



## EXTRAORDINARY COUNCIL MEETING

TUESDAY 16 APRIL 2024

### ORDER PAPER

#### WEBCASTING NOTICE

This meeting will be recorded for subsequent broadcast on the Council's website in accordance with the Council's capacity in performing a task in the public interest and in line with the Openness of Local Government Bodies Regulations 2014.

The whole of the meeting will be recorded, except where there are confidential or exempt items, and the footage will be on the website for six months.

If you have any queries regarding webcasting of meetings, please contact Democratic Services.

I would like to welcome everyone to this evening's extraordinary meeting of the Council.

I should be grateful if you would ensure that your mobile phones and other hand-held devices are switched to silent during the meeting. If the fire alarm sounds during the course of the meeting - we are not expecting it to go off - please leave the Council Chamber immediately and proceed calmly to the assembly point in Millmead on the paved area adjacent to the river as you exit the site.

This Order Paper sets out details of those members of the public who have given advance notice of their wish to ask a question or address the Council in respect of any business on tonight's agenda. It also sets out details of any questions submitted by councillors together with any motions and amendments to be proposed by councillors in respect of the business on the agenda.

Unless a member of the public has given notice of their wish to ask a question or address the Council under Item 5 (Public Participation), they will not be permitted to speak. Those who have given notice may address the Council for a maximum of three minutes. Speakers may not engage in any further debate once they have finished their speech.

*Councillor Masuk Miah*  
*The Mayor of Guildford*

<b>Time limits on speeches at full Council meetings:</b>	
Public speaker:	3 minutes
Response to public speaker:	3 minutes
Questions from councillors:	3 minutes
Response to questions from councillors:	3 minutes
Proposer of a motion:	10 minutes
Seconder of a motion:	5 minutes
Other councillors speaking during the debate on a motion:	5 minutes
Proposer of a motion's right of reply at the end of the debate on the motion:	10 minutes
Proposer of an amendment:	5 minutes
Seconder of an amendment:	5 minutes
Other councillors speaking during the debate on an amendment:	5 minutes
Proposer of a motion's right of reply at the end of the debate on an amendment:	5 minutes
Proposer of an amendment's right of reply at the end of the debate on an amendment:	5 minutes

### **1. APOLOGIES FOR ABSENCE**

To receive any apologies for absence.

### **2. DISCLOSURES OF INTEREST**

To receive and note any disclosable pecuniary interests from councillors. In accordance with the local Code of Conduct, a councillor is required to disclose at the meeting any disclosable pecuniary interest (DPI) that they may have in respect of any matter for consideration on this agenda. Any councillor with a DPI must not participate in any discussion or vote regarding that matter and they must also withdraw from the meeting immediately before consideration of the matter.

If that DPI has not been registered, the councillor must notify the Monitoring Officer of the details of the DPI within 28 days of the date of the meeting.

Councillors are further invited to disclose any non-pecuniary interest which may be relevant to any matter on this agenda, in the interests of transparency, and to confirm that it will not affect their objectivity in relation to that matter.

### **3. MAYOR'S COMMUNICATIONS**

To receive any communications from the Mayor.

### **4. LEADER'S COMMUNICