

GUILDFORD BOROUGH COUNCIL

Minutes of an extraordinary meeting of Guildford Borough Council held in the Council Chamber, Millmead House, Millmead, Guildford, Surrey GU2 4BB on Tuesday 23 January 2024

* The Mayor, Councillor Masuk Miah

* The Deputy Mayor, Councillor Sallie Barker MBE

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| * Councillor Bilal Akhtar | Councillor Steven Lee |
| * Councillor Phil Bellamy | * Councillor Sandy Lowry |
| Councillor Dawn Bennett | * Councillor Richard Lucas |
| * Councillor Joss Bigmore | * Councillor Julia McShane |
| Councillor David Bilbe | * Councillor Richard Mills OBE |
| Councillor Honor Brooker | * Councillor Carla Morson |
| * Councillor James Brooker | * Councillor Danielle Newson |
| * Councillor Philip Brooker | * Councillor Patrick Oven |
| Councillor Ruth Brothwell | * Councillor George Potter |
| * Councillor Yves de Contades | * Councillor Maddy Redpath |
| Councillor Amanda Creese | * Councillor Merel Rehorst-Smith |
| * Councillor Geoff Davis | * Councillor David Shaw |
| * Councillor Jason Fenwick | * Councillor Joanne Shaw |
| * Councillor Matt Furniss | Councillor Katie Steel |
| * Councillor Angela Goodwin | * Councillor Howard Smith |
| * Councillor Lizzie Griffiths | * Councillor Cait Taylor |
| * Councillor Gillian Harwood | * Councillor Jane Tyson |
| * Councillor Stephen Hives | * Councillor James Walsh |
| * Councillor Catherine Houston | * Councillor Fiona White |
| Councillor Tom Hunt | * Councillor Dominique Williams |
| * Councillor Bob Hughes | Councillor Keith Witham |
| * Councillor James Jones | * Councillor Sue Wyeth-Price |
| * Councillor Vanessa King | * Councillor Catherine Young |

*Present

Honorary Aldermen Sarah Creedy and David Wright were also in attendance.

CO88 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Dawn Bennett, David Bilbé, Honor Brooker, Ruth Brothwell, Amanda Creese, Tom Hunt Steven Lee, Katie

Steel, and Keith Witham; and from Honorary Freeman Keith Churchouse and Honorary Aldermen Catherine Cobley, Jayne Marks, Tony Phillips, Lynda Strudwick, and Jenny Wicks.

CO89 DISCLOSURES OF INTEREST

There were no disclosures of interest.

CO90 MINUTES

The minutes of the ordinary meeting of the Council held on 5 December and the extraordinary meeting held on 19 December 2023 were approved as a correct record. The Mayor signed the minutes.

CO91 MAYOR'S COMMUNICATIONS

The Mayor was delighted to report to the Council that the Mayor's Christmas Concert, organised by The Rotary Club of Guildford Wey and the Vivace Chorus, had raised just over £4,300 for the Mayor's Local Support Fund and his chosen charity, The Fountain Centre. The Mayor thanked everyone involved in organising and delivering the concert, and to all those who had bought tickets and donated to the retiring collection.

The Mayor was also very pleased to announce that this year's Mayor's Awards for Service to the Community had recently been launched, and that the closing date for nominations was Friday 2 February 2024.

CO92 LEADER'S COMMUNICATIONS

The Leader announced the following changes to the Executive, which came into effect on 8 January 2024:

- (a) Councillor Fiona White was the new Lead Councillor for Planning.
- (b) Councillor Potter's portfolio title had changed from Lead Councillor for Planning, Environment & Climate Change to Lead Councillor for Environment & Climate Change

In response to a question seeking clarification as to whether the separation of Planning from Environment & Climate Change meant that there would be a greater focus on climate change for the year ahead, the Leader stated that all areas of Executive responsibilities were important and that the Executive would continue to push ahead with all of those areas of responsibility, subject to ensuring that the Council's finances were sustainable going forward.

CO93 PUBLIC PARTICIPATION

There were no questions or statements from the public.

CO94 QUESTIONS FROM COUNCILLORS

There were no questions from councillors.

CO95 GBC/WBC JOINT GOVERNANCE COMMITTEE - TERMS OF REFERENCE

The Council considered a report on proposed amendments to the terms of reference of the Guildford & Waverley Joint Governance Committee (JGC). The proposals had been put forward at the request of the Joint Executive Head of Legal & Democratic Services, and had been considered initially by the JGC on 1 November, and subsequently by the Joint Constitutions Review Group (JCRG) on 30 November 2023.

The proposed amendments had focused mainly on the inclusion of the Temporary Shared Staffing Inter Authority Agreement (IAA), periodic review periods, frequency of meetings, quorum, use of substitutes, procedures for electing a chairperson (in the absence of a Co-Chair) and voting. The amendments had also included the rephrasing of text for clarity and correcting some minor typos.

The JCRG had recommended approval of the proposed amendments to the JGC's terms of reference to both the Corporate Governance & Standards Committee and to Waverley's Standards & General Purposes Committee at their respective meetings in January, with a further recommendation that each committee recommends the adoption of the amended terms of reference to their respective full Council meetings.

The Council noted that, at their meetings held respectively on 8 and 18 January 2024, Waverley's Standards & General Purposes Committee and the Corporate Governance & Standards Committee had endorsed the proposed amendments for adoption by both councils.

Upon the motion of the Lead Councillor for Regulatory & Democratic Services, Councillor Merel Rehorst-Smith, seconded by the Leader of the Council, Councillor Julia McShane the Council

RESOLVED: That, subject to the approval of Waverley Borough Council at its extraordinary meeting on 24 January 2024, the proposed amended terms of reference for the Guildford & Waverley Joint Governance Committee, as set out

in Appendix 3 to the report submitted to the Council, be adopted into the Constitution with effect from 25 January 2024.

Reason:

To ensure both councils continue to adopt and exercise strong governance arrangements for inter-authority working.

CO96 REVIEW OF THE CONSTITUTION: OFFICER EMPLOYMENT PROCEDURE RULES

The Council considered a report on the proposed revision of the Officer Employment Procedure Rules within Part 4 of the Council's Constitution. The report, together with the proposed new Officer Employment Procedure Rules, had been considered initially by the Joint Constitutions Review Group (JCRG) at its meeting on 30 November 2023.

As part of the current collaborative work programme to update both Guildford's and Waverley's Constitutions, the Joint Executive Head of Legal and Democratic Services had deemed the Officer Employment Procedure Rules as a high priority, requiring urgent attention, particularly at Waverley where none currently existed, and Guildford's were considerably out of date.

The proposed new Officer Employment Procedure Rules had been drafted using examples of good practice, based on the statutory framework. These procedure rules would apply only to the Joint Management Team (JMT).

The Council noted that the JCRG had recommended approval of the new Officer Employment Procedure Rules to both the Corporate Governance & Standards Committee and to Waverley's Standards & General Purposes Committee at their respective meetings in January, with a further recommendation that each committee recommends the adoption of the new procedure rules to their respective full Council meetings.

The JCRG had also considered related proposals to expand the remit of the existing Joint Appointments Committee to include procedures for disciplinary action against, and the dismissal of, joint senior members of staff. Consequently, it would also be necessary to change the name of the Committee to "Joint Senior Staff Committee".

The Council noted that the current terms of reference of the Employment Committee, included matters relating to the employment (including appointment, disciplinary action, and dismissal) of the Council's most senior officers. The procedures for dealing with those matters were set out in the existing Officer Employment Procedure Rules. The Employment Committee's terms of reference

did not take into account the collaboration between the two councils, and the establishment of the JMT and the Joint Appointments Committee. They were therefore out of date, of no practical use and were superfluous and in contradiction to the terms of reference of the Joint Appointments Committee.

Approval of the new Officer Employment Procedure Rules would therefore, as a consequence, require the formal disbandment of the Employment Committee as its remit would be subsumed into the Joint Senior Staff Committee.

It was noted, however, that the Employment Committee's terms of reference also included "*approval of the Council's human resources policies*", which were not within the remit of the Joint Appointments Committee, or within its expanded remit as the Joint Senior Staff Committee. It was therefore proposed that this function be delegated to the Head of Paid Service.

