

GUILDFORD BOROUGH COUNCIL

Minutes of a meeting of Guildford Borough Council held at Council Chamber, Millmead House, Millmead, Guildford, Surrey, GU2 4BB on Tuesday 16 May 2017

- * Councillor Gordon Jackson (Mayor)
- * Councillor Nigel Manning (Deputy Mayor)

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| * Councillor David Bilbé | * Councillor Nigel Kearse |
| * Councillor Richard Billington | * Councillor Sheila Kirkland |
| * Councillor Philip Brooker | * Councillor Julia McShane |
| Councillor Adrian Chandler | Councillor Bob McShee |
| * Councillor Alexandra Chesterfield | * Councillor Marsha Moseley |
| * Councillor Nils Christiansen | * Councillor Nikki Nelson-Smith |
| * Councillor Colin Cross | * Councillor Susan Parker |
| * Councillor Geoff Davis | * Councillor Mike Parsons |
| * Councillor Graham Ellwood | * Councillor Dennis Paul |
| * Councillor David Elms | * Councillor Tony Phillips |
| * Councillor Matt Furniss | * Councillor Mike Piper |
| * Councillor Andrew Gomm | * Councillor David Quelch |
| * Councillor Angela Goodwin | * Councillor Jo Randall |
| * Councillor David Goodwin | * Councillor David Reeve |
| * Councillor Murray Grubb Jnr | * Councillor Caroline Reeves |
| * Councillor Angela Gunning | Councillor Iseult Roche |
| Councillor Gillian Harwood | * Councillor Tony Rooth |
| * Councillor Liz Hogger | * Councillor Matthew Sarti |
| Councillor Christian Holliday | * Councillor Pauline Searle |
| * Councillor Liz Hooper | * Councillor Paul Spooner |
| * Councillor Mike Hurdle | * Councillor James Walsh |
| * Councillor Michael Illman | * Councillor Jenny Wicks |
| * Councillor Jennifer Jordan | Councillor David Wright |

*Present

Honorary Alderman Terence Patrick was also in attendance

CO20 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Adrian Chandler, Gillian Harwood, Christian Holliday, Bob McShee, and Iseult Roche and from Honorary Aldermen Mrs C F Copley, Mrs C F P Griffin, J Marks and L Strudwick.

Councillor David Wright was also absent from the meeting.

CO21 DISCLOSURES OF INTEREST

There were no disclosures of interest.

CO22 MAYOR'S COMMUNICATIONS

Armed Forces Week: 19 – 24 June 2017

The Mayor reminded councillors that the flag raising ceremony would take place at the Guildhall on Monday 19 June at 12 noon, and that on Armed Forces Day itself, Saturday 24 June, ATC Pirbright would exercise its Freedom of the Borough with a parade through Guildford High Street stepping-off at 12.15pm. There would be an inspection and short ceremony outside Holy Trinity Church before the parade continued to G-Live for a civic reception.

CO23 LEADER'S COMMUNICATIONS

There were no communications from the Leader of the Council.

CO24 PUBLIC PARTICIPATIONStatements

The following persons addressed the Council meeting in respect of Minute No. CO26 – Proposed Submission Local Plan: strategy and sites (June 2017)

- (1) Andy Stallan (Director of WYG)
- (2) Steven Brown (Woolf Bond Planning to speak on behalf of Taylor Wimpey)
- (3) Geoff Smith (Director of Planning DMH Stallard LLP on behalf of Ewbank's, Burnt Common, Send)
- (4) Kevin Fulcher (on behalf of Homes for Surrey)
- (5) Alex Mackenzie Smith (President of the University of Surrey Students' Union)
- (6) Andrew Procter (resident of Send)

The Leader of the Council responded to the statements.

CO25 QUESTIONS FROM COUNCILLORS

There were no questions, on notice, from councillors.

CO26 PROPOSED SUBMISSION LOCAL PLAN: STRATEGY AND SITES JUNE 2017

The Council considered the proposed Submission Local Plan: strategy and sites (2017) ("the draft Local Plan"), which outlined the spatial development strategy for the borough up to 2034. The draft Local Plan was structured around four central themes closely linked to the objectives of the Council's Corporate Plan (2015-2020). Policies were grouped into one of the following categories: strategic, housing, protecting, economy, design, infrastructure and delivery.

The draft Local Plan had set out the quantum and location of development based on an evaluation of objectively assessed need (OAN) for new homes, employment and retail space and an assessment of whether this quantum of development could be provided in a sustainable way following consideration of other policy constraints. The conclusion reached was that appropriate sustainable sites could be allocated within the plan to meet the OAN for both housing and employment.

The draft Local Plan was also concerned with the protection and enhancement of the local environment, the provision of appropriate infrastructure to support the planned growth of the borough and the promotion of sustainable transport.

The Council noted the significant changes made to the updated draft Local Plan (2017) compared to the Draft Guildford borough Local Plan: strategy and sites (June 2016). The changes reflected consideration of representations received through the consultation process, changes in circumstances and changes to the evidence base. These changes included a targeted reduction of 1,400 residential units (plus a further reduction in the buffer by approximately 600 units, bringing a net reduction of 2,000 units) as a consequence of the revisions to the Strategic Housing Market Assessment and a number of significant changes to site allocations. Other changes included improvements to the drafting of text in the draft Local Plan to provide better clarity and consistency. The Council was informed that the OAN could only be achieved if the necessary infrastructure improvements could be secured prior to development.

The report to Council included the comments made by the Borough, Economy and Infrastructure Executive Advisory Board at its special meeting held on 20 April 2017. A copy of the draft minutes of the special meeting of the Executive held earlier in the day at which the proposed Submission Local Plan had been considered were attached, for noting, as Appendix 1 to the Order Paper circulated at the meeting.

Following advice from the Planning Inspectorate, the Council noted that it would be necessary to carry out a further “targeted” consultation specifically focussed only on the proposed changes to the plan in advance of submitting the document to the Secretary of State.

It was proposed to consult on the draft updated Local Plan for six weeks commencing 9 June 2017. Following this period, all comments and representations relating to changes made to the 2016 plan during the consultation period would be considered. The Council would then consider any additional amendments deemed to be necessary to the plan and a decision taken on whether to consult further or to formally submit the plan to the Secretary of State.

The Council noted a small number of corrections to the draft Local Plan, including three site plans in respect of Jacobs Well and Keogh Barracks, which were omitted from the printed agenda; and updated wording of Policy S2 in relation to travellers, details of which were attached to, or set out in, the Order Paper.

The Mayor drew the Council’s attention to the late representations received from the London Green Belt Council and the University of Surrey Students’ Union, together with the Leader’s response, which were set out in the Order Paper.

Prior to the formal consideration of the matter by the Council, Stuart Harrison (Planning Policy Manager) and Laura Howard (Principal Policy Planner) gave a presentation to councillors on the key issues in respect of the draft Local Plan.

The Leader of the Council, and Lead Councillor for Planning and Regeneration, Councillor Paul Spooner, seconded by the Deputy Leader of the Council, and Lead Councillor for Infrastructure and Governance, Councillor Matt Furniss, proposed the following motion:

- “(1) That, subject to the correction of Policy S2 and inclusion of the omitted plans in respect of Jacobs Well and Keogh Barracks referred to above, the draft Local Plan: strategy and sites document be approved for formal public consultation for a six week period beginning Friday 9 June 2017, such consultation to focus specifically on the proposed changes highlighted in the document.
- (2) That the Director of Planning and Regeneration be authorised, in consultation with the Lead Councillor for Planning and Regeneration, to make such minor alterations to improve the clarity of the document as she may deem necessary”.

Following the debate on the motion, and before the debates on the two amendments tabled at the meeting, the Council agreed that recorded votes would be taken in respect of each of those amendments together with the final vote.

Amendment No. 1

Councillor Tony Phillips proposed, and Councillor David Goodwin seconded the following amendment:

Substitute the following in place of the motion:

- “(1) That strategic site allocation A26, Blackwell Farm, Hog’s Back, Guildford be deleted from the draft Local Plan: strategy and sites document, as submitted to the Council.*
- (2) That, taking account of the deletion of the Blackwell Farm site and the consequential implications for the draft Plan and its associated documents, the Local Plan Panel and the officers be requested to:*
- (a) review the draft Plan and those documents, and*
- (b) re-submit them to a future meeting of the Council for approval for public consultation.”*

Following the debate on the Amendment No. 1, it was put to a recorded vote and was lost with 6 councillors voting in favour, 35 against with one abstention as follows:

For:

Cllr Colin Cross
Cllr David Goodwin
Cllr Mike Hurdle
Cllr Susan Parker
Cllr Tony Phillips
Cllr David Reeve

Against:

Cllr David Bilbé
Cllr Richard Billington
Cllr Philip Brooker
Cllr Alexandra Chesterfield
Cllr Nils Christiansen
Cllr Geoff Davis
Cllr Graham Ellwood
Cllr David Elms
Cllr Matt Furniss
Cllr Andrew Gomm
Cllr Angela Goodwin
Cllr Murray Grubb Jnr.
Cllr Angela Gunning
Cllr Liz Hogger
Cllr Liz Hooper
Cllr Michael Illman
Cllr Gordon Jackson
Cllr Jennifer Jordan
Cllr Nigel Kearse
Cllr Sheila Kirkland
Cllr Nigel Manning
Cllr Marsha Moseley
Cllr Nikki Nelson-Smith
Cllr Mike Parsons
Cllr Dennis Paul
Cllr Mike Piper
Cllr David Quelch
Cllr Jo Randall
Cllr Caroline Reeves
Cllr Tony Rooth
Cllr Matt Sarti
Cllr Pauline Searle
Cllr Paul Spooner
Cllr James Walsh
Cllr Jenny Wicks

Abstain:

Cllr Julia McShane

Amendment No. 2

Councillor Colin Cross proposed, and Councillor Liz Hogger seconded the following amendment:

Substitute the following in place of the motion:

- “(1) *That strategic site allocation A35, the former Wisley Airfield, Ockham, be deleted from the draft Local Plan: strategy and sites document, as submitted to the Council because it is:*
- (a) *disproportionate and totally unsuitable to be developed in the way that is being proposed in this Local Plan;*
 - (b) *wholly unsustainable; and*
 - (c) *completely lacking the necessary infrastructure.*
- (2) *That, taking account of the deletion of the Wisley Airfield site and the consequential implications for the draft Plan and its associated documents, the Local Plan Panel and the officers be requested:*
- (a) *to review the draft Plan and those documents with a view to identifying alternative options to make the Wisley Airfield site unnecessary by way of enacting the NPPF constraints option and increasing the annual windfall allowance, and*
 - (b) *to re-submit the draft Plan to a future meeting of the Council for approval for public consultation.”*

Following the debate on Amendment No.2, it was put to a recorded vote and was lost with 10 councillors voting in favour, 32 against with no abstentions, as follows:

For:

Cllr Colin Cross
 Cllr David Goodwin
 Cllr Liz Hogger
 Cllr Mike Hurdle
 Cllr Susan Parker
 Cllr Tony Phillips
 Cllr David Reeve
 Cllr Matt Sarti
 Cllr Pauline Searle
 Cllr Jenny Wicks

Against:

Cllr David Bilbé
 Cllr Richard Billington
 Cllr Philip Brooker
 Cllr Alexandra Chesterfield
 Cllr Nils Christiansen
 Cllr Geoff Davis
 Cllr Graham Ellwood
 Cllr David Elms
 Cllr Matt Furniss
 Cllr Andrew Gomm
 Cllr Angela Goodwin
 Cllr Murray Grubb Jnr.
 Cllr Angela Gunning
 Cllr Liz Hooper
 Cllr Michael Illman
 Cllr Gordon Jackson
 Cllr Jennifer Jordan
 Cllr Nigel Kearse
 Cllr Sheila Kirkland
 Cllr Nigel Manning
 Cllr Julia McShane
 Cllr Marsha Moseley
 Cllr Nikki Nelson-Smith
 Cllr Mike Parsons
 Cllr Dennis Paul
 Cllr Mike Piper
 Cllr David Quelch
 Cllr Jo Randall
 Cllr Caroline Reeves
 Cllr Tony Rooth
 Cllr Paul Spooner
 Cllr James Walsh

Having considered the original motion, the Council

RESOLVED:

- (1) That, subject to the correction of Policy S2 and inclusion of the omitted plans in respect of Jacobs Well and Keogh Barracks referred to above, the draft Local Plan: strategy and sites document be approved for formal public consultation for a six week period beginning Friday 9 June 2017, such consultation to focus specifically on the proposed changes highlighted in the document.
- (2) That the Director of Planning and Regeneration be authorised, in consultation with the Lead Councillor for Planning and Regeneration, to make such minor alterations to improve the clarity of the document as she may deem necessary.

Reason(s) for Decision:

The draft Local Plan amends the Council's previously published Guildford borough Local Plan Strategy and Sites (2016) in light of representations received and the evolving evidence base. It provides a coherent approach to future development and allocates sites to accommodate sustainable development in the borough up to 2034. The document is considered to be positively prepared, justified, effective and consistent with national policy.

The recommendations above are made to encourage the Council to:

- (1) Enable the draft Local Plan: strategy and sites document to be published for public consultation.
- (2) Allow officers to undertake public consultation in line with the Town and Country Planning (Local Planning) (England) Regulations 2012, the Localism Act 2011, the Planning and Compulsory Purchase Act 2004, the National Planning Policy Framework 2012, Planning Policy for Traveller Sites 2015, the National Planning Practice Guidance, and the adopted Statement of Community Involvement 2013 known as Community Engagement in Planning.

Undertaking a public consultation on the draft Local Plan is a statutory requirement placed on Local Planning Authorities under Regulation 19 of The Town and Country Planning (Local Planning) (England) Regulations 2012 and will enable the Council to move a step closer to adopting an up-to-date Local Plan.

The result of the recorded vote on the original motion was 34 councillors in favour, with 8 against and no abstentions, as follows:

For:

Cllr David Bilbé
 Cllr Richard Billington
 Cllr Philip Brooker
 Cllr Alexandra Chesterfield
 Cllr Nils Christiansen
 Cllr Geoff Davis
 Cllr Graham Ellwood
 Cllr David Elms
 Cllr Matt Furniss
 Cllr Andrew Gomm
 Cllr Angela Goodwin
 Cllr Murray Grubb Jnr.
 Cllr Angela Gunning
 Cllr Liz Hogger
 Cllr Liz Hooper
 Cllr Michael Illman

Against:

Cllr Colin Cross
 Cllr David Goodwin
 Cllr Mike Hurdle
 Cllr Susan Parker
 Cllr Tony Phillips
 Cllr David Reeve
 Cllr Matt Sarti
 Cllr Jenny Wicks

For:

Cllr Gordon Jackson
 Cllr Jennifer Jordan
 Cllr Nigel Kearse
 Cllr Sheila Kirkland
 Cllr Nigel Manning
 Cllr Julia McShane
 Cllr Marsha Moseley
 Cllr Nikki Nelson-Smith
 Cllr Mike Parsons
 Cllr Dennis Paul
 Cllr Mike Piper
 Cllr David Quelch
 Cllr Jo Randall
 Cllr Caroline Reeves
 Cllr Tony Rooth
 Cllr Pauline Searle
 Cllr Paul Spooner
 Cllr James Walsh

Against:

CO27 DISCIPLINARY PROCEDURES FOR THE HEAD OF PAID SERVICE, MONITORING OFFICER AND CHIEF FINANCE OFFICER

The Council was reminded that, following Sue Sturgeon's retirement on 31 May 2017, James Whiteman had been appointed to succeed her as the Council's Managing Director and Head of Paid Service with effect from 1 June 2017.

