10.1 Quotations must be returned to the respective Director or Service Leader by whom they will be held securely and unopened until after the closing time and date for receipt of responses. All responses must be opened at one time in the presence of two persons.

25.10.2 Tenders must be returned to the Democratic Services Manager. They will be retained securely unopened until after the date and time for receipt of responses. All tenders must be opened at one time and in the presence of a councillor, the Democratic Services Manager or his or her nominee and the Service Leader for the procurement activity or his/her nominee.

25.10.3 Any tender received after the date and time indicated for receipt will be retained unopened by the Democratic Services Manager until all other valid tenders have been opened and recorded. It will then be opened and returned to the sender. Exceptionally, the Council Solicitor and Monitoring Officer may, on being satisfied that there is evidence of posting in time for delivery by the due date authorise acceptance of the tender provided other tenders have not already been opened.

25.10.4 A record shall be kept for both quotations and tenders of:

- (i) the nature of the works, goods or service to be supplied;
- (ii) the authority for entering into the contract;
- (iii) the name of each person by or on whose behalf a quotation or tender was submitted;
- (iv) the amount of each quotation or tender ;
- (v) the date and time of opening of the quotation or tenders
- (vi) the names of those present at the opening of the quotation or tender.

25.10.5 A tender or quotation that does not comply with the instructions to tenders or is conditional must be treated as non-compliant and rejected. Non-compliant tenders or quotations will not be evaluated. The Council's decision in this respect is final.

25.11 Evaluation Panels:

25.11.1 The evaluation panel must consist as a minimum of the procuring officer (when appointed), Service Leader or their delegate, and the Financial Services Manager or their delegate. The evaluation panel may include

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service users and external consultants. The panel may further include those with specific expertise in the subject matter.

25.11.2 Negotiations with applicants who have tendered for a contract through an Open or Restricted procedure are not permitted. Clarification of a submission may be sought by the evaluation panel but must not result in any substantive changes to the Tender. Clarification questions and responses must be carefully documented.

25.11.3 A tenderer may be permitted to amend his tender sum where there is an obvious arithmetic or similar error in the priced bill of quantities or schedule of rates in which case the tender sum shall be corrected accordingly and the contractor/supplier notified in order to facilitate withdrawal of the submitted tender if the contractor/supplier so determines.

25.12 Standstill period:

25.12.1 For procurements subject to the OJEU procedure observation of a standstill period and the issue of standstill letters prior to the award of contract are mandatory and for other procurements are strongly recommended. If it is not proposed to provide feedback the CPAP must be informed and the reasons provided.

25.12.2 Award decision notification letters are mandatory for all procurements.

Part 4**26 CONTRACT TERMS**

26.1 Every contract entered into by the Council for the provision of works, goods or services which exceeds £500 in value (and in any other case where the Director or Service Leader shall require) shall:

26.1.1 Specify the works to be executed and goods or services to be supplied;

26.1.2 State the price to be paid detailing the frequency and method of calculation together with a statement as to the amount of any discounts or other deductions and requiring payment within 30 days of receipt of a valid invoice;

26.1.3 State the period or times within which the contract is to be performed;

26.1.4 Prohibit any assignment or sub-letting of the contract without the express agreement in writing of the Council;

26.1.5 State that the Council may cancel the contract and recover any resulting losses if the contractor, his employees or anyone acting on his behalf, with or without his knowledge, does anything improper to influence the Council or commits an offence under Bribery Act 2010;

26.1.6 Require the supplier to comply with the requirements of the Health and Safety at Work etc. Act 1974, and any other relevant Acts, Regulations or Orders pertaining to health and safety;

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- 26.1.7 Require the contractor to comply with the Equality Act 2010 including where relevant the Public Sector Equality Duty;
- 26.1.8 State that if the Contractor enters into liquidation or administration, the Council is entitled to cancel the contract and recover any resulting losses
- 26.2 For contracts with a value in excess of £100,000, if appropriate, make provision for the payment of liquidated damages by the contractor where he fails to complete the contract within the time specified. The level of liquidated damages must be determined by the Director or Service Leader.
- 26.3 For every contract with a value of £100,000 or more, require and take sufficient security for the due performance of the contract, unless the Chief Finance Officer deems this inappropriate.
- 26.4 For contracts which permit sub-contracting, the contractor is to be required to impose on his sub-contractors equivalent contractual requirements in terms of equality, health and safety, bribery and corruption and payment provisions.
- 26.5 The terms of appointment of a consultant must include the following provisions requiring the consultant to:
 - 26.5.1 Comply in all respects with the Council's Procurement Procedure Rules and Financial Procedure Rules;
 - 26.5.2 Consult the Council's Council Solicitor and Monitoring Officer in respect of all tender documents and obtain written approval for such documents prior to tendering;
 - 26.5.3 Maintain adequate records relating to the contract and produce them to the procuring officer whenever requested during the contract; and
 - 26.5.4 Pass all relevant records to the procuring officer on completion of the contract.
- 26.6 Every contract entered into by the Council shall (where considered appropriate by the Council Solicitor and Monitoring Officer) contain suitable provisions to ensure that
 - (a) the Council can terminate the contract in the situations specified in Regulation 73 of the 2015 Regulations, and in any other case where the contract has been entered into in breach of the Council's Procurement Procedure Rules and
 - (b) the Council complies with Regulations 113 (payment of invoices within 30 days by the Council and its contractors and subcontractors)

in each case the wording of such provision to be such as the Legal Services Manager specifies from time to time.

Appendix 1

QUICK GUIDE TO PROCUREMENT: Minimum requirements

| | Goods, services and works | Goods, services and works | All goods and services other than Schedule 3 services | | Services covered by Schedule 3 and services not covered by the regulations | Services covered by Schedule 3 and services not covered by the regulations | Works | | Accessing Framework agreements |
|---|---|----------------------------|---|--|---|--|---|--|---|
| Value of contract aggregated over 4 years (excluding VAT) | UNDER £10,000 | £10,001 - £100,000 | £100,001 to the EU threshold for standard goods and services (£181,302) | The EU threshold for standard goods and services (£181,302) and over | £100,000 to the relevant EU threshold for Schedule 3 services (£615,278 as at Jan 2018) | Over the relevant EU threshold for Schedule 3 services (£615,278 as at Jan 2018) | £100,001 – up to relevant EU threshold for works (£4,551,413) | The relevant EU threshold for works (£4,551,413) and over | Not relevant |
| Minimum tendering requirement | 1 written quote evidencing value for money. | 3 written quotes. | 3 formal tenders | Full EU tender process (Public Contracts Regulations) ¹ | 3 formal tenders | Light-touch tender regime under regulations 74 to 77 | 3 formal tenders | Full EU tender process (Public Contracts Regulations) ² | Confirmation Framework accessible to authority. Comply with framework conditions re call off. Confirm with legal services |
| Who authorises process? | Director/SL ³ Budget holder | Director/SL/ Budget holder | Director/SL + CPAP ⁴ | Director/SL + CPAP & briefing note to CMT | Director/SL + CPAP & briefing note to CMT | Director/SL + CPAP & briefing note to CMT | Director/SL + CPAP & briefing note to CMT | Director/SL + CPAP & briefing note to CMT | Director/SL + CPAP. Briefing note to CMT on values in excess of £100,000 |

¹ Different procedures can apply: Legal Services will approve most appropriate route.