The Council noted that, at their meetings held respectively on 8 and 18 January 2024, Waverley's Standards & General Purposes Committee and the Corporate Governance & Standards Committee had endorsed the proposed new Officer Employment Procedure Rules for adoption by both councils. The Waverley Committee had suggested a minor amendment, details of which were set out in the report. The Corporate Governance & Standards Committee supported the amendment and also the proposal to disband the Employment Committee and to delegate the function of approval of human resource policies to the Head of Paid Service.

Upon the motion of the Lead Councillor for Regulatory & Democratic Services, Councillor Merel Rehorst-Smith, seconded by the Leader of the Council, Councillor Julia McShane the Council

RESOLVED:

- (1) That, subject to the agreement of Waverley Borough Council at its extraordinary Council meeting on 24 January 2024:
 - (a) the new Officer Employment Procedure Rules, as set out in Appendix 1 to the report submitted to the Council, be adopted into the Constitution with effect from 25 January 2024, subject to the inclusion in the Officer Employment Procedure Rules of a reference to the schedule of proper officers listed in part 3 of the Constitution, and that they replace the Council's existing Officer Employment Procedure Rules;
 - (b) the revised terms of reference for the Joint Appointments Committee and change of its name to "Joint Senior Staff Committee" to reflect its

expanded responsibilities, as set out in Appendix 4 to the report, be adopted; and

- (c) the Monitoring Officer be authorised to convene, where necessary, an Independent Panel, as provided for in the Officer Employment Procedure Rules.
- (2) That the Employment Committee be disbanded.
 - (3) That the Head of Paid Service be authorised to approve, where necessary, any human resources policies that apply to Guildford Borough Council.
 - (4) That the Council confirms the GBC membership of the Joint Senior Staff Committee, for the remainder of the 2023-24 municipal year, as being:
 - Councillor Philip Brooker
 - Councillor Julia McShane
 - Councillor Fiona White

Reasons:

To ensure that both Guildford and Waverley have adequate arrangements in place to deal with the employment of all officers including senior management and statutory officers. Approval of the new Officer Employment Procedure Rules will be the first step in the process to align the constitutions of Guildford and Waverley where appropriate to do so.

CO97 AMENDMENTS TO THE GUILDFORD BOROUGH COUNCIL AND WAVERLEY BOROUGH COUNCIL PRE-ELECTION PUBLICITY & DECISION-MAKING POLICY

The Council was reminded that both Guildford and Waverley Borough Councils had adopted an identical Pre-Election Publicity & Decision-Making Policy in April 2022. The main purpose of the policy was to protect the interests of the Council, and to provide guidance to Councillors and Officers on publicity and the use of Council resources during the pre-election period.

A key aspect of the existing Policy was to limit the Council and Committee meetings during the pre-election period. Specifically:

- Regular Full Council, Executive, and Committee meetings (excluding Planning Committee, Licensing Sub-Committee and Licensing Regulatory Sub-Committee) would not be scheduled during the pre-election period;

- Where an unscheduled election was called, meetings scheduled to take place in the pre-election period (other than meetings of the Planning Committee, Licensing Sub-Committee and Licensing Regulatory Sub-Committee) might be cancelled if it was considered by the Joint Chief Executive prudent to do so; and
- Extraordinary Full Council and/or Special Committee meetings would be arranged if, in the opinion of the Joint Chief Executive and Monitoring Officer, it was considered to be in the Council's interests to hold them for urgent items of business.

However, after further careful review and consideration, it was proposed that the Pre-Election Publicity & Decision-Making Policy be amended to provide more flexibility for the Proper Officers of both councils to assess and decide which council meetings could be held during the pre-election period on a case-by-case basis. Such an approach provided the Proper Officers with the flexibility to take into account whether the forthcoming election was in respect of Borough elections, or another election, and the level of political sensitivity around each election which could impact on Council business.

The Council considered a report which recommended the adoption of a revised Pre-Election Period Publicity & Decision-Making Policy, which focused on the Pre-Election published guidance by the former DCLG and LGA which emphasised that councils should continue to discharge normal council business i.e., 'Business as usual'.

The report had been considered initially by the Joint Constitutions Review Group (JCRG) at its meeting on 18 December 2023. The JCRG supported the proposed revised Policy, and had referred it to the Corporate Governance & Standards Committee and Waverley's Standards & General Purposes Committee for formal consideration, with a further recommendation that each committee recommends the adoption of the proposed revised Policy to their respective full Council meetings.

