

STATEMENT OF EXECUTIVE DECISIONS

Wednesday, 22nd February, 2023

The decisions summarised below were taken by the Executive at the above-mentioned meeting and, subject to the call-in procedure referred to in Overview and Scrutiny Procedure Rule 17 and to the Notes at the end of this document, shall have effect five working days after the meeting. Details of any recommendations to Council are also included for completeness.

Members of the Executive

Chairman:

Councillor Julia McShane (Leader of the Council and Lead Councillor for Community and Housing)

Vice-Chairman:

Councillor Joss Bigmore (Deputy Leader of the Council and Lead Councillor for Finance and Planning Policy) *

Councillor Tim Anderson, (Lead Councillor for Assets and Property) *

Councillor Tom Hunt, (Lead Councillor for Planning Development, Legal and Democratic Services) *

Councillor George Potter, (Lead Councillor for Climate Change and Organisational Development) *

Councillor John Redpath, (Lead Councillor for Customer and Commercial Services) *

Councillor John Rigg, (Lead Councillor for Regeneration) *

Councillor James Steel, (Lead Councillor for Environment and Regulatory Services)

*Present

Councillor Fiona White was also in attendance. Councillor Ramsey Nagaty was in remote attendance.

**Agenda
Item No.**

**Officer(s)
to action
Item**

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from the Leader of the Council, Councillor Julia McShane and the Lead Councillor for Environment and Regulatory Services, Councillor James Steel.

2. LOCAL CODE OF CONDUCT - DISCLOSABLE PECUNIARY INTEREST

There were no declarations of interests.

3. MINUTES

The minutes of the meeting held on 26 January 2023 were agreed as a correct record. The Chairman signed the minutes.

4. LEADER'S ANNOUNCEMENTS

The Deputy Leader of the Council reminded everyone that there was just one month to apply to Crowdfund Guildford. The current funding round deadline was Wednesday 29 March. There would be a lunchtime workshop on Thursday 23 February to provide further information and advice on how to apply. It was noted that, to date, 15 projects had received funding totalling £55,000.

[Crowdfund Guildford - Launch Event Tickets, Thu 23 Feb 2023 at 12:00 | Eventbrite](#)

The Council's Communications Team received praise and gratitude for the recently launched social media campaign featuring #weloveGuildford and #Guildfordlovesyou which had been very successful.

5. TO CONSIDER ANY RECOMMENDATIONS FROM THE OVERVIEW AND SCRUTINY COMMITTEE

There were no new recommendations from Overview and Scrutiny Committee for the Executive to consider. The paper was noted.

6. REVIEW AND IMPLEMENTATION OF THE RECOMMENDATIONS OF THE PLANNING COMMITTEE PEER REVIEW - FINDINGS OF THE WORKING GROUP

Decision:

John
Armstrong
Gilian
Macinnes

That, taking into account the comments and recommendations made by the Planning Committee Review Working Group and the Planning Committee in response to the recommendations of the Planning Committee Peer Review undertaken by the Local Government Association with the Planning Advisory Service, the Council is recommended to agree the following actions:

- (1) That, in response to the LGA/PAS Recommendation R1: (Provide greater certainty in planning process by ensuring decision making conforms with planning policies and material planning considerations acting on behalf of the whole Guildford community and ensuring that there is clear separation between ward level responsibilities and decision-making role on Committee), a regular (monthly) planning training programme, be reinstated via MS Teams, subject to the proviso that whilst the planning training programme would be regular, there might not on all occasions be training every month.
- (2) That, in response to the LGA/PAS Recommendation R2: (Explore ways to rebuild trust and confidence between officers and Members. Consider running an independently facilitated workshop to be held between officers and Members, separate to the Planning Committee meeting, to better understand their roles, issues, and concerns), an Officer/Member Workshop be held following the elections in May 2023.
- (3) That, in response to the LGA/PAS Recommendation R3: (Examine ways for Planning Committee and relevant officers to discuss and learn from appeal decisions to ensure that decisions on planning applications are undertaken, on behalf of the whole Guildford borough community, in a fair, impartial, and transparent way. The present system tagged onto the end of often long Planning Committees is not conducive to creating a learning atmosphere), quarterly

appeal review sessions be held via MS Teams and facilitated by the Executive Head of Planning Development, noting that details of Appeal Decisions would continue to be included on Planning Committee agendas.