² Different procedures can apply: Legal Services will approve most appropriate route.

³ SL – Service Leader

⁴ CPAP – Corporate Procurement Advisory Panel

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| | Goods, services and works | Goods, services and works | All goods and services other than Schedule 3 services | | Services covered by Schedule 3 and services not covered by the regulations | Services covered by Schedule 3 and services not covered by the regulations | Works | | Accessing Framework agreements |
|---|---|---|---|--|---|--|--|--|---|
| Value of contract aggregated over 4 years (excluding VAT) | UNDER £10,000 | £10,001 - £100,000 | £100,001 to the EU threshold for standard goods and services (£181,302) | The EU threshold for standard goods and services (£181,302) and over | £100,000 to the relevant EU threshold for Schedule 3 services (£615,278 as at Jan 2018) | Over the relevant EU threshold for Schedule 3 services (£615,278 as at Jan 2018) | £100,001 – up to relevant EU threshold for works (£4,551,413) | The relevant EU threshold for works (£4,551,413) and over | Not relevant |
| Where should advert be placed? | No advert required ⁵ | Consider use of website, portals suitable media ⁶ Use of Contract Finder required over £25K | Appropriate medium - web site, portals, professional journals etc. Use of Contract Finder required | Advert in OJEU website., and other media | Appropriate medium - web site, portals, professional journals etc. Use of Contract | Advert in OJEU website., and other media | Advert on website and other media Use of Contract Finder | Advert in OJEU Also website and other media | No advert required |
| Who receives quotes/ tenders? | Director/SL | Director/SL | Democratic Services Manager Recorded opening with Councillor present | Democratic Services Manager Recorded opening with Councillor present | Democratic Services Manager Recorded opening with Councillor present | Democratic Services Manager Recorded opening with Councillor present | Democratic Services Manager Recorded opening with Councillor present | Democratic Services Manager Recorded opening with Councillor present | Director |
| Is a contract required? | Yes, we have to publish all contracts over £500. May be evidenced by order form with GBC appropriate terms and conditions attached. | Yes. Advice from Legal Service. | Yes. Agreed by Legal Service and under seal. | Yes. Agreed by Legal Service and under seal. | Yes. Agreed by Legal Service and under seal. | Yes. Agreed by Legal Service and under seal. | Yes. Agreed by Legal Service and under seal. | Yes. Agreed by Legal Service and under seal. | Yes. Agreed by Legal Service. May be under seal . |

⁵ Use eTendering portal from 1 April 2015.

⁶ Use eTendering portal from 1 April 2015

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| | Goods, services and works | Goods, services and works | All goods and services other than Schedule 3 services | | Services covered by Schedule 3 and services not covered by the regulations | Services covered by Schedule 3 and services not covered by the regulations | Works | | Accessing Framework agreements |
|---|---------------------------|---|---|--|---|--|---|---|---------------------------------------|
| Value of contract aggregated over 4 years (excluding VAT) | UNDER £10,000 | £10,001 - £100,000 | £100,001 to the EU threshold for standard goods and services (£181,302) | The EU threshold for standard goods and services (£181,302) and over | £100,000 to the relevant EU threshold for Schedule 3 services (£615,278 as at Jan 2018) | Over the relevant EU threshold for Schedule 3 services (£615,278 as at Jan 2018) | £100,001 – up to relevant EU threshold for works (£4,551,413) | The relevant EU threshold for works (£4,551,413) and over | Not relevant |
| Evaluation | Budget Holder | Evaluation panel | Evaluation panel | Evaluation panel | Evaluation panel | Evaluation panel | Evaluation panel | Evaluation panel | Evaluation panel for mini-competition |
| Who approves exemption from rules? | Director/SL | Council Solicitor and Monitoring Officer in consultation with the Procurement Officer & Lead Councillor | Council Solicitor and Monitoring Officer in consultation with the Procurement Officer & Lead Councillor | No exemption | Council Solicitor and Monitoring Officer in consultation with the Procurement Officer & Lead Councillor | No exemption | Council Solicitor and Monitoring Officer in consultation with the Procurement Officer & Lead Councillor | No exemption | N/A |

PROCUREMENT PROCEDURE RULES – STEPS TO BE TAKEN TO PROCURE

These notes complement the *Quick Guide to Procurement*. These steps are part of the formal rules for undertaking procurement and bound by the formalities of the Council’s Constitution. Procuring officers will be expected to keep a full trail of documents relating to each procurement undertaken.

STEP 1
IDENTIFY NEED

- You must prepare for a procurement process in good time, having identified in your service/business plan that procurement for goods and/or services and/or works will be required during the lifespan of the plan. This will allow for a legitimate fairer procurement cycle and enable the proper legal guidance necessary to carry out the procurement. The process for urgent procurement is set out in separate guidance.
- Document what you want to do with your procurement and keep it on a file.
- You must record on the file that you have your manager’s authority to perform the procurement before you take any steps.

STEP 2
DEVELOP BUSINESS CASE

- Before you start the process, prepare and document an estimated value of the contract you wish to procure.
- You must ensure that you have adequate budget provision for the procurement you wish to undertake or have commenced the process for obtaining funds (e.g. CMT approval; Executive approval) in accordance with the financial procedure rules.
- You must determine the appropriate form of tender or quotation process to follow. You can use the Quick Guide to Procurement that forms part of these procedure rules (and the Council’s Constitution) in conjunction with the Council’s Manual of Procurement Practice. In either case, you must consult with Legal Services before progressing further. The form of tender might be to use a framework agreement. Use the Manual to determine whether a framework agreement will meet your objectives.
- The guidance suggests the minimum in terms of procedures. You must remember that we are aiming for the best value for Guildford residents, which we may achieve by obtaining a greater number of quotes or tenders than specified.