At its meeting on 8 January 2024, Waverley's Standards & General Purposes Committee, endorsed the recommendation, subject to an amendment of the fourth bullet point in paragraph 8 of the Policy as follows:

- *"continue with business as usual Council, Executive, and Committee meetings, subject to the proviso that the business to be transacted at those meetings, including motions brought and conduct displayed at those*

meetings, does not, in the view of the Monitoring Officer, contravene the provisions of this policy”.

The Corporate Governance & Standards Committee, at its meeting on 18 January 2024, also endorsed the revised Policy and had supported the amendment proposed by the Waverley Committee.

Upon the motion of the Lead Councillor for Regulatory & Democratic Services, Councillor Merel Rehorst-Smith, seconded by the Leader of the Council, Councillor Julia McShane the Council

RESOLVED: That, subject to the agreement of Waverley Borough Council at its extraordinary Council meeting on 24 January 2024, the revised Pre-Election Publicity & Decision-Making Policy, as set out in Appendix 3 to the report submitted to the Council, be adopted for inclusion in the Council’s Constitution, subject to the amendment of the fourth bullet point in paragraph 8 of the Policy as follows:

- continue with *business as usual* Council, Executive, and Committee meetings, subject to the proviso that the business to be transacted at those meetings, **including motions brought and conduct displayed at those meetings**, does not, in the view of the Monitoring Officer, contravene the provisions of this policy.

Reasons:

- To protect the interests of the Council, and to provide guidance to Councillors and Officers on publicity and the use of Council resources during the pre-election period.
- To provide further flexibility for the Councils’ Proper Officers to assess and decide which council meetings can be held during the pre-election period.

CO98 GUILDFORD BOROUGH COUNCIL AND WAVERLEY BOROUGH COUNCIL MONITORING OFFICER PROTOCOL

As part of the current work programme to update the constitutions of both Guildford and Waverley Borough Councils, the Joint Executive Head of Legal and Democratic Services had deemed the introduction of a Monitoring Officer Protocol into the Constitutions as a high priority, to ensure that both councils had the proper procedures in place to allow the Joint Monitoring Officer to effectively discharge their statutory obligations at both councils.

The Council considered a report which had set out a proposed Monitoring Officer Protocol describing the manner in which the Council expected the Monitoring

Officer to discharge their functions and how it expected Officers and Members to co-operate with the Monitoring Officer in order to enable them to discharge those functions effectively.

The report had been considered initially by the Joint Constitutions Review Group (JCRG) at its meeting on 18 December 2023. The JCRG supported the adoption of the proposed Protocol by both councils and had referred it to the Corporate Governance & Standards Committee and Waverley's Standards & General Purposes Committee for formal consideration, with a further recommendation that each committee recommends the adoption of the proposed Protocol to their respective full Council meetings.

At its meeting on 8 January 2024, Waverley's Standards & General Purposes Committee, had endorsed the proposed Protocol subject to two minor amendments, details of which were set out in the report.

The Corporate Governance & Standards Committee, at its meeting on 18 January 2024, also endorsed the proposed Protocol and had supported the amendments proposed by the Waverley Committee.

Upon the motion of the Lead Councillor for Regulatory & Democratic Services, Councillor Merel Rehorst-Smith, seconded by the Leader of the Council, Councillor Julia McShane the Council

RESOLVED: That, subject to the agreement of Waverley Borough Council at its extraordinary Council meeting on 24 January 2024, the Monitoring Officer Protocol, as set out in Appendix 1 to the report submitted to the Council, be adopted for inclusion in the Council's Constitution, subject to:

(a) the amendment of the first bullet point in paragraph 4.0 of the Protocol as follows:

- *"The Monitoring Officer, rather than the Council, will nominate at least one Officer as Deputy Monitoring Officer, with the power to act as Monitoring Officer where the Monitoring Officer is unable to act as a result of absence, ~~or~~ illness, or conflict of interest; and"*

(b) the amendment of the sixth bullet point in paragraph 5.2 of the Protocol to reflect the Monitoring Officer being responsible for providing or obtaining legal advice rather than necessarily being the principal legal adviser to the Council.

Reason:

To protect the interests of the Council, and to provide guidance on how it expects Officers and Members to co-operate with the Monitoring Officer to enable them to discharge their functions effectively.