- (4) That, in response to the LGA/PAS Recommendation R4: (Review Planning Committee reports to see if further explanation can be given on the weight to be afforded to the Local and Neighbourhood Plan policies as well as material planning considerations such as the National Planning Policy Framework), appropriate mechanisms were in place already through which councillors could query policy weight afforded to particular proposals, noting that weight to be afforded to Local and Neighbourhood Plans and other material planning considerations would be covered in the training programme
- (5) That, in response to the LGA/PAS Recommendation R5: (Ensure planning officers and Committee members are more aware of the impact of what a lack of housing delivery has on the weight given to Local Plan policies and kept appropriately updated on the work of the Housing Delivery Board), the topic of housing delivery be addressed as part of the Planning Committee training programme, which should include an overview of the Land Availability Assessment.
- (6) That, in response to the LGA/PAS Recommendation R6: (Review the opportunity for further guidance in the form of a supplementary planning document to help guide new high quality and sustainable development), in view of the current progress being made with SPDs and DPDs, no further action in response to this recommendation is required.
- (7) That, in response to the LGA/PAS Recommendation R7: (Review the Planning Committee referral system focusing particularly on the Member referral process (7-day procedure) and householder referral system to ensure that applications are not unnecessarily delayed and Planning Committee can focus on the strategically more important applications), the proposed process for Councillor Call-up (referral) to Planning Committee as set out in Appendix 3 to

the report submitted to the Executive, be approved.

- (8) That, in response to the LGA/PAS Recommendation R8: (Revisit the site visits protocol with particular emphasis on who attends and on ensuring a consistent approach of officers and conduct of members during the site visit), no changes be made to the current site visit protocol on the basis that councillors were aware of the need to ask for a site visit ahead of time rather than at the meeting itself which was noted to be useful for councillors in assessing the planning merits of a scheme.
- (9) That, in response to the LGA/PAS Recommendation R9: (Review the member overturns process so that alternative motions are raised by Members and advice is provided by officers prior to the officer recommendation vote being made), the proposed procedure for councillors overturning officer recommendations at Committee, set out in Appendix 4 to the report submitted to the Executive, be approved.
- (10) That, in response to the LGA/PAS Recommendation R10: (Undertake bespoke probity in planning and appeals training for members with a neutral facilitator, for example, someone who has direct experience of being a Planning Inspector), the Probity in Planning training be incorporated into the annual training programme.
- (11) That, in response to the LGA/PAS Recommendation R11 (Review public speaking opportunities for Parish councils and special interest groups), the current public speaking arrangements be retained, but for the Chairman to retain the existing discretion to allow additional speaking slots for significant applications.
- (12) That paragraphs (1) to (5), and (10) above be implemented following the Borough Council Elections in May 2023, and paragraphs (7) and (9) above be implemented with immediate effect.
- (13) That the Executive Head of Planning Development be requested, in consultation with the relevant lead councillor and Chairman and Vice-Chairman of the Planning Committee, to undertake a review of the processes and

practices referred to above after 12 months' operation, or sooner if deemed necessary.

Reasons:

To modernise the operation of the Planning Committee and to review and update all associated processes and procedures.

Other options considered and rejected by the Executive:

None.

Details of any conflict of interest declared by the Leader or lead councillors and any dispensation granted:

None.

7. GUILDFORD ECONOMIC DEVELOPMENT STRATEGY 2023-2040

Decision:

- (1) To recommend that the Council adopts the Economic Development Strategy 2023-2040 and the supporting evidence base, attached as Appendices 1 and 3 respectively to the report submitted to the Executive.
- (2) That the draft Economic Development Action Plan, attached as Appendix 2 to the report, which will be subject to further consultation with strategic partners, be noted.