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| | |
|--|--|
| STEP 3 IDENTIFY STAKEHOLDERS | <ul style="list-style-type: none"> You may enter into pre-market consultation with potential suppliers to establish that the market can meet your requirement for good, works or services. Dialogue with the market pre-procurement is encouraged not only to bring the opportunity to the attention of the market but also to assist in a greater understanding of the market place for specific products or services. We purchase such a wide range of goods and services that it is impossible, particularly in a smallish authority like Guildford, to understand the vagaries and needs of all markets. Pre-engagement will assist in the understanding of the feasibility of the requirement, market capacity and the acceptable level of risk in an individual market. You must take care however, to ensure pre-market engagement does not distort competition or violate the transparency and non-discrimination principles. This exercise may also shape your thinking about what alternatives might exist or how suppliers might deliver your requirements and the extent to which there is cross border interest. |
| STEP 4 DEVELOP TENDER DOCUMENTATION | <ul style="list-style-type: none"> A specification and selection criteria must be prepared in advance of your request for tenders or quotations. You must keep these on the procurement file ready to use for evaluating the tenders or quotations you receive. You are seeking the best value for the Council and selection criteria must reflect our ability to secure best value by balancing cost and quality to produce the most economically advantageous solution over the lifetime of the contract. |
| STEP 5 UNDERTAKE PROCUREMENT PROCESS | <ul style="list-style-type: none"> Determine the most appropriate procurement process Advertise Issue documentation Evaluate tenders/quotations returned Feedback |
| STEP 6 AWARD AND IMPLEMENTATION | <ul style="list-style-type: none"> Work under contract must not start until you have completed the contract documents and all other procedures to the satisfaction of the Director/Service Leader. |

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| | |
|--|--|
| OF CONTRACT | <ul style="list-style-type: none"> • A letter of intent must not be issued unless approved by the Council Solicitor and Monitoring Officer |
| <p>STEP 7</p> <p>CONTRACT MANGEMENT</p> | <ul style="list-style-type: none"> • All contracts will have a contract manager nominated by the Director or Service Leader. • The contract manager will be responsible to the Director/Service Leader for entering contracts over £500 onto the contracts register, including appropriate markers for when the contract is due for renewal or termination. The contract manager must enter the contract on the register immediately following the contract being agreed with the supplier. • The role of the contract manager is to manage the contract throughout its duration, as well as enforce duties owed to the Council and to take responsibility for those duties owed to the contractor. • The contract manager will – <ul style="list-style-type: none"> - monitor performance of the contractor against the agreed level of service, - monitor the continuing level of operational and financial risk to which the Council is exposed and to institute controls as appropriate, - ensure the contractors’ due diligence with all appropriate health and safety obligations, - facilitate the resolutions of issues between the contractor and users of the service, - ensure prompt payment of invoices and compliance with all financial regulations and contract standing orders during the lifetime of the contract, - ensure that appropriate arrangements are made for the termination or re-letting of the contract at the appropriate time. |
| <p>STEP 8</p> <p>LESSONS LEARNED</p> | <ul style="list-style-type: none"> • All contract managers will use their knowledge and experience gained from each procurement exercise to inform and advise other contract managers. This knowledge sharing will be facilitated by the CPAP in order to ensure that mistakes are not repeated and good practice appropriately disseminated. |

PART 4 – PROCUREMENT PROCEDURE RULES

Appendix 2: E-Tendering

1. Introduction
 - 1.1 These rules apply to all procurement activity undertaken using the Council's e-tendering portal.
 - 1.2 The use of e-tendering is optional during the introductory period. Following the introductory period, the use of e-tendering will become mandatory for all procurements.
 - 1.3 The use of e-tendering is being introduced following the introduction of the Public Contracts Regulations 2015. The use of electronic means to publish tender opportunities and make the documents available electronically is required by Regulation 22.
 - 1.4 All procuring officers will be required to attend training before being given access to the e-tendering portal.
2. Thresholds
 - 2.1 The use of e-tendering is not based on monetary thresholds, it is suitable for all quotes, tenders and framework mini-competitions.
3. Guidance and Mandatory Settings
 - 3.1 When setting up a new procurement on the e-tendering portal the procuring officer must refer to the separate E-Tendering Guidance document and, in particular, the mandatory settings.
 - 3.2 The E-Tendering Guidance document is available on the intranet in the Procurement Toolkit.
4. Communication
 - 4.1 All communication during the tender process must be conducted via the e-tendering portal, in accordance with the instructions to tenderers.
 - 4.2 Any clarification questions must be submitted by tenderers using the correspondence function of the e-tendering portal.
 - 4.3 In the event the procuring officer is contacted via email, telephone or in person regarding the procurement, they must direct the individual to the e-tendering portal. The procurement must not be discussed directly with individual bidders.
 - 4.4 Clarifications and responses to clarification questions will be issued to all bidders via the e-tendering portal.

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5. Return of Quotations and Tenders

- 5.1 All quotations and tenders must be returned via the e-tendering portal and will remain unopened and anonymous until the closing time and date for the receipt of responses.
- 5.1.1 The only exception to 5.1 is where bidders are having problems with the e-tendering portal and are unable to upload their return. The Procurement Officer must have been made aware of the problem prior to the return deadline.
- 5.1.2 Where a return has been returned by other means, following agreement by the Procurement Officer that this is acceptable, the return must be manually added at the start of the opening ceremony before the electronic submissions are opened.
- 5.2 Any pending, or late, tender returns will be rejected by the e-tendering portal once the opening ceremony has been started.
- 5.3 The opening ceremony will be carried out by the procuring officer and relevant Director, or his nominee.
- 5.4 An electronic record shall be kept for both quotations and tenders of:
- The contract title;
 - The contract reference;
 - The return date and time;
 - The number of expressions of interest;
 - The number of returns;
 - The name of the person/company submitting the quotation or tender;
 - The value of each quotation or tender;
 - The date and time the opening ceremony is started;
 - The name of the procuring officer carrying out the opening ceremony.
- 5.5 Following the opening ceremony, a confirmation email shall be sent to the appropriate procurement stakeholders which, dependent on contract value, may include the Lead Councillor, Council Solicitor and Monitoring Officer and the Service Leader, and should include the information listed in paragraph 5.4 above.

6. Notification of Award Decision

- 6.1 Notification of the award decision and feedback for the unsuccessful bidders must be issued using the e-tendering portal.

