

GUILDFORD BOROUGH COUNCIL

Draft Minutes of a meeting of Guildford Borough Council held at Council Chamber, Millmead House, Millmead, Guildford, Surrey GU2 4BB on Tuesday 23 July 2019

* Councillor Richard Billington (The Mayor)

* Councillor Marsha Moseley (Deputy Mayor)

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| * 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 Marsha Moseley |
| * Councillor Chris Blow | * Councillor Ramsey Nagaty |
| * Councillor Dennis Booth | * Councillor Susan Parker |
| * Councillor Ruth Brothwell | * Councillor George Potter |
| * Councillor Colin Cross | * Councillor Jo Randall |
| * Councillor Graham Eyre | * Councillor John Redpath |
| * Councillor Andrew Gomm | * Councillor Maddy Redpath |
| * Councillor Angela Goodwin | * Councillor Caroline Reeves |
| * Councillor David Goodwin | * Councillor John Rigg |
| * Councillor Angela Gunning | * Councillor Tony Rooth |
| * Councillor Gillian Harwood | * Councillor Will Salmon |
| * Councillor Jan Harwood | * Councillor Deborah Seabrook |
| * Councillor Liz Hogger | * Councillor Pauline Searle |
| * Councillor Tom Hunt | * Councillor Patrick Sheard |
| Councillor Gordon Jackson | * Councillor Paul Spooner |
| * Councillor Diana Jones | * Councillor James Steel |
| * Councillor Steven Lee | * Councillor James Walsh |
| * Councillor Nigel Manning | * Councillor Fiona White |
| * Councillor Ted Mayne | * Councillor Catherine Young |

*Present

The Council stood in silent tribute to the memory of former councillor Mike Piper who had passed away on 31 May 2019.

CO19 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Gordon Jackson and from Honorary Freeman Jen Powell and Honorary Aldermen Keith Childs, Catherine Cobley, Clare Griffin, Jayne Marks, and Lynda Strudwick.

CO20 DISCLOSURES OF INTEREST

There were no disclosures of interest.

CO21 MINUTES

The Council confirmed, as a correct record, the minutes of the Extraordinary Meeting held on 25 April 2019 and the Selection Meeting held on 15 May 2019. The Mayor signed the minutes.

CO22 MAYOR'S COMMUNICATIONS

The Mayor reported that he was thoroughly enjoying a very busy start to his Mayoral year and was delighted to announce that he would be holding a number of fundraising events throughout the year, details of which were now available on the Mayor's Charities section of the website. The Mayor hoped that councillors would be able to support him in raising both awareness and much needed funds for his chosen charities, which were:

- The Prostate Project,
- Royal Surrey County Hospital Charity and
- the Mayor of Guildford's Local Distress Fund.

Queens Award for Enterprise

The Mayor had attended two presentations of the Queens Award for Enterprise – last week to MR Solutions and on 22 July to Prime Vigilance.

Order of Business for tonight's meeting

The Mayor informed the Council that he had determined that the Order of Business on the agenda for this meeting would be varied by bringing forward agenda Items 19, 20, 21 and 22 (the four notices of motion) for consideration by the Council immediately following consideration of agenda item 7 – Questions from Councillors. Once the motions had been dealt with, the Council would proceed with items 8 to 18, and then items 23 to 26.

The Mayor had also agreed that if it was not possible to consider all items of business on the agenda at this meeting, it would be adjourned to Wednesday 31 July 2019 at 7pm in the Council Chamber.

CO23 LEADER'S COMMUNICATIONS

The Leader informed the Council that it was expected that the court hearing in respect of the legal challenges to the adoption of the Local Plan would be in October or November and that the participants included the claimants who were seeking to challenge the adoption of the Local Plan, the Secretary of State and three interested parties who would be seeking to defend the decision to adopt the Local Plan.

The Leader wished to ensure that all councillors were kept aware of matters relating to the Local Plan and had asked officers to circulate details of the legal claims and defences as well as a general update note.

CO24 PUBLIC PARTICIPATIONStatements

The following persons addressed the Council meeting in respect of the subject of Minute No. CO26 below – Notice of Motion - Declaring a Climate Emergency

- (1) Ben McCallan
- (2) Rowan Todd
- (3) Victoria Thompson
- (4) David Christopherson
- (5) Josiah White
- (6) Tim Page

The Leader of the Council responded to the statements.

The following person addressed the Council meeting in respect of the subject of Minute No. CO27 below – Notice of Motion – Plastic Free Guildford

(7) Katherine Clowser

The Leader of the Council responded to this statement.

The following persons addressed the Council meeting in respect of the subject of Minute No. CO29 below – Notice of Motion – Town Centre Master Planning:

(8) Bill Stokoe on behalf of Guildford Vision Group

(9) Julian Lyon

The Leader of the Council responded to the statements.

The following person addressed the Council meeting in respect of the subject of the proposed development of Garlick's Arch

(10) Ben Gamble

The Lead Councillor for Planning, Planning Policy, and Housing Delivery through Planning responded to this statement.

CO25 QUESTIONS FROM COUNCILLORS

(1) Councillor Chris Blow asked the Lead Councillor for Planning, Planning Policy, and Housing Delivery through Planning, Councillor Jan Harwood, the following question:

“Following the last election, when the community clearly showed their disquiet at the Local Plan, may I please ask the Lead Councillor for Planning, Planning Policy, and Housing Delivery through Planning to explain the decision making process that has taken place so far in determining the response to the Court with regard to the three judicial reviews, given that there has apparently been no formal decision in Full Council or the Executive?”

The Lead Councillor's written response was as follows:

The current status of the applications for statutory challenge is that the court has granted permission for the claims to be considered at a full hearing.

Following the receipt of the claims the Council sought advice from leading Counsel, and a response was prepared in order to assist the court in its decision as to whether to give leave for the claims to proceed to appeal.

The advice was, and remains, that the plan was lawfully adopted and that there are no grounds that would justify the Council in not defending the claims. Members of the Executive were consulted, and the Council submitted a response to the court.

The advice to the Council is endorsed by the fact that the Secretary of State has confirmed that he considers that the judicial review claims are effectively without merit and, as such, that he will be taking an active role in contesting the proceedings.

The Executive will be provided with further and updated advice (noting the submissions of various parties to proceedings), and will be consulted on the detailed submission prior to it being issued.

Councillor Jan Harwood

Lead Councillor for Planning, Planning Policy, and Housing Delivery through Planning

- (2) Councillor Ramsey Nagaty asked the Lead Councillor for Planning, Planning Policy, and Housing Delivery through Planning, Councillor Jan Harwood, the following question:

“Could the Lead Councillor for Planning, Planning Policy, and Housing Delivery through Planning, please supply the number of homes already built since the start of the [backdated] local plan period, and the number of planning applications already granted, together with the number of consented student units and the consequential impact on the housing number?”

The Lead Councillor’s written response was as follows:

“The number of homes built since 1 April 2015 (the start of the plan period) and 31 March 2018 (the most recently published data) is 980 dwellings.

The number of outstanding permissions as at 1 April 2018 is 2,695 dwellings.

The number of student accommodation permissions as at 1 April 2018 is 1,153 bedspaces. These are all located on the University of Surrey campus. A change in planning guidance published after this date now clarifies how student accommodation can be counted towards the housing requirement based on the amount of accommodation it releases in the housing market. This is calculated using the ratio of average number of students living in student only households. For Guildford, this will be calculated as one dwelling being released for every three student accommodation bedspaces. It should be noted that the on-campus student accommodation will not be counted as releasing market housing. Instead this accommodation is and will be catering for the growth in student numbers projected to occur at the University of Surrey. When 2018-19 planning data is published later this year, any newly permitted off campus student accommodation will be counted using this ratio.

It is important to note that there is currently a significant deficit since the start of the plan period (the Council has only completed approximately 60% of the annualised Local Plan housing target of 562 dwellings between 2015 and 2018). Any additional supply that is delivered therefore within the next few years is necessary to addressing this deficit. The Housing Trajectory included within the Local Plan (Appendix 1) indicates that development rates will need to increase significantly if a rolling five-year housing land supply is to be maintained (over 900 dwellings need to be completed in 2021/22, rising to over 1,000 dwellings per annum in 2022/23 – 2023/24).”

Councillor Jan Harwood

Lead Councillor for Planning, Planning Policy, and Housing Delivery through Planning

Arising from a supplementary question, the Lead Councillor agreed to circulate to all councillors more up to date figures including clarification of the number of consented student units.

- (3) Councillor Angela Gunning asked the Lead Councillor for Planning, Planning Policy, and Housing Delivery through Planning, Councillor Jan Harwood, the following question:

“My question relates to the Guildford Town Centre Master Plan. Our current Corporate Plan [2018-2023] has vague mention under Place-Making of such an aspiration; on page 7 of the Corporate Plan, it talks of ‘implementing a vision’. On page 16 under the Action Plan, there are various dates up to 2023.

All Councillors - newly elected ones in particular - are keen to know when this Master Plan will cease to be work-in-progress and become an adopted reality. At the most recent Place-making and Innovation EAB meeting on 1 July 2019 – the message from councillors at that meeting was that a Town Centre Masterplan is urgently needed.

There have been many versions of this plan over the past 10 years; in fact, there was a fifth draft of a version on the Agenda for the former Customer and Community Scrutiny Committee on 8 September 2015.

My questions are:

- 1 What progress and activity is being made to bring this plan forward for adoption?*
- 2 Are there any problems causing delay?*
- 3 What is the timetable?"*

The Lead Councillor's response was as follows:

1. What progress and activity is being made to bring this plan forward for adoption?

Introduction

There has been a great deal of confusion in relation to the type of document a town centre master plan actually is. A number of 'master plans' have been produced in the past but they have not sought to carry any planning weight. The document referred to in this response is assumed to be a development plan document relating to the Guildford town centre. Such a document would need to go through the statutory process required of such documents. This includes the preparation of an evidence base, an issues and options consultation (regulation 18), a regulation 19 consultation on the draft plan and following submission an Examination in Public held by an independent government Inspector.

The Evidence base

Work has commenced on producing an evidence base that would be used to help shape any future documents. Early engagement is underway in relation to seeking a wide variety of views to establish if the vision for the town centre is the correct one. This will involve engaging with a wide range of stakeholders, local amenity groups, town centre businesses and the general public. This initial work is being undertaken on the Council's behalf by 'People & Places' who have extensive experience of conducting research and a proven track-record in evidence based, collaborative working for the revitalisation of town and city centres. Their work is also to include a review of existing material and culminate in a vision for the town centre that is both influenced through, and shared, by our community.

The above work will feed in to and guide the development of an updated Town Centre Regeneration Strategy by the Major Projects Team, which will replace the adopted 2017 strategy. The document will seek to unlock sites for potential sustainable development within the town centre and is anticipated to be consulted on prior to adoption in 2020.

Other evidence base documents/studies likely to be required will include transport and parking assessments, retail needs assessment update, Employment Land needs assessment update, supporting infrastructure requirements (e.g. school,

health provision) and its impact on viability. In terms of the Town Centre Views SPD, this work needs to be finalised and adopted.

In addition to this work, Guildford is playing a lead role on work in relation to flood alleviation on the River Wey with other boroughs and the Environment Agency. The impacts of this work are highly significant as many potential redevelopment sites are presently covered by flood zone 3b and considered to be unsuitable for any residential development. If the flood alleviation study is able to significantly reduce this risk then further development opportunities may become available.

Plan making is an iterative process, but it is evidence based. Only once the evidence base is significantly progressed could consideration be given to the quantum of development the town centre could sustainably accommodate. This, in turn, will require other parts of the evidence base to be produced.

Towards a DPD

The results of the work referred to above will help inform and determine the need for and the scope of a town centre DPD. The DPD would need to meet the test of soundness required by the plan making system and any allocated sites and proposals will need to be deliverable over the plan period.

2. Are there any problems causing delay?

There is no delay. A plan needs to be evidence based. It is simply not possible to embark upon a DPD without an understanding of the scale of development needed to meet identified needs, an understanding of the constraints within which the plan is being produced and a clear vision for the 'place' one is setting out to create.

Work is underway on aspects of the town centre evidence base but the formal process of producing a regulation 18 consultation document is some way off.

The planning policy team are producing part 2 of the Local Plan – the Development Management Policies DPD and numerous Supplementary Planning Documents. Resources would need to be put to the production of a further DPD if and when the evidence base was sufficiently advanced to justify the document.

3. What is the timetable?

Inception meeting end of July 2019

Stakeholder engagement - TBC

Review of Regeneration Strategy 2020

Consideration of the scope and need for a town centre DPD in light of the emerging evidence base – post 2020.”

Councillor Jan Harwood

Lead Councillor for Planning, Planning Policy, and Housing Delivery through Planning

Arising from a supplementary question, the Lead Councillor agreed to meet with Councillor Gunning (and circulate a note to all councillors subsequently) to provide clarification as to when a regulation 18 consultation document is likely to be produced and a better indication as to the timetable for consideration of the scope and need for a town centre DPD.

- (4) Councillor Christopher Barrass asked the Lead Councillor for Planning, Planning Policy, and Housing Delivery through Planning, Councillor Jan Harwood, the following question:

“The new settlement boundaries for villages, and the new inseting arrangements for villages within the Guildford Local Plan, have led to a surge in planning applications outside the policy sites and areas designated in the Local Plan.

These do not seem to have been anticipated or allowed for by the Council or the Inspector in the Local Plan.

Could the Lead Councillor please let us know:

- (a) the total number of dwellings in non-policy areas of the Local Plan currently with planning permission already granted and in the pipeline,*
- (b) what impact this additional housing has on the Local Plan housing numbers and sites, given that we already have a substantial ‘buffer’ of some 37% of additional housing above need in the Local Plan, and*
- (c) the total number of consented planning permissions and completions for the Local Plan period, to date?”*

The Lead Councillor’s response was as follows:

“It is important to note that the housing supply identified within the Local Plan is comprised of a number of different components, not all of which are shown as allocations in the plan. This includes 3,675 already committed sites (980 completions from 2015/16 – 2017/18 and 2,695 outstanding permissions at 1 April 2018). It also includes a further 620 dwellings from sites identified in the Land Availability Assessment (LAA) but not allocated in the plan.

For information, the plan only allocates those larger LAA sites that are considered key to the delivery of our strategy. Many of these smaller LAA sites are identified as early delivery sites that were dependent upon the Local Plan being adopted before they could come forward.

In addition to this, the supply includes a windfall element of 750 dwellings. A windfall site is a site that has not been specifically identified through the plan-making process. The total supply identified in the plan is considered necessary to ensure that the total housing requirement of 10,678 is capable of being delivered across the plan period and in order to demonstrate a robust, rolling five-year land supply from the date of adoption.

In being able to demonstrate a five-year land supply, it is necessary to address the backlog that has accrued since the start of the plan period (the Council has only completed approximately 60% of the annualised Local Plan housing target of 562 dwellings between 2015 and 2018). It should also be understood that circumstances can change and not all sites will come forward in the time frame anticipated. Without a five-year supply of housing, the plan risks becoming out of date which diminishes the Council’s ability to refuse inappropriate non-planned development. So, in conclusion the plan anticipates and requires additional sites that are not specifically allocated in the plan to come forward.”

Councillor Jan Harwood

Lead Councillor for Planning, Planning Policy, and Housing Delivery through Planning

Arising from a supplementary question, the Lead Councillor agreed to provide further clarification and more up to date details of the number of planning applications received and determined and which sites were included in the Local Plan and which were not, and were therefore windfall sites.

CO26 NOTICE OF MOTION - DECLARING A CLIMATE EMERGENCY

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

“Guildford Borough Council notes:

- a) That global temperatures have already risen over 1°Celsius from pre-industrial levels and that the recent 2018 Intergovernmental Panel on Climate Change (IPCC) report states that we have just 12 years to act on climate change if global temperature rises are to be kept within the recommended 1.5° Celsius in order to avoid serious, damaging and likely irreversible environmental, economic and social impacts.
- b) That all governments (national, regional and local) have a duty to act, and that, recognising this, a growing number of UK local authorities have already passed 'Climate Emergency' motions.
- c) That Guildford Borough Council passed a motion on 4 December 2018 acknowledging that “human activity has resulted in global climate change that threatens our future” and that “in our position as a local authority, we have a crucial role to play in both leading by example and influencing the way that the residents and businesses of Guildford Borough live and work”.
- d) That the Council has already been proactive in identifying and delivering projects that save energy and carbon and is currently on track to meet its stated target of 43% CO₂ emissions reductions by 2020, based on 2008/09 levels. However, it recognises that a greater level of ambition and urgency is required, in the light of the above.

Guildford Borough Council therefore:

1. Formally declares a Climate Emergency that requires urgent action.
2. Calls on the UK government to provide the powers, resources and funding support to make local, as well as national, action against climate change possible.
3. Commits to working with partners across the Borough to evaluate and determine how and when Guildford Borough could become carbon neutral.
4. Commits to working towards making the Council’s activities net-zero carbon by 2030.
5. Commits to establishing the necessary governance structures, investment plans and officer resources in order for the Council to build a strong foundation to deliver progressively ambitious carbon reductions across our operations.
6. Commits to establishing a borough-wide Climate Change Partnership consisting of representatives from all stakeholders across all sectors.

7. Commits to developing, within 12 months, a clear action plan and timescale for being net-zero carbon across our Council operations, starting with a review of what has already been achieved and plans already instigated.
8. Commits to delivering a joint Member-Officer training programme to enable a shared understanding of how to deliver the above, starting in September 2019.”

Under Council Procedure Rule 15 (o), Councillor George Potter 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 in accordance with the Amendment below

Amendment

At the end of paragraph 3 add the words: “, *with a target goal of 2030 for reaching net zero emissions.*”

Paragraph 3, as amended, would read as follows:

”3. Commits to working with partners across the Borough to evaluate and determine how and when Guildford Borough could become carbon neutral, with a target goal of 2030 for reaching net zero emissions.”

The Council agreed to accept the alteration to the original motion, as proposed in the Amendment above. The motion, as amended, therefore became the substantive motion for debate.

Following the debate on the substantive motion, the Council

RESOLVED: That the Council notes:

- a) That global temperatures have already risen over 1°Celsius from pre-industrial levels and that the recent 2018 Intergovernmental Panel on Climate Change (IPCC) report states that we have just 12 years to act on climate change if global temperature rises are to be kept within the recommended 1.5° Celsius in order to avoid serious, damaging and likely irreversible environmental, economic and social impacts.
- b) That all governments (national, regional and local) have a duty to act, and that, recognising this, a growing number of UK local authorities have already passed 'Climate Emergency' motions.
- c) That Guildford Borough Council passed a motion on 4 December 2018 acknowledging that “human activity has resulted in global climate change that threatens our future” and that “in our position as a local authority, we have a crucial role to play in both leading by example and influencing the way that the residents and businesses of Guildford Borough live and work”.
- d) That the Council has already been proactive in identifying and delivering projects that save energy and carbon and is currently on track to meet its stated target of 43% CO₂ emissions reductions by 2020, based on 2008/09 levels. However, it recognises that a greater level of ambition and urgency is required, in the light of the above.

Guildford Borough Council therefore:

1. Formally declares a Climate Emergency that requires urgent action.

2. Calls on the UK government to provide the powers, resources and funding support to make local, as well as national, action against climate change possible.
3. Commits to working with partners across the Borough to evaluate and determine how and when Guildford Borough could become carbon neutral, with a target goal of 2030 for reaching net zero emissions.
4. Commits to working towards making the Council's activities net-zero carbon by 2030.
5. Commits to establishing the necessary governance structures, investment plans and officer resources in order for the Council to build a strong foundation to deliver progressively ambitious carbon reductions across our operations.
6. Commits to establishing a borough-wide Climate Change Partnership consisting of representatives from all stakeholders across all sectors.
7. Commits to developing, within 12 months, a clear action plan and timescale for being net-zero carbon across our Council operations, starting with a review of what has already been achieved and plans already instigated.
8. Commits to delivering a joint Member-Officer training programme to enable a shared understanding of how to deliver the above, starting in September 2019.

CO27 NOTICE OF MOTION - PLASTIC FREE GUILDFORD

In accordance with Council Procedure Rule 11, Councillor George Potter proposed, and Councillor Diana Jones seconded, the adoption of the following motion:

"This Council recognises the damage plastics can cause to the environment and commits to work with our local communities to reduce the impact we have through our use of non-recyclable, single-use plastics so far as it is reasonable to do so.

This Council also agrees with the general principles of the national 'Plastic Free Communities' scheme and commits to supporting, promoting and encouraging plastic free initiatives and events within the borough.

By continuing to play our part in delivering the Surrey Environment Partnership's Single-use Plastics Strategy (2018) and 5 year action plan, we also commit to:

- (a) Avoiding the use of single-use plastics ourselves where there are suitable alternatives
- (b) Encouraging local businesses to do the same
- (c) Engaging with and supporting the Plastic Free Guildford campaign
- (d) Working with our suppliers to discourage the use of avoidable single-use plastics
- (e) Supporting our communities in their efforts to reduce the use of single-use plastics
- (f) Supporting the national water refill campaign which promotes the provision of facilities to enable people to refill reusable drinking water bottles
- (g) Working with our partners to investigate how we can provide effective and sustainable incentives for the return of single-use plastics for recycling."

Following the debate on the motion, Councillor Angela Gunning proposed, and Councillor James Walsh seconded the following amendment:

Delete all text after "...and 5 year action plan", and insert the following:

“we ask the Place-Making and Innovation EAB:

(1) to examine the means by which this Council can:

- (a) Avoid the use of single-use plastics ourselves where there are suitable alternatives*
- (b) Encourage local businesses to do the same*
- (c) Engage with and support the Plastic Free Guildford campaign*
- (d) Work with our suppliers to discourage the use of avoidable single-use plastics*
- (e) Support our communities in their efforts to reduce the use of single-use plastics*
- (f) Support the national water refill campaign which promotes the provision of facilities to enable people to refill reusable drinking water bottles*
- (g) Work with our partners to investigate how we can provide effective and sustainable incentives for the return of single-use plastics for recycling.*

(2) to make recommendations, as appropriate, to the Executive on each of the seven points (a) to (g) above, following detailed discussion.”

During the debate on the amendment, under Council Procedure Rule 15 (o), Councillor Angela Gunning, as the mover of the amendment, had indicated that, with the consent of her seconder and of the meeting, she wished to alter her amendment so that it reads as follows:

“After point (g) in the motion, add the following:

“We ask the Place-Making and Innovation EAB to make recommendations, as appropriate, to the Executive on how to achieve each of the seven points (a) to (g) above, following detailed discussion.”

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

Following consideration of the motion, as amended, the Council

RESOLVED: That the Council recognises the damage plastics can cause to the environment and commits to work with our local communities to reduce the impact we have through our use of non-recyclable, single-use plastics so far as it is reasonable to do so.

This Council also agrees with the general principles of the national ‘Plastic Free Communities’ scheme and commits to supporting, promoting and encouraging plastic free initiatives and events within the borough.

By continuing to play our part in delivering the Surrey Environment Partnership’s Single-use Plastics Strategy (2018) and 5 year action plan, we also commit to:

- (a) Avoiding the use of single-use plastics ourselves where there are suitable alternatives*
- (b) Encouraging local businesses to do the same*
- (c) Engaging with and supporting the Plastic Free Guildford campaign*
- (d) Working with our suppliers to discourage the use of avoidable single-use plastics*
- (e) Supporting our communities in their efforts to reduce the use of single-use plastics*
- (f) Supporting the national water refill campaign which promotes the provision of facilities to enable people to refill reusable drinking water bottles*
- (g) Working with our partners to investigate how we can provide effective and sustainable incentives for the return of single-use plastics for recycling.*

We ask the Place-Making and Innovation EAB to make recommendations, as appropriate, to the Executive on how to achieve each of the seven points (a) to (g) above, following detailed discussion.

CO28 NOTICE OF MOTION - LOCAL PLAN AND 2ND QC OPINION

In accordance with Council Procedure Rule 11, Councillor Susan Parker proposed, and Councillor Joss Bigmore seconded, the adoption of the following motion:

“At the ballot box the community expressed considerable disquiet at the Local Plan outcomes secured by the previous Council.

The High Court has determined that there is a case to be argued for all three applications for Judicial Review of the decision to adopt the Local Plan.

The Council’s own QC has advised that the Full Council is the appropriate decision-making body to determine major decisions in respect of the Local Plan. The decision as to how to respond to the Judicial Reviews is a major decision to be taken in respect of the Local Plan and, to date, no decision has been asked or provided in respect of the Judicial Reviews.

The Council’s Local Plan strategy was developed in tandem with the same QC who is advising the Council on its defence.

A second QC’s opinion will cost between £10,000 and £20,000, and the Council’s likely spend defending against the Judicial Reviews will run to hundreds of thousands of pounds. The Council may be committing hundreds of thousands of pounds to defending the JRs without the Council having had the ability to agree the strategy.

Furthermore, NPPF requires that a Local Plan Review takes place when there is a major change or event. There are now legally-binding commitments to move to Zero-Carbon emissions by 2050 (just 16 years after the end of the Local Plan period). A consequential London Green Belt Council paper urges councils to protect the Green Belt and greenfield sites to protect the environment and minimize carbon emissions and/or to mitigate local carbon emissions.

Given that the brownfield survey (relied upon by the Local Plan) is not comprehensive, there are both reasons and opportunity for the Council to review its options in terms of maximizing sustainability (possibly including a new Strategic Land Availability Assessment).

The Judicial Review hiatus offers a useful opportunity to reconsider both the site allocations and the Council’s JR strategy.

Any strategic decision regarding the Council’s Judicial Review Strategy is a major decision requiring agreement by the Full Council.

As a result, the Council agrees that, prior to such reconsideration including a second QC’s opinion, it will limit any defence of the approved Local Plan to matters of factual accuracy or clarification and will then come back to Full Council for a further decision, including the ability to communicate to the Court the new Council’s concerns about the perceived excesses in the Local Plan”.