Francesca
Castelo
Abi Lewis

Reasons:

To support the reinvigoration of Guildford's economy, the new Economic Development Strategy and Action Plan:

- Sets out the case for action in light of changes to the international, national and regional economic landscape.
- Gives an updated analysis of Guildford's strengths, weaknesses, opportunities and threats.
- Identifies key strengths and opportunities to for the Council and its partners to harness, such as sector

specialisms and economic assets (e.g. commercial spaces).

- Highlights the importance of mitigating the environmental impact of economic activity to reflect climate change and sustainability issues.
- Identifies the levers that the Council can utilise to address priority interventions that can help deliver significant positive impact for our economy.

Other options considered and rejected by the Executive:

None.

Details of any conflict of interest declared by the Leader or lead councillors and any dispensation granted:

None.

8. **THE TUMBLING BAY WEIR**

Decision:

Abi Lewis

- (1) To note that the legal research undertaken concludes that the Council does not own the tow path, Weir, or bridge, and neither does the Council have any obligations to maintain the assets.
- (2) To progress with “Option 1” as outlined in Section 10 of the report submitted to the Executive.
- (3) To communicate publicly the Council’s rationale for progressing with “Option 1”.
- (4) To continue to be available to engage with the National Trust or other Parties should other currently unknown options become available.

Reason:

The Council was receiving continued public criticism and is facing pressure to provide a permanent solution to the collapsed Tumbling Bay Weir and footbridge. A decision was required from Executive to provide clarity on the level of the Council’s ongoing involvement in this matter.

Other options considered and rejected by the Executive:

- OPTION 2: The Council makes a one off limited financial contribution of £tbc to another organisation leading the work and taking ongoing responsibility, likely to be the National Trust.
- OPTION 3: The Council takes a more active role in the project. In order to do this, the Council would need to recruit a suitable project manager to take the lead in coordinating a collective agreement on next steps with key stakeholders over the next 6 months. This option incurs an initial £50,000 revenue cost and £000's in contributions this and future years. This will be growth in the MTFP and savings will need to be found to cover this cost.
- OPTION 4: Assume full legal responsibility for the Tumbling Bay Weir and agree a transfer of the land and Weir to Guildford Borough Council ownership.

Details of any conflict of interest declared by the Leader or lead councillors and any dispensation granted:

None.

NOTES:

- (a) Any decision marked “#” means that the item was deemed by the Managing Director and agreed by the Executive and Chairman of the Overview and Scrutiny Committee to be a matter of urgency for the reason indicated and, in accordance with Overview and Scrutiny Procedure Rule 17 (h), such decision takes effect immediately and is therefore *not* subject to the call-in procedure.
- (b) The call-in procedure is as follows:
- (i) the Chairman of the Overview and Scrutiny Committee; or
 - (ii) a minimum of five members of the Council
- may require that a decision be referred to the Overview and Scrutiny Committee for review.
- (c) Councillors wishing to exercise their right to call-in a decision taken by the Executive must give notice in writing to the Democratic Services Manager. The reason for a councillor calling-in a decision shall

accompany any such request and must meet one of the following criteria:

- (a) that there was insufficient, misleading or inaccurate information available to the decision-maker;
- (b) that all the relevant facts had not been taken into account and/or properly assessed;
- (c) that the decision is contrary to the budget and policy framework and is not covered by urgency provisions; or
- (d) that the decision is not in accordance with the decision-making principles set out in the Constitution.

Such notice should be marked for the attention of John Armstrong who can be contacted by e-mail on john.armstrong@guildford.gov.uk

- (d) On receipt of a call-in request, the Monitoring Officer will decide, in consultation with the chairman of the Overview and Scrutiny Committee, whether it is valid and will notify the councillors concerned accordingly.
- (e) In the case of a valid call-in, the decision shall be referred to a special Call-in meeting of the Overview and Scrutiny Committee, which shall be held within 21 days of the decision on validity referred to in paragraph (d) above.
- (f) A decision marked with an asterisk denotes that the matter is a “Key Decision” which is defined in the Council’s Constitution as an executive decision:
 - (i) which is likely to result in significant expenditure or savings (of at least £200,000) having regard to the budget for the service or function to which the decision relates; or
 - (ii) which is likely to have a significant impact on two or more wards within the Borough.