Procurement Gateway Report

| | |
|---------------------------|--|
| Requirement Title: | |
| PI reference: | |

| | |
|---|-------------------------------|
| Directorate | |
| Service | |
| Requirement Title: | |
| Contract Start Date: | Click or tap to enter a date. |
| Contract Term: | |
| Extension Term: | |
| Estimated overall Requirement Value (including extensions) | |
| Goods, Works, or Services | Choose an item. |

Gateway One – Commissioning and Procurement Strategy

1.1 Business Need, Objectives, Scope, and Overview of Specification

| |
|--|
| |
|--|

1.2 Have the Specification guidelines been followed? Yes No

1.3 Contact details

| | |
|-------------------|--|
| Service Leader: | |
| Contract Manager: | |
| Procurement Lead: | |
| Budget Holder: | |

1.4 Draft Procurement Timetable

| Milestone | Estimated Date |
|-------------------------------|-------------------------------|
| CPB Sign Off | Click or tap to enter a date. |
| | |
| Estimated Tender Publication | Click or tap to enter a date. |
| Issue of Invitation to Tender | Click or tap to enter a date. |
| Tender Clarification Deadline | Click or tap to enter a date. |
| Tender Submission Deadline | Click or tap to enter a date. |
| Evaluation completed | Click or tap to enter a date. |
| Intention to Award Published | Click or tap to enter a date. |
| Standstill Period End | Click or tap to enter a date. |
| Expected Award Date | Click or tap to enter a date. |
| Contract Commencement | Click or tap to enter a date. |

| | Capital (£) | Revenue (£) | Total (£) |
|---|-------------|-------------|-----------|
| Total annual funding available: | | | |
| Budget code for capital and revenue: | | | |

1.5 Financial Baseline

1.6 Social Value Considerations

How will Social Value be considered as part of this Procurement?

1.7 Climate Change Considerations

How will Climate change be considered as part of this Procurement?

1.8 Summary of market conditions and any market engagement undertaken

1.9 Options Appraisal - Route to Market (RTM)

| Option | Description of Option | Relative Advantages/Disadvantages, Reasons for selection or not, and any cost implications |
|--|-----------------------|--|
| Option 1 – <i>Proposed Route to Market</i> | | |
| Option 2 – <i>title</i> | | |
| Option 3 – <i>title</i> | | |
| Option 4 – <i>do nothing</i> | | |

(If required add additional lines to include other options)

1.10 Collaboration opportunities

Provide details of any options available for collaboration:

CONTRACT REQUIREMENTS

1.11 Rationale for Contract Term

1.12 Details of Framework or Dynamic Purchasing System (if appropriate)

1.13 Required financial security for performance if applicable (For contracts over £1,000,000 only)

TENDER/EVALUATION DETAILS

1.14 Evaluation Panel – technical (minimum three)

| Name | Position | Service Area |
|------|----------|--------------|
| | | |
| | | |
| | | |

1.15 Selection and/or Award Criteria and weighting

If the weighting is not 70 (price)/30 (technical), please outline why.

APPROVED BY:

| Report approval by | Name: | Date: |
|--|--------------|-------------------------------|
| <i>Senior Specialist Procurement – Route to market</i> | | Click or tap to enter a date. |
| <i>Finance authorisation – available funding and benefits forecast</i> | | Click or tap to enter a date. |
| <i>Legal sign off</i> | | Click or tap to enter a date. |

Gateway Two - Contract Award

2.1 Summary of Tender Activity (complete as relevant)

| | |
|---|--|
| Tender Procedure | |
| Number of expressions of interest | |
| Number of responses (SQ) | |
| Names of tenderers passing the SQ process and reasons for their selection | |
| Number of responses | |
| Number of suppliers shortlisted (if applicable) | |
| Reasons for any rejection of any tender found to be abnormally low | |
| Significant changes during tender (e.g. revised spec, pricing schedule) | |
| Number of clarifications | |
| Other pertinent information/ ongoing decisions | |

2.2 Successful Supplier(s) scoring

| Successful supplier name | Technical Score % | Commercial Score % | Total Score % | Ranking |
|--------------------------|-------------------|--------------------|---------------|----------|
| | | | | 1 |
| | | | | 2 |
| | | | | 3 |
| | | | | 4 |
| | | | | 5 |
| | | | | 6 |

2.3 Unsuccessful Supplier/tenderer(s)

| Unsuccessful supplier name | Technical Score % | Commercial Score % | Total Score % | Ranking |
|----------------------------|-------------------|--------------------|---------------|----------|
| | | | | 1 |
| | | | | 2 |
| | | | | 3 |
| | | | | 4 |
| | | | | 5 |

2.4 Detail any issues which have arisen which may affect contract award, or a decision not to award

2.5 How has Social Value been delivered in this award?

2.6 How has Climate change been delivered in this award?

2.7 Total contract value

| |
|--|
| |
|--|

2.8 Details of any savings

| Contract Period | ** Enter contract length and split out the savings per FY years in the table below | |
|-----------------|--|-------------------------------|
| FY Years | Total Savings Achieved | Total Cost Avoidance Achieved |
| 19/20 | | |
| 21/22 | | |
| 22/23 | | |
| 23/24 | | |
| 24/25 | | |
| 25/26 | | |
| Total: | | |

FINAL APPROVAL:

| Report approval by | Name: | Date: |
|--------------------------------|-------|-------------------------------|
| Senior Specialist Procurement: | | Click or tap to enter a date. |
| CPB Approval: | | Click or tap to enter a date. |

| Contract award decision made by | Name: | Date: |
|---------------------------------|-------|-------------------------------|
| Service Leader: | | Click or tap to enter a date. |

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Council Report

Ward(s) affected: n/a

Report of Director of Strategic Services

Author: John Armstrong, Democratic Services and Elections Manager

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Lead Councillor responsible: Joss Bigmore

Tel: 07974 979369

Email: joss.bigmore@guildford.gov.uk

Date: 19 May 2021

Councillors' Code of Conduct: Acceptance of Gifts and Hospitality

Executive Summary

The Committee will recall that the Council, at its meeting on 6 October 2020, considered a report on the outcome of a review by the Corporate Governance Task Group of the Councillors' Code of Conduct, including the policy on acceptance of gifts and hospitality by councillors.

As well as including a new requirement for the registration and declaration of certain non-pecuniary interests, the revised code made some significant changes to provisions on the acceptance of gifts and hospitality. However, following the Council meeting on 6 October, officers identified an anomaly in the interpretation of this part of the Code, which requires clarification.

The Task Group considered the matter again and have recommended some further remedial alterations to the Code, details of which are set out in this report.

Recommendation to Council (19 May 2021)

That the proposed revisions to the Acceptance of Gifts and Hospitality section of the Councillors' Code of Conduct, as set out in paragraph 4.10 of this report, be adopted and implemented with immediate effect.

Reason for Recommendation:

To address and correct the anomaly in respect of acceptance of gifts and hospitality in the revised code of conduct agreed by the Council on 6 October 2020.

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

1. Purpose of Report

- 1.1 To report to Council on the outcome of the further consideration by the Corporate Governance Task Group of the Councillors' Code of Conduct in respect of acceptance of gifts and hospitality.