Under Council Procedure Rule 15 (o), Councillor Susan Parker, as the mover of the original motion, indicated that, with the consent of her seconder and of the meeting, she wished to alter her motion in accordance with the Amendment below

Amendment

(1) Substitute the following in place of the penultimate paragraph of the motion:

“Any strategic decision regarding a change to the Council’s Judicial Review Strategy is a major decision which should be reported to Full Council.”

(2) Substitute the following for the final paragraph of the motion:

“The Council resolves:

- (1) *To ask the Council’s Executive to request the Council Solicitor to commission a fresh opinion of the Council’s defence and position in the statutory challenges by a different QC to be completed forthwith and prior to the submission of detailed grounds (the next submission to the court), to be shared with the Council’s Executive and to include answers to questions prepared by members of the cross-party Executive.*
- (2) *Where that review discloses errors or weaknesses in the Council’s position, to request that the second QC advise the Executive who will then determine what steps the Council will, if any, take in relation to the statutory challenge – including whether to seek before the court to:*
 - (a) *not take an active part in proceedings,*
 - (b) *concede particular points, and/or*
 - (c) *agree a form of order with other parties to proceedings to present to the court.*
- (3) *To undertake a reconsideration of the brownfield capacity of the urban area, together with an appropriate consultation*
- (4) *Following such reconsideration, to bring this matter back to Full Council, together with advice as to whether and how the Council may communicate its concerns about the perceived excesses in the Local Plan to the court.”*

The Council agreed to accept the alteration to the original motion, as proposed in the Amendment above. The motion, as amended, therefore became the substantive motion for debate.

Following the debate on the substantive motion, the Council

RESOLVED: That the following substantive motion be approved:

“At the ballot box the community expressed considerable disquiet at the Local Plan outcomes secured by the previous Council.

The High Court has determined that there is a case to be argued for all three applications for Judicial Review of the decision to adopt the Local Plan.

The Council's own QC has advised that the Full Council is the appropriate decision-making body to determine major decisions in respect of the Local Plan. The decision as to how to respond to the Judicial Reviews is a major decision to be taken in respect of the Local Plan and, to date, no decision has been asked or provided in respect of the Judicial Reviews.

The Council's Local Plan strategy was developed in tandem with the same QC who is advising the Council on its defence.

A second QC's opinion will cost between £10,000 and £20,000, and the Council's likely spend defending against the Judicial Reviews will run to hundreds of thousands of pounds. The Council may be committing hundreds of thousands of pounds to defending the JRs without the Council having had the ability to agree the strategy.

Furthermore, NPPF requires that a Local Plan Review takes place when there is a major change or event. There are now legally-binding commitments to move to Zero-Carbon emissions by 2050 (just 16 years after the end of the Local Plan period). A consequential London Green Belt Council paper urges councils to protect the Green Belt and greenfield sites to protect the environment and minimize carbon emissions and/or to mitigate local carbon emissions.

Given that the brownfield survey (relied upon by the Local Plan) is not comprehensive, there are both reasons and opportunity for the Council to review its options in terms of maximizing sustainability (possibly including a new Strategic Land Availability Assessment).

The Judicial Review hiatus offers a useful opportunity to reconsider both the site allocations and the Council's JR strategy.

Any strategic decision regarding a change to the Council's Judicial Review Strategy is a major decision which should be reported to Full Council.

The Council resolves:

- (1) To ask the Council's Executive to request the Council Solicitor to commission a fresh opinion of the Council's defence and position in the statutory challenges by a different QC to be completed forthwith and prior to the submission of detailed grounds (the next submission to the court), to be shared with the Council's Executive and to include answers to questions prepared by members of the cross-party Executive.
- (2) Where that review discloses errors or weaknesses in the Council's position, to request that the second QC advise the Executive who will then determine what steps the Council will, if any, take in relation to the statutory challenge – including whether to seek before the court to:
 - (a) not take an active part in proceedings,
 - (b) concede particular points, and/or
 - (c) agree a form of order with other parties to proceedings to present to the court.
- (3) To undertake a reconsideration of the brownfield capacity of the urban area, together with an appropriate consultation

- (4) Following such reconsideration, to bring this matter back to Full Council, together with advice as to whether and how the Council may communicate its concerns about the perceived excesses in the Local Plan to the court.”

CO29 NOTICE OF MOTION - TOWN CENTRE MASTER PLANNING

In accordance with Council Procedure Rule 11, Councillor John Rigg proposed, and Councillor Tom Hunt seconded, the adoption of the following motion:

“The Council has acknowledged that town centre master planning was not part of the process of preparing the Local Plan - including putting in place a full, detailed land availability assessment of brownfield sites in the town centre - because that could have compromised the Local Plan itself and its objectives.