CO99 SELECTION OF MAYOR AND DEPUTY MAYOR 2024-25

The Council considered a report on nominations received for election of Mayor and appointment of Deputy Mayor for the municipal year 2024-25. The constitutional changes adopted by the Council in April 2014 in respect of the Mayoralty, provided that the Council would normally elect the Deputy Mayor appointed at the annual meeting of the Council as Mayor at the next succeeding annual meeting.

Political group leaders had been asked to submit nominations in respect of the Deputy Mayoralty for 2024-25. Councillor Howard Smith had been the only nomination received.

Accordingly, the Council was asked to consider the nominations of Councillors Sallie Barker MBE and Howard Smith respectively for Mayor and Deputy Mayor in 2024-25. Both councillors left the meeting during the Council's consideration of the nominations.

Upon the motion of the Leader of the Council, Councillor Julia McShane, seconded by Councillor Philip Brooker, the Council

RESOLVED:

- (1) That the Deputy Mayor, Councillor Sallie Barker MBE be nominated for the Mayoralty of the Borough for the 2024-25 municipal year.
- (2) That Councillor Howard Smith be nominated for the Deputy Mayoralty of the Borough for the 2024-25 municipal year.

Reason:

To make early preparations for the selection of the Mayor and Deputy Mayor for the 2024-25 municipal year.

CO100 APPOINTMENT OF INTERIM JOINT CHIEF EXECUTIVE/HEAD OF PAID SERVICE

The Council was informed that, following the appointment by both Guildford and Waverley Borough Councils in December 2023 of Pedro Wrobel as Joint Chief Executive and Head of Paid Service, it would be necessary to make an interim appointment for two months between 9 February (when Tom Horwood was due to leave) and 8 April 2024 (when Mr Wrobel was due to start).

The Council considered a report which had set out the approach that had been followed in respect of the appointment of an interim Joint Chief Executive and Head of Paid Service to cover this role between those dates.

The Leaders of Guildford and Waverley Borough Councils had invited expressions of interest from the current Joint Strategic Directors in respect of covering the interim role for both authorities.

At its meeting held on 15 January 2024, the Joint Appointments Committee (JAC) had considered the expressions of interest put forward from two of the Joint Strategic Directors and conducted interviews with them. The JAC had made the following recommendation to both councils:

“That, whilst both candidates were considered to be appointable to the role, confirmation of a formal offer of appointment to the role of Interim Joint Chief Executive, and designation as Head of Paid Service, for both Guildford and Waverley Borough Councils be made to Annie Righton, Joint Strategic Director: Community Wellbeing, subject to:

- (a) the salary for the interim role being set at a level equivalent to the current salary for the Joint Chief Executive/ Head of Paid Service post, pro-rata for two months; and
- (b) no material or well-founded objection being made by either of the two Council Leaders on behalf of their respective Executives, in accordance with the provisions of Paragraph 5 of Part II of Schedule 1 to the Local Authorities (Standing Orders) (England) Regulations 2001”.

In accordance with the requirements of the 2001 Regulations referred to above, the Executive members of both councils had been asked to confirm, with their respective Leaders before the meeting, whether they had any well-founded objections to the appointment of Annie Righton as Interim Chief Executive and Head of Paid Service. No such objections had been received.

Annie Righton left the meeting during the Council’s consideration of this matter.

Upon the motion of the Leader of the Council, Councillor Julia McShane, seconded by the Lead Councillor for Planning, Councillor Fiona White, the Council

RESOLVED: That, subject to the agreement of Waverley Borough Council at its extraordinary Council meeting on 24 January 2024, confirmation of a formal offer of appointment to the role of Interim Joint Chief Executive, and designation as Head of Paid Service, for both Guildford and Waverley Borough Councils be made

to Annie Righton, Joint Strategic Director: Community Wellbeing, subject to the salary for the interim role being set at a level equivalent to the current salary for the Joint Chief Executive/ Head of Paid Service post, pro-rata for two months.

Reason:

To appoint an interim Joint Chief Executive and Head of Paid Service, as part of the agreed collaboration arrangements between Guildford and Waverley Borough Councils to ensure compliance with the requirements of Section 4 of the Local Government and Housing Act 1989.

The meeting finished at 7.34 pm

Signed

Mayor

Date