2. Strategic Priorities

- 2.1 The work undertaken by the Task Group will assist the Council in achieving its value of being open and accountable to our residents.

3. Background

- 3.1 Councillors will recall that, following a review by the Task Group, the Council adopted a revised Code of Conduct for Councillors at its meeting on 6 October 2020.
- 3.2 As well as including a new requirement for the registration and declaration of certain non-pecuniary interests, the revised code made some significant changes to provisions on acceptance of gifts and hospitality. The relevant paragraphs of the revised code are set out below:

“Acceptance of Gifts and Hospitality

24. As a councillor or co-opted member of the Council you must avoid accepting any gift, hospitality or other favour which could give the impression of compromising your integrity, honesty or objectivity. You should never accept any gift or hospitality as an inducement or reward for anything, if acceptance might be open to misinterpretation or which puts you under an improper obligation. In particular, whenever acting in your capacity as a councillor or co-opted member, you

- (1) should avoid any behaviour which might reasonably be seen as motivated by personal gain;
- (2) should exercise caution in accepting any gifts or hospitality regardless of value which are (or which you might reasonably believe to be) offered to you because you are a councillor or co-opted member;
- (3) should never solicit a gift or hospitality; and
- (4) should never accept significant gifts or hospitality (i.e. anything with a value of £50 or more) from any third party.

Any declined offer of a gift or hospitality need not be registered.

25. For the avoidance of doubt, the following gifts and types of hospitality do not need to be disclosed/registered:
- (a) civic hospitality provided by the Council or another public authority;
 - (b) modest refreshment in connection with any meeting or on the occasion of any social meeting;
 - (c) tickets for sporting, cultural and entertainment events which are sponsored by, or organised by or on behalf of the Council;
 - (d) individual gifts with a value of up to £50, or more than one gift from one donor with a combined value of up to £50
26. Where it is impracticable to return any unsolicited gift of a value of £50 or more, or the return would cause offence, you must as soon as practicable

within 28 days after the receipt of the gift, notify the Monitoring Officer in writing, and pass the gift to the Mayor's Office for donation to a charity or raffle as appropriate.

27. You must immediately report to the Monitoring Officer any circumstances where a gift or hospitality has been offered to you or to another councillor in order to gain inappropriate favour.
28. Your participation in any item of business that affects a donor from whom you have received any gift or hospitality that is registered, or ought to be registered as set out above, will need to be considered by you on a case by case basis. You will only be expected to exclude yourself from speaking or voting in exceptional circumstances, for example where there is a real danger of bias, or where you consider, having taken advice from the Monitoring Officer, that acceptance of a gift or hospitality would affect your objectivity in relation to the consideration of that business."

4. Further consideration by the Corporate Governance Task Group

- 4.1 Following the Council meeting on 6 October, officers identified an anomaly in the interpretation of this part of the Code, which requires clarification.
- 4.2 The Code states in paragraph 24 that councillors should:
 - "exercise caution in accepting any gifts or hospitality regardless of value which are (or which they might reasonably believe to be) offered to them because they are a councillor", and
 - never "solicit a gift or hospitality" or "accept significant gifts or hospitality (i.e. anything with a value of £50 or more) from any third party" (which implies a breach of the code if such gifts or hospitality are solicited or accepted).
- 4.3 Paragraph 25 sets out the range of gifts and hospitality that need not be disclosed/registered, which includes gifts (but not hospitality) up to a value of £50. Paragraph 28 implies that in certain circumstances gifts or hospitality have been registered, or ought to be registered, but if gifts up to £50 do not need to be registered and councillors must not accept any gift or hospitality over £50, it is unclear as to what actually needs to be registered.
- 4.4 The Task Group was asked to consider clarifying this part of the Code. After due consideration, the Task Group felt that councillors:
 - (a) need not register gifts or hospitality of an estimated value of less than £25;
 - (b) should register gifts or hospitality of an estimated value between £25 and £50;
 - (c) should not accept significant gifts or hospitality (i.e. anything with a value of more than £50) from any third party.
- 4.5 The Task Group was also asked to consider particular councillor roles where there is a greater likelihood of gifts and/or hospitality being offered in the course of performing those roles, for example:
 - the Mayor,
 - Deputy Mayor (when deputising for the Mayor at a function or event),

- Leader of the Council, and
- Deputy Leader of the Council

- 4.6 It is very likely that any gifts or hospitality offered to councillors performing the role of Mayor (or Deputy Mayor deputising for the Mayor) will be made not as any kind of inducement to curry favour but as recognition that the Mayor is the First Citizen of the Borough and as such is likely to be invited to a variety of engagements, including lunch/dinner functions to promote the borough and the endeavours of its local residents and businesses.
- 4.7 There has to be some acceptance that, in the course of a mayoral year, the Mayor will be expected to attend such engagements and accept some hospitality as a result. Occasionally, the Mayor may also be presented with modestly valued gifts – for example from visiting dignitaries.
- 4.8 To some extent, this will also apply to the Leader/Deputy Leader role, although it is recognised that there is greater public scrutiny of acceptance of gifts and hospitality by the Leader/Deputy Leader.
- 4.9 The LGA's recently published Model Code of Conduct acknowledges this but does not offer any meaningful advice:

“It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Monitoring Officer for guidance.”

- 4.10 Translating the above suggestion into the recently revised Code of Conduct and addressing the issue of acceptance of gifts and hospitality by councillors performing certain roles, the Task Group propose that the following amendments be made to the Code of Conduct:

“Acceptance of Gifts and Hospitality

24. As a councillor or co-opted member of the Council you must avoid accepting any gift, hospitality or other favour which compromises, or could give the impression of compromising your integrity, honesty or objectivity. You should never accept any gift or hospitality as an inducement or reward for anything, or if acceptance might be open to misinterpretation or which puts you under an improper obligation. In particular, whenever acting in your capacity as a councillor or co-opted member, you

(1) should avoid any behaviour which might reasonably be seen as motivated by personal gain;

(2) should never solicit a gift or hospitality;

(3) may accept, but must register with the Monitoring Officer within 28 days of acceptance, any gift or hospitality of an estimated value between £25 and £50, subject always to the proviso that you should exercise caution in accepting any gifts or hospitality regardless of value which are (or which you might reasonably believe to be) offered to you because you are a councillor or co-opted member; and

(4) should never accept significant gifts or hospitality (i.e. anything with an estimated value of more than £50 or more) from any third party.