The majority of Councillors were elected based on an explicit pledge to master plan the town. At the informal Placemaking EAB on Monday 1st July, there was a common call for a master plan for the town centre.

The Council therefore

RESOLVES: That the process for bringing forward, within the term of this Council, a sustainable Town Centre Master Plan Development Plan Document be commenced immediately, and the Director of Planning and Regeneration be authorised to engage external master-planning consultancy advice to assist in this process”.

Following the debate on the motion, it was put to the vote and was carried.

CO30 ELECTION OF VICE-CHAIRMEN OF COMMITTEES 2019-20

The Council noted that, at the Selection Council meeting, it had not been possible to elect vice-chairmen for the Community Executive Advisory Board, the Corporate Governance and Standards Committee, and Employment Committee. These elections had been deferred to this meeting.

Having noted the nominations received by the Democratic Services Manager, the Council

RESOLVED: That the following nominations received in respect of the election of vice-chairmen of the committees listed below for the remainder of the 2019-20 municipal year, be approved:

Community EAB:	Cllr Steven Lee
Corporate Governance & Standards Ctte:	Cllr Nigel Manning
Employment Ctte:	Cllr Joss Bigmore

CO31 ALLOCATION OF SHADOW LEADER'S SPECIAL RESPONSIBILITY ALLOWANCE

Although consideration of this item was adjourned to Wednesday 31 July 2019, the Council's attention was drawn to the recent resignation of a member of the Council's Independent Remuneration Panel. As the Council, by law, must have an Independent Remuneration Panel comprising of at least three members, the Council was informed that the Democratic Services Manager had approached South East Employers for assistance.

South East Employers had indicated that they were willing to assist and had staff with a great deal of experience in supporting, and in many cases chairing, Independent Remuneration Panels in a number of councils in the South-East. To enable a replacement to be appointed to the Panel as expeditiously as possible, the Council

RESOLVED: That the Democratic Services Manager be authorised to appoint a third member to the Council's Independent Remuneration Panel to conduct the forthcoming review of councillors' allowances"

CO32 APPOINTMENT OF PARISH MEMBERS TO THE CORPORATE GOVERNANCE AND STANDARDS COMMITTEE 2019-2023

The Council

RESOLVED: That the following persons be appointed as co-opted parish members to the Corporate Governance and Standards Committee for a term of office expiring in May 2023:

- Julia Osborn (Send Parish Council)
- Ian Symes (Effingham Parish Council)
- Tim Wolfenden (Shalford Parish Council)

CO33 CORPORATE MANAGEMENT TEAM PAY AWARD 2019-20

The Council

RESOLVED: That a pay award of 2% be approved for the Managing Director and the Director posts with effect from 1 July 2019 in accordance with the Council's adopted Pay Policy Statement.

CO34 ELECTION OF GUILDFORD JOINT COMMITTEE CHAIRMAN 2019-20

Consideration of this item was adjourned to Wednesday 31 July 2019.

CO35 CAPITAL AND INVESTMENT OUTTURN REPORT 2018-19

Consideration of this item was adjourned to Wednesday 31 July 2019.

CO36 FOOD POVERTY

Consideration of this item was adjourned to Wednesday 31 July 2019.

CO37 OVERVIEW AND SCRUTINY ANNUAL REPORT 2018-19

Consideration of this item was adjourned to Wednesday 31 July 2019.

CO38 COMMUNITY GOVERNANCE REVIEW - PARISHES OF EAST HORSLEY AND EFFINGHAM

Consideration of this item was adjourned to Wednesday 31 July 2019.

CO39 REVIEW OF THE CODE OF CONDUCT FOR STAFF

Consideration of this item was adjourned to Wednesday 31 July 2019.

CO40 APPOINTMENT OF COUNCILLORS TO EXTERNAL ORGANISATIONS 2019-2023

Consideration of this item was adjourned to Wednesday 31 July 2019.

CO41 MINUTES OF THE EXECUTIVE

Consideration of this item was adjourned to Wednesday 31 July 2019.

CO42 FUTURE GUILDFORD: PROPOSED RESTRUCTURE OF CORPORATE MANAGEMENT TEAM

Consideration of this item was adjourned to Wednesday 31 July 2019.

CO43 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 10.30 pm

Signed

Mayor

Date