As part of the process of finalising Mr Whiteman's employment contract in respect of his appointment, it became apparent that the Council's procedures for dealing with disciplinary action, including dismissal, against the Council's Head of Paid Service, Monitoring Officer, and Chief Finance Officer (known as "Relevant Officers") required further clarification to bring them into line with accepted best practice in local government.

In 2015, and in response to requirements of The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 ("the 2015 Regulations"), the Council approved new arrangements for dealing with disciplinary action against a "relevant officer", which were incorporated into Officer Employment Procedure Rules in Part 4 of the Constitution.

In essence, these arrangements provided that the power to approve the dismissal of a relevant officer may only be exercised by full Council and only after taking into account:

- (a) any advice, views or recommendations of a Panel, comprising of at least two Independent Persons appointed under section 28(7) of the Localism Act 2011,
- (b) the conclusions of any investigation into the proposed dismissal, and
- (c) any representations from the relevant officer

Whilst the 2015 Regulations dealt with the statutory process leading up to the decision by full Council to approve a dismissal, there was no adopted procedure for dealing with the earlier stages of the process, including:

- (i) the appointment of an independent investigator to look into allegations of misconduct,
- (ii) the submission of the independent investigator's report, including their findings and recommendations, to a committee of councillors for the purpose of holding a hearing into the allegations, and
- (iii) actions that may be taken by the committee, including action short of dismissal and a process for dealing with appeals against such action.

The Council therefore considered a report which proposed to incorporate into Officer Employment Procedure Rules more detailed procedures for dealing with allegations of

misconduct by the relevant officers and directors, and to amend the terms of reference of the Employment Committee to clarify its role in the process.

The report also proposed to clarify the constitution of the Independent Panel and existing officer delegations in respect of disciplinary action (including dismissal) of officers below Director level.

Upon the motion of the Deputy Leader of the Council, Councillor Matt Furniss, seconded by the Leader of the Council, Councillor Paul Spooner, the Council

RESOLVED:

- (1) That, subject to formal consultation with the Relevant Officers and Directors and to the receipt of no well-founded objections,
 - (a) the amendments to Officer Employment Procedure Rules, as set out in Annex 1 to the report submitted to the Council, be adopted; and
 - (b) the terms of reference of the Employment Committee be amended as shown in Annex 2 to the report submitted to the Council.
- (2) That, in accordance with Section 102(4) of the Local Government Act 1972, the Council appoints an Independent Panel comprising at least two relevant independent persons only, for the purposes of advising the Council on matters relating to the dismissal of Relevant Officers of the Council.
- (3) That the Council authorises the Managing Director or the Monitoring Officer, as appropriate, to invite relevant independent persons to be considered for appointment to the Panel and to appoint to the Independent Panel such independent persons who have accepted an invitation.
- (4) That the Powers Reserved to Directors in the scheme of delegation to officers in Part 3 of the Constitution, be amended, so that it reads:

~~“Within approved budgets and in consultation with the relevant head of service, if where appropriate and Director of Resources~~

.....

(b) to establish or re-organise the staffing structure within their area of responsibility; ~~and~~ to appoint, suspend, discipline and dismiss staff within their area, *and to authorise officers reporting directly to them to appoint, discipline and dismiss staff* in accordance with the Council's policies.”

Reason for Decision:

To put in place agreed disciplinary procedures for dealing with allegations of misconduct against the relevant officers.

CO28 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 9.20 pm

Signed

Mayor

Date