

CORPORATE GOVERNANCE AND STANDARDS COMMITTEE

6 June 2024

- * Councillor Phil Bellamy (Chairman)
- * Councillor Bob Hughes (Vice-Chairman)
 - * Councillor Ruth Brothwell
 - * Councillor Stephen Hives
- * Councillor Vanessa King
- Councillor George Potter
- * Councillor James Walsh

Independent Members:

- * Murray Litvak

Parish Members:

- * Julia Osborn
- Simon Schofield
- Tim Wolfenden

*Present

The Deputy Leader of the Council, Councillor Tom Hunt, the Lead Councillor for Finance & Property, Councillor Richard Lucas, the Lead Councillor for Community and Organisational Development, Councillor Carla Morson, the Lead Councillor for Regulatory & Democratic Services, Councillor Merel Rehorst-Smith, the Lead Councillor for Planning, Councillor Fiona White, were also in attendance.

CGS4 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

Apologies for absence were received from Councillor George Potter, Simon Schofield and Tim Wolfenden.

CGS5 LOCAL CODE OF CONDUCT - DISCLOSURE OF INTERESTS

There were no disclosures of interest.

CGS6 MINUTES

The minutes of the meeting held on 11 April 2024 were confirmed as a correct record, subject to a correction to show that Mr Murray Litvak gave his apologies for absence. The chairman signed the minutes.

CGS7 ACTION TRACKER

The Committee noted that the decision and action tracker had been introduced to monitor progress against the decisions and actions that the Committee had agreed, which would be kept up to date for each meeting. When decisions/actions were reported as being 'completed', the Committee would be asked to agree to remove these items from the tracker.

In relation to the following action associated with the report on the Update on the Revised, Joint Equality, Diversity and Inclusion Policy, and associated Action Plan considered by the Committee on 18 January 2024:

- (a) "To meet with the vice-chairman of the Committee to discuss how the Equality, Diversity and Inclusion Action Plan could be made more ambitious".

It was noted that the meeting with the vice-chairman had not yet taken place. The Assistant Director for Organisational Development confirmed that the Policy was expected to be submitted for approval in July/August, although it was unclear as to the governance route for such approval.

The Committee

RESOLVED: That the decision and action tracker be noted and that the actions reported as being completed be removed from the table.

CGS8 Q 1 AND Q2 INTERNAL AUDIT PLAN 2024-25

The Committee considered a report on Southern Internal Audit Partnership's proposal to transition to a quarterly approach to internal audit planning through 2024-25 and to adopt this methodology in full for future plans. Appendix 1 to the report presented the proposed retrospective Internal Audit Plan for Quarter 1 and the proposed Quarter 2 for 2024-25 in accordance with the requirements of the Public Sector Internal Audit Standards.

During the debate, there was a query as to whether future internal audit reports would continue to comment on those key recommendations made in past audit reports that had not been acted on. In response, the Deputy Head of Southern Internal Audit Partnership confirmed that they would continue to track the progress on all outstanding actions, and that this would be updated within the progress reports.

Having considered the report, the Committee

RESOLVED: That the revised approach to quarterly internal audit planning, and the proposed Quarter 1 and Quarter 2 Plans, as set out in the report submitted to the Committee be approved.

Reasons:

- The Committee has a responsibility to approve the Internal Audit Plan in accordance with the Public Sector Internal Audit Standards.
- To ensure good governance arrangements and internal control by undertaking an adequate level of audit coverage.

CGS9 PLANNING APPEALS MONITORING REPORT

The Committee noted that it had previously been agreed to submit monitoring reports on planning appeals on an annual basis to see if any patterns were emerging in respect of member overturns, costs of overturn appeals and costs awards. The Committee considered the most recent monitoring report which sought to identify targeted training for members of the Planning Committee and its substitutes.

The Committee noted that a detailed report on planning appeals, including details of cost applications, was reported to every meeting of the Planning Committee. The information contained in the monitoring report had been taken from the information contained on previous Planning Committee agendas.

In introducing the report, the Assistant Director for Planning Development informed the Committee of the outcomes of two key planning appeals that had recently been announced by the Planning Inspectorate, namely the Wisley appeal (which had been allowed), and the Cathedral appeal (which had been dismissed).

The Committee's attention was drawn to the statistical information within the report which indicated that there had been progressively fewer overturns year on year. The report had provided an overview of performance for appeal decisions in 2023, which showed that in 2023, there had been a slight decrease in the percentage of appeals dismissed, compared with 2022.

During the debate, the following points were made:

- In response to a query as to the apparent duplication of information in the table in paragraph 7.2 of the report relating to application 22/P/01151 (Pit Farm, Guildford), and the error in respect of the application number for the appeal regarding 12 Oak Hill Wood Street Village, the Assistant Director for Planning Development would clarify the position by way of an email to the Committee.

- Question as to whether the Committee could ask the Council to make representations to Surrey County Council regarding advice on infrastructure provision given as part of the consideration of planning applications, the concern being that they did not appear to recognise the need for greater infrastructure provision when commenting on planning applications. In response, the Assistant Director for Planning Development indicated that there was some considerable work going on around the relationship between the county and the borough and the way we looked at the infrastructure requirements resulting from development and ensuring that we were achieving what was necessary to mitigate the impact of development on the environment and ensure that appropriate infrastructure was delivered.
- In response to a question as to whether, given that the budget provision for appeals was low and was regularly exceeded, it might be appropriate to make a recommendation to the Executive to increase the budget at least to a base level that is spent year-on-year, the Assistant Director for Planning Development indicated that she would be happy to speak to the Director of Finance about the budget but it was very difficult to forecast what level of provision should be made in the budget each year to fund the cost of appeals.
- In response to a request for details of the total cost to the Council of the Wisley appeal, the Assistant Director for Planning Development indicated that it was very likely that details of the appeal including the costs would be presented to the Planning Committee in advance of next year's annual monitoring report.
- Whilst the report looked at the quality of planning decisions made, as measured by overturns at appeal, it continued to lack details of the speed at which planning decisions were being determined, which was the second reason that DLUHC could designate a local planning authority. It was suggested that future reports provide this information. In response to a question as to whether the Council had stayed above the 70% target for the speed of decision making throughout the course of the past year, for major and non-major applications, and whether any applications had not been determined within 26 weeks, the Assistant Director for Planning Development indicated that the Council had not been designated and that the Council's performance had been in excess of the national targets of 60% for majors, 70%, for non-majors and had continued to be maintained well in excess of those targets. The Assistant Director would send an e-mail to the committee to share details of the Council's performance in that regard.
- It was noted that details of the performance of the planning development service in terms of speed of determination of planning applications was reported as part of the quarterly Corporate Performance Management Report to Overview and Scrutiny.

Having considered the report, the Committee

RESOLVED: That the contents of the revised Planning Appeals Monitoring Report and data be noted.

Reason:

To enable the Committee to monitor the Council's performance on planning appeals.

Action:	Officer to action:
<p>(a) To clarify, by way of an email to the Committee, the information provided in the table in paragraph 7.2 of the report relating to 22/P/01151 (Pit Farm, Guildford), and the error in respect of the application number for the appeal regarding 12 Oak Hill Wood Street Village.</p> <p>(b) To discuss the appropriate level of budget for planning appeals in future years with the Director of Finance.</p> <p>(c) To send an email to the Committee setting out details of the Council's performance in respect of planning determinations against government targets</p>	Assistant Director for Planning Development

CGS10 RISK MANAGEMENT AND CORPORATE RISK REGISTER

The Committee noted that since the last report on this matter in November 2023, a report commissioned by the Council into corporate governance had identified areas for improvement regarding the Council's approach to risk management.

An update on the corporate risk register was due to be brought to this meeting but in light of the SOLACE report and the Council's resultant commitment to reviewing its performance and risk management frameworks (Corporate improvement plan action ref 13.1), officers were working at pace on improvements to risk management at the authority. A progress update – including intended next steps as well as an updated Corporate Risk Register – would therefore be brought to the next meeting on 25 July 2024.

The Committee noted that the intention of a corporate risk register was to articulate the Council's appetite for risk whilst focusing on areas of greatest

concern to the organisation, i.e. risks that threaten the delivery of the Council's corporate strategy or the medium-term financial plan.

Accordingly, the Committee

RESOLVED: That the report be noted and that an update on the Corporate Risk Register would be submitted to the Committee's next meeting on 25 July 2024.

Reason:

To support the Committee's constitutional role in respect of risk management.

CGS11 FREEDOM OF INFORMATION COMPLIANCE - ANNUAL REPORT 2023-24

The Committee considered the annual report for 2023-24 on the monitoring of the Council's performance in dealing with Freedom of Information (FOI) and Environmental Information Regulations (EIR) requests.

The Committee noted that the Council had received 844 FOI/EIR requests during the financial year 2023-24. Of these, 90.5% had been responded to within the 20-working day deadline, compared to 92.5% for 2022-23.

It was noted, however, that only 691 requests had been received in 2022-23, so this indicated an additional 153 requests since the previous 12-month period - marking a significant 22% increase. Although there was room for improvement given that 9.5% of requests were overdue, the Council had exceeded the Information Commissioner's performance indicator of 85%, and the 90% target agreed by Corporate Management Board.

Furthermore, following the Committee's request to monitor, as an additional target, response rates dealt with promptly within 10 working days, it was noted that during 2023-24, 385 requests (45.5% of the total) had been responded to within 10 or fewer working days.

Questions and comments from the Committee raised the following points:

- In response to a question as to why bereavement services had only been able to respond to one FOI request within the 20 day response period out of three received overall, the Information Governance Officer reported that the team had been under-resourced with increasing volumes of work and that FOI requests were typically complex in nature.
- In response to a question as to why "councillors" were not listed as a specific category of requester, the Information Governance Officer confirmed that there was a "political" category which included

councillors, MPs, or researchers acting on behalf of MPs or political parties, but as the number of requests received under that category had been so low, they had not been shown separately on the pie chart in the report. It was suggested that a further breakdown of information listed under “Other” in the pie chart would be helpful.

The Committee

RESOLVED: That the response rates and officer actions contained within the Freedom of Information Compliance Annual Report for 2023-24 be noted and that the Committee continues to receive regular updates.

Reasons:

- To ensure that the Committee is kept up to date with developments in the FOI/EIR framework
- To ensure that the Committee has the necessary information to enable requests for information to be made easily to the Council and properly responded to
- To assist with learning lessons and improving performance following requests for information made to the Council

Action:	Officer to action:
To provide in future annual reports a further breakdown of information listed under “Other” in the pie chart showing categories of requester.	Information Governance Officer

CGS12 ANNUAL REPORT OF THE MONITORING OFFICER REGARDING MISCONDUCT ALLEGATIONS

The Committee received and noted the Monitoring Officer’s annual report about complaints received, and decisions taken in relation to Allegations of Misconduct against Borough Councillors and Parish Councillors under the Arrangements for dealing with Allegations of Misconduct for the 12-month period between 1 April 2023 and 31 March 2024.

Throughout this period, there had been a total of five complaints received all of which related to parish councillors, none of which were progressed beyond Stage 1 – the Initial Jurisdiction Test.

In response to a request for information as to whether the complaints against parish councillors related to one specific parish council, multiple complaints against the same parish councillor(s) or regarding different parish councillors, the senior

governance officer indicated that the monitoring officer would be asked whether this information would be shared.

Having reviewed the contents of the Annual Code of Conduct report, the Committee

RESOLVED:

- (1) That the Committee agreed that the governance arrangements were operating effectively.
- (2) That the Committee did not wish to make any recommendations in that regard.
- (3) That the Committee should continue to review Code of Conduct matters on an annual basis

Reasons:

- This Committee is a key component of the authority's corporate governance regime. The Committee provides an independent and high-level focus on the assurance and reporting arrangements that underpin good governance.
- The Committee has, within its terms of reference in Part 3 of the Constitution, 'To consider the Monitoring Officer's Annual Report on misconduct complaints against councillors, and any other matter referred by the Monitoring Officer' (paragraph 28).

Action:	Officer to action:
To provide information as to whether the complaints received against parish councillors referred to in the report related to one specific parish council, multiple complaints against the same parish councillor(s) or regarding different parish councillors.	Monitoring Officer

CGS13 WHISTLEBLOWING - ANNUAL REPORT 2023-24

The Committee received and noted the annual Whistleblowing Report of the Council which summarised the whistleblowing activity over the last year and analysed the effectiveness of the Council's system. The annual Whistleblowing Register had been redacted and was appended to the report.

The Senior Governance Officer presented the report and informed the Committee that there had been nine whistleblowing matters contained within the report, many of which had been closed. In relation to one of the whistleblowing reports, assistance had been sought from internal audit in relation to fleet services. The housing maintenance matter was currently being investigated, but support from audit was not required with that particular matter.

During the debate, the Committee made the following points:

- It was good that people felt comfortable knowing that they could raise whistleblowing complaints, which indicated that there was trust and confidence in the process, and an indication of a very healthy organisational culture.
- In relation to the housing maintenance complaint, there had been concerns expressed about the delay between the whistleblower making an allegation and the allegation being acted on, but this had not been reflected in the annual report. In response, the senior governance officer indicated that this committee would receive a report concerning every individual whistleblowing matter. The last occasion was in April and a further report was expected for the July meeting.
- Reassurance was sought that future whistleblowing reports would be acted on quickly and, in response, the senior governance officer noted that there was a requirement that the detailed investigation in respect of each individual whistleblowing matter was reported to the Corporate Management Board, and then to this committee. The Interim Strategic Director for Housing and Environment reminded the Committee that the Chief Executive, at the last meeting on 15 May 2024, had given a commitment that the senior staff investigation currently ongoing into who knew what and when in respect of the housing maintenance issue would be reported to councillors, together with any learning points. Any whistleblowing allegations received were referred directly to the Monitoring Officer who was investigating them. There was absolute recognition that what went on in the past with that particular whistleblowing allegation should not happen again.

Having reviewed the contents of the annual Whistleblowing Report, the Committee

RESOLVED:

- (1) That the Committee agreed that the governance arrangements were operating effectively.
- (2) That the Committee did not wish to make any specific recommendations in that regard but wished to continue receiving whistleblowing reports in a timely manner.

Reasons:

- This Committee is a key component of the authority's corporate governance regime. The Committee provides an independent and high-level focus on the assurance and reporting arrangements that underpin good governance.
- The Committee has, within its terms of reference in Part 3 of the Constitution: 'To consider an annual report of the operation of the Whistleblowing Policy, including incidents reported' (para 14).

CGS14 REVIEW OF TASK GROUPS REPORTING TO THE COMMITTEE

The Committee reviewed the work undertaken over the past 12 months by the Councillor Development Steering Group and the Joint Constitutions Review Group which reported to the Committee, and to note the programme of work for the two groups over the next 12 months.

The Committee was asked to agree that both groups should continue their important work and to appoint members to them.

Accordingly, the Committee

RESOLVED:

- (1) That the work carried out by the Councillor Development Steering Group over the past 12 months be noted, and that it should continue its work in accordance with its agreed terms of reference.
- (2) That the numerical allocation of seats on the Steering Group to each political group shall be one member per group, and the following councillors be appointed to the Steering Group for the 2024-25 municipal year:

Cllr Bob Hughes
Cllr Patrick Oven
Cllr Katie Steel
Cllr James Walsh
Cllr Catherine Young

(3) That the work of the Joint Constitutions Review Group over the past 12 months be noted and that, subject to similar approval of Waverley Borough Council's Standards & General Purposes Committee, the Review Group continues its work in accordance with its agreed terms of reference.

(4) That the numerical allocation of seats on the Review Group to political groups shall continue as follows:

2 x Liberal Democrats

1 x Conservative

1 x R4GV

and that the following councillors be appointed to the Review Group for the 2024-25 municipal year:

Cllr Joss Bigmore

Cllr Catherine Houston

Cllr James Jones

Cllr Richard Mills OBE

(5) That Cllr James Jones be appointed as a co-chair of the Joint Constitutions Review Group for 2024-25.

Reason:

To enable this Committee to review the continuation of the task groups reporting to it.

CGS15 WORK PROGRAMME

The Committee considered and noted its updated 12 month rolling work programme. The Committee also noted that the Joint Constitutions Review Group (JCRG) was meeting regularly to discuss and review elements of the Guildford and Waverley Constitutions, with a view to their alignment where practicable. At its meeting on 29 May, the JCRG had considered reports on the following proposals:

- Joint Scheme of Officer Delegations and Proper Officer Functions
- Joint Financial Procedure Rules
- Joint Councillor / Officer Relationship Protocol

These matters would, as a matter of course, come to this Committee for consideration and, subject to the Committee's approval, be referred to full Council for adoption into the Constitution. Similarly, they would be submitted to

Waverley’s Standards & General Purposes Committee and to Waverley full Council for adoption into their Constitution.

In order to ensure that these constitutional matters could be adopted by both Councils in July (and noting that the next scheduled meeting of this Committee after 6 June would be held two days after the Council meeting in July), it was proposed that a special meeting of the Committee be held on Monday 1 July at 6pm simultaneously with a special meeting of Waverley’s Standards & General Purposes Committee in the Council Chamber at Waverley Borough Council. This would enable both committees to hold, in effect, separate meetings at the same time and at the same venue to consider separate agendas containing the same business (i.e. the three matters referred to above), with each item being considered simultaneously enabling members of each committee to hear the comments of the members from the other committee before coming to a conclusion and voting (separately) on those items.

Having noted that the chair and vice-chair of this Committee had been consulted and were content with the proposal, the Committee

RESOLVED: That the updated 12 month rolling work programme, as set out in Appendix 1 to the report submitted to the Committee, be approved, including the proposed addition of a special meeting of the Committee on Monday 1 July 2024 at 6pm to be held simultaneously with a special meeting of Waverley’s Standards & General Purposes Committee in the Council Chamber at Waverley Borough Council.

Reason:

To allow the Committee to maintain and update its work programme.

Action:	Officer to action:
To convene a special meeting of the committee on 1 July 2024, to be held simultaneously with a special meeting of Waverley’s Standards & General Purposes Committee to consider various constitutional matters.	Democratic Services & Elections Manager

The meeting finished at 8.24 pm

Signed

Date

Chairman