~~Any declined offer of a gift or hospitality need not be registered.~~

25. For the avoidance of doubt, the following gifts and types of hospitality do not need to be disclosed/registered:
- (a) civic hospitality provided by the Council or another public authority;
 - (b) modest refreshment in connection with any meeting or on the occasion of any social meeting;
 - (c) tickets for sporting, cultural and entertainment events which are sponsored by, or organised by or on behalf of the Council;
 - (d) individual gifts or hospitality with an estimated value of up to £5025, or more than one gift from one donor with a combined value of no more than up to £5025;
 - (e) gifts or hospitality offered to the Mayor (Deputy Mayor when deputising for the Mayor) at an official mayoral engagement, subject to the proviso that any gifts with an estimated value exceeding £25, accepted belong to the office of the Mayor and not to the recipient personally; or
 - (f) any declined offer of a gift or hospitality unless it falls within paragraph 27
26. Where it is impracticable to return any unsolicited gift of a value of £50 or more, or the return would cause offence, you must as soon as practicable within 28 days after the receipt of the gift, notify the Monitoring Officer in writing, and pass the gift to the Mayor's Office for donation to a charity or raffle as appropriate.
27. You must immediately report to the Monitoring Officer any circumstances where a gift or hospitality has been offered to you or to another councillor in order to gain inappropriate favour.
28. Your participation in any item of business that affects a donor from whom you have received any gift or hospitality that is registered, or ought to be registered as set out above, will need to be considered by you on a case by case basis. You will only be expected to exclude yourself from speaking or voting in exceptional circumstances, for example where there is a real danger of bias, or where you consider, having taken advice from the Monitoring Officer, that acceptance of a gift or hospitality would affect your objectivity in relation to the consideration of that business."

5. Financial Implications

- 5.1 There are no financial implications arising from the proposals contained in this report.

6. Legal Implications

- 6.1 Local authorities have a duty, under s.27 Localism Act 2011, to promote and maintain high standards of conduct by their members and co-opted members. In discharging this duty, a council must adopt a code dealing with the conduct that is expected of its members and co-opted members when they are acting in that capacity.
- 6.2 Under s28(1) of the 2011 Act, the code is required, when viewed as a whole, to be consistent with the following (Nolan) principles:

- (a) selflessness;
- (b) integrity;
- (c) objectivity;
- (d) accountability;
- (e) openness;
- (f) honesty;
- (g) leadership.

6.3 Furthermore, the 2011 Act requires a council to secure that its code of conduct includes the provision the authority considers appropriate in respect of the registration and disclosure of:

- (a) pecuniary interests, and
- (b) interests other than pecuniary interests.

6.4 The proposals in this report seek to clarify the arrangements in the code of conduct for councillors in respect of the acceptance of gifts and hospitality.

7. Human Resource Implications

7.1 There are no HR implications arising from the proposals in this report.

8. Equality and Diversity Implications

8.1 Public authorities are required to have due regard to the aims of the Public Sector Equality Duty (Equality Act 2010) when making decisions and setting policies. The Council has a statutory duty under section 149 of the Equality Act 2010 which provides that a public authority must, in exercise of its functions, have due regard to the need to

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the 2010 Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it. The relevant protected characteristics are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

8.2 This duty has been considered in the context of the recommendations in this report and it has been concluded that There are no other equality and diversity implications arising directly from the recommendations in this report.

9. Climate Change/Sustainability Implications

9.1 There are no climate change/sustainability implications arising from the recommendations in this report.

10. Background Papers

[Review of the Councillors' Code of Conduct - Report to Council: 6 October 2020](#)

11. Appendices

None

EXECUTIVE

23 March 2021

- * Councillor Joss Bigmore (Chairman)
- * Councillor Jan Harwood (Vice-Chair)

- * Councillor Tim Anderson
- * Councillor Tom Hunt
- * Councillor Julia McShane
- * Councillor John Redpath
- * Councillor John Rigg
- * Councillor James Steel

*Present

EX82 APOLOGIES FOR ABSENCE

There were no apologies for absence.

Councillors Chris Blow, Colin Cross, Graham Eyre, Angela Goodwin, Angela Gunning, Nigel Manning, Ramsey Nagaty, Maddy Redpath, Tony Rooth, Deborah Seabrook, Paul Spooner, Fiona White, and Catherine Young were also in attendance.

EX83 LOCAL CODE OF CONDUCT - DISCLOSABLE PECUNIARY INTEREST

There were no declarations of disclosable pecuniary interests. The following councillors declared non-pecuniary interests:

| Councillor | Agenda Item | Nature of interest |
|--|---|---------------------------------------|
| Councillor Joss Bigmore and his spouse | 5 Extension of private sector enforcement powers | private sector landlords in Guildford |
| Cllr John Redpath's spouse | 5 Extension of private sector enforcement powers | private sector landlord in Guildford |
| Councillor Julia McShane | 6 Former Pond Meadow Training Site | local ward member |
| Councillor Angela Goodwin | 6 Former Pond Meadow Training Site | Surrey County Councillor |
| Councillor Fiona White | 6 Former Pond Meadow Training Site | Surrey County Councillor |

EX84 MINUTES

The minutes of the meeting held on 16 February 2021 were agreed as a correct record. The Chairman signed the minutes.

EX85 LEADER'S ANNOUNCEMENTS

The Leader reflected that 23 March marked the one-year anniversary from the start of first lockdown and what an extraordinary year it had been. But despite the challenges for everyone during the year, it had brought out the best in so many with incredible voluntary and community

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work at borough and county level. This work would be celebrated through the Mayor's Awards this year - especially in the new Community Heroes category. The Leader thanked council officers for their work in supporting the borough and keeping essential services running.

The Leader had joined the Marie Curie minute's silence at 12 noon as the country came together to think about the collective loss, in support of those who had been bereaved and join together in hope for a brighter future. At 8pm there would be another chance to mark the anniversary when thousands would stand on doorsteps and shine a light into the night as a 'beacon of remembrance.' In Guildford, heritage buildings would join the event and be lit up. The Leader looked forward to the forthcoming relaxing of restrictions and to getting back to normal for Guildford's residents and businesses. He announced the Guildford Lido would reopen on Monday and thanked operators Freedom Leisure for making that possible.

Finally, it was announced that the Guildford Programme at G Live would be running a drop-in only vaccination day on Wednesday 24 March, for anyone over 50 years of age who were patients in Guildford or Waverley.

EX86 EXTENSION OF PRIVATE RENTED SECTOR ENFORCEMENT POWERS

The Executive considered a report setting out new legislative powers awarded to the Council under the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 to improve housing standards in the private rented sector and enable financial penalties to be imposed if electrical safety standards were not met. The Regulations imposed strict requirements on landlords including regular safety testing and certification. Landlords were required to satisfy the Council that proper safety standards had been met within a set time period. A financial penalty was the enforcement tool provided to councils in relation to the Regulations.

A charging structure for such penalties was presented for approval and authorisation sought for the Head of Environment and Regulatory Services to determine the amount of any financial penalty in accordance with the charging structure. The charging structure was based upon a government matrix and would be enforced proportionally. The upper limit of the financial penalty was £30,000 which might be applied where there had been a serious risk to tenants or a blatant refusal by a landlord to respond to risk and implement safety measures.

The Executive

RESOLVED:

- (1) That the charging structure for financial penalties imposed in accordance with the powers introduced by Sections 122 and 123 of the Housing and Planning Act 2016 and the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020, as set out in Appendix 1 to the report submitted to the Executive, be approved.
- (2) That authority be delegated to the Head of Environment and Regulatory Services to take all necessary action to implement the charging structure and impose financial penalties in accordance with the Regulations.

Reason:

To enable the Council to exercise the powers introduced by Section 122 & 123 of the Act to impose financial penalties for failure to comply with the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020.

EX87 FORMER POND MEADOWS TRAINING CENTRE SITE

Surrey County Council had proposed the re-development of the 'Former Pond Meadows Training Centre' site to provide a 50-bed extra care facility. However, the site was subject to a user covenant, to which Guildford Borough Council was the beneficiary. In order to move forward with the proposal a deed of release and variation of the user covenant was required. There was also a need to improve the Borough Council-owned access road to the site to facilitate the redevelopment. An independent valuation had been obtained and the costs payable to the Borough Council in return for the deed of release, variation of the user covenant and the additional rights would be £207,500. Surrey County Council had offered to meet those costs and agreed to the wording of a new covenant that would restrict the use of the site to a residential/nursing home. It was noted that the County Council would have to put the proposal through the usual Planning process in due course.

The Executive considered a report proposing that costs should be waived to Surrey County Council in this instance due to the community benefit of the proposals and to agree the variation of the user covenant and the grant of additional rights for nil consideration.

The Lead Councillor for Resources spoke in favour of the recommendation which found support from other members of the Executive. It was noted that the site was an important landmark in the community and proposals for the use of the site were of interest to local residents who, it was hoped would benefit from the future provision. The local Ward Councillor also spoke in favour of the recommendations.

Therefore, the Executive

RESOLVED:

- (1) That the Council enters into a deed of release of the restrictive covenant, a variation of the user covenant and grant of additional rights for the land known as the Former Pond Meadows Training Centre.
- (2) That the transaction be completed for nil consideration.
- (3) That the Head of Asset Management be authorised, in consultation with the Chief Finance Officer, and the Lead Councillor for Finance and Assets, to agree the terms for the deed of release; in accordance with the draft heads of terms set out in Appendix 1 to the report submitted to the Executive.

Reason:

To allow Surrey County Council to re-develop the site to provide a 50-bed extra care facility within the Borough.

EX88 REVIEW OF THE USE OF RIGHT TO BUY RECEIPTS AND APPROPRIATION OF LAND INTO THE HOUSING REVENUE ACCOUNT

The 'Right to Buy' (RTB) was a Government scheme enabling eligible council and housing association tenants to buy their home at a discount. With the receipts received, the Council was required to build new social housing within a time limit of three years before the receipts had to be paid to government with interest. The government's ambition was to have one-for-one replacement housing of properties sold under RTB.

The Council had not spent all of the RTB receipts on its new build housing investment programme within the required time frame in 2019-20. As a result, the Council had been required to repay to government a total of £2.7million. Although the Council had taken measures to mitigate some of the repayment risk there remained slippage on the Housing

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Investment Programme (HIP) which had continued into 2020-21. It was only possible to fund the HIP by up to one third by RTB receipts and the rest by HRA. The Lead Councillor for Resources had set up a working group to understand how and why RTB receipts needed to be repaid to government, the reporting arrangements around the matter and what could be done to prevent further repayments. The Council's internal auditors KPMG had been asked to carry out an audit of the HRA capital monitoring and specifically the monitoring and use of RTB receipts.

The Executive considered a report setting out initial feedback from the findings of the new working group and a series of proposed measures intended to support the expenditure of the RTB receipts for 2020-21 and reducing the risk of repaying further receipts to Government.

Importantly, the context of the report changed with very recent announcements published in the Supplementary Information Sheet. On Friday 19 March 2021, the Secretary of State for Housing, Communities and Local Government announced the Government's response to consultation resulting in a number of reforms for the use of RTB receipts which would have an immediate benefit to the Council and impact on the issues raised in the report. A summary of the key reforms was provided that changed many of the vital parameters under which the Council was operating in terms of RTB and would take effect from 1 April 2021.

The Lead Councillor for Resources emphasised although the announcements were immediately welcome and included additional time from three to five years to spend receipts, the slippage on the new build programme which mainly caused the repayment to government in 2019-20 had to be addressed. It was reported that the Council must ensure that it had sufficient new build projects coming forward in order spend its RTB receipts and to ensure that delivery of those schemes was properly planned and managed so that delays were minimised and repayment risks reduced.

The previous Housing Working Group would be revitalised with a new officer and councillor membership from Housing and Finance; there would be regular budgetary reports relating to the RTB receipts to the Corporate Governance and Standards Committee and explicitly in the budget outturn report to the Executive and other measures as set out in the recommendations. It was noted that the Weyside Urban Village, Guildford Park Car Park and Bright Hill Car Park sites coming forward as purely residential developments would offer the Council opportunities to utilise RTB receipts as was the potential development of North Street should progress be made towards greater mixed-use. It was noted that the planning application for Guildford Park Car Park was expected to be submitted in October and for Bright Hill early in 2022. It was agreed that the use of Bright Hill Car Park up until planning permission was awarded would be determined following the expiration of the Mount Alvernia Hospital lease.

As new homes were needed for Guildford residents, the Lead Councillor for Resources supported the continuation of the RTB scheme in Guildford, whilst noting that the greater the take up of the scheme the more pressure would be upon the Council to replace stock. It was proposed the Council could consider adopting a RTB receipts policy later in the year.

The Executive

RESOLVED:

- 1) That the remaining land at Guildford Park car park be appropriated into the HRA with immediate effect.
- 2) That the expenditure on the general fund capital programme relating to Guildford Park Car Park be transferred into the HRA following the appropriation.
- 3) That no replacement car parking be delivered as part of the Bright Hill Scheme.

- 4) That, once Secretary of State approval and an appropriate valuation is obtained, the allotments site (Plot 1) at Weyside Urban Village be appropriated into the HRA and that the Council commits to delivering Plot 1 at Weyside Urban Village as either a fully affordable or mixed tenure project within the Housing Investment Programme.
- 5) That further consideration be given as to whether key sites within the Guildford Economic Regeneration should be appropriated into the HRA for Housing Development in due course.
- 6) That the acquisition strategy, as set out in paragraphs 3.31 to 3.33 of the report, be approved.
- 7) That a supplementary estimate of £2.2million, to be funded from HRA reserves, to increase the HRA acquisition budget to £7million for 2021-22 be approved, and that the supplementary estimate be moved straight onto the approved capital programme.
- 8) That the HRA acquisition budget of £3million for 2021-22 be moved from the provisional to the approved capital programme.
- 9) That the Major Projects Programme Board be re-invigorated in a revised form.
- 10) That a Councillor/Officer Housing Working Group be established to monitor delivery of the Housing Investment Programme and to continue to develop the pipeline of projects.
- 11) That a formal Use of Retained Right to Buy Receipts Policy be developed and brought forward for adoption by the Executive at a later meeting.
- 12) That further legal advice be sought on the matter of whether granting RTB receipts to local housing associations, other local authorities (without a HRA) or other registered providers is a viable option for the Council and subject to that advice, officers be authorised to enter into discussions with local housing associations to ascertain if there would be a willingness to partner with the Council in this regard.
- 13) That additional resources within the Housing Strategy and corporate Programmes team be approved to accelerate delivery of the Housing Investment Programme.
- 14) That officers be requested to consider the logistics and viability of acquiring or developing housing outside of the borough boundary to increase its housing stock within the HRA.

Reason:

To facilitate the delivery of affordable housing in the borough and try to mitigate the risk of repaying RTB receipts to government in the future.

EX89 ASH ROAD BRIDGE - PROJECT UPDATE

The Leader of the Council explained that there had been two reports submitted to the Executive. The first report was inclusive, but it set out financially sensitive information that was classified as exempt under statute (Item 9). For this report to be discussed by the councillors it would be necessary for the meeting to exclude the public and press ('Part 2'). For reasons of transparency, a second report had been published which did not include the exempt information (Item 11). Having read both reports, the Executive and councillors present agreed to discuss the content of the second report in public session.

The Ash Road Bridge Scheme was a long-term infrastructure solution to the current and future issues posed by the Ash level crossing, including increased usage associated with housing

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growth in the Ash and Tongham area and greater barrier downtime resulting from enhanced rail use of the North Downs Line. The scheme would meet the requirements of the Local Plan.

The Lead Councillor for Regeneration noted that this was the largest infrastructure project that the Council was delivering, and that good progress was being made. The Executive was asked to approve the Council entering into a legal agreement with Homes England which would secure additional Homes England funding towards the delivery of the Ash Road Bridge Scheme, in addition to the £10 million of Homes England funding that had already been secured.

The Executive recommended to Council (13 April 2021):

That the Council approves the budget and funding strategy as set out in the budget and funding sections of the exempt (Part 2) report published with the agenda for this meeting; and

RESOLVED:

- (1) That the Executive agrees to proceed with the project, including the Council entering into the Deed of Amendment to the Homes England Funding Agreement and grants delegated authority to the Director of Strategic Services to negotiate to an agreed form and sign this draft Deed of Amendment with Homes England on behalf of the Council.
- (2) That the Executive approves the transfer of funds from provisional to approved programmes as set out in the funding section of the exempt (Part 2) report published with the agenda for this meeting to allow the road bridge and footbridge to proceed.
- (3) That the Executive approves the budget and funding strategy as set out in the budget and funding sections of the exempt (Part 2) report published with the agenda for this meeting (in so far as they fall within the Executive's power to approve).
- (4) That the Executive delegates to the Director of Strategic Services, in consultation with the Lead Councillor, authority to enter into such other contracts and legal agreements connected with this project as may be necessary within the approved budget.
- (5) That the Executive agrees that, due to the urgency of this matter, the call-in procedure shall not apply in respect of the decisions referred to in paragraphs (1) to (4) above.

Reason:

This was a unique opportunity to secure this level of central government funding towards the Ash Road Bridge Scheme and the land required to deliver an alternative road crossing of the North Downs railway line in close proximity to the Ash level crossing. The Ash Road Bridge Scheme forms a requirement of Policy A31 of the Council's Local Plan which allocates land for housing in Ash. Delivery of this scheme will also enable the closure of Ash level crossing, which will improve safety for highway and rail users and significantly reduce traffic congestion on the A323 and the use of alternative local roads to avoid the Ash level crossing.

EX90 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 consideration of agenda item 10 on the grounds that it involved the likely disclosure of exempt information as defined in paragraphs 3 and 5 of Part 1 of Schedule 12A to the Act.

EX91 NORTH STREET DEVELOPMENT SITE, GUILDFORD

The Executive considered a report that set out progress to date regarding the sale of the Council's interests on the site and to seek the necessary permissions for the leasing arrangements of the bus station prior to the sale. The Executive was also asked to note the Equalities Impact Assessment advice as prepared by AECOM.

The Lead Councillor for Regeneration spoke to the report and there was agreement that sound progress was being made with the project and that appropriate and positive consultations were being undertaken.

The Executive,

RESOLVED:

- 1) To note that the scheme is being redesigned and that this will require the Heads of Terms for the sale of the Council's land to be renegotiated with St Edward.
- 2) To note that the following documents which relate to the Friary Centre bus station transaction are being negotiated and agreed:
 - a) deed of surrender and variation of the Friary Centre headlease between M&G and the Council.
 - b) new headlease of the bus station between the Council and St Edward.
 - c) new underlease of the bus station between St Edward and the Council; and
- 3) To authorise the transaction in respect of the Friary Centre bus station to proceed immediately and independently of the sale of the Council's interest in the Site.
- 4) To authorise the Managing Director, in consultation with the Leader of the Council and Lead Councillor for Regeneration, to approve the final terms of the Friary Centre bus station documentation referred to in paragraph (2) above, and to finalise the transaction.
- 5) To note the additional responsibilities on the part of the Council in respect of the bus station as set out in section 5 of the Executive report and to accept, including making an allowance of an additional budget of £60,000 to cover immediate costs associated with works to keep the bus station land safe and insured and £10,000 for ad hoc repairs, insurance and utilities.
- 6) To agree a virement of £70,000 from the corporate inflation budget to the asset management budget to fund the bus station repair costs and provide an annual budget, and to note that there is also a potential £45,000 one off repair payment as detailed in paragraph 5.5 of the Executive report.
- 7) To note the advice received from AECOM as set out in section 12 of the Executive report and to confirm that the Council will continue to identify and address equalities implications arising from the proposed transaction.
- 8) To agree that, due to the urgency of this matter, the call-in procedure shall not apply in respect of the decisions referred to in paragraphs (1) to (7) above.

Reason:

To progress the project.

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The meeting finished at 9.03 pm

Signed

Date

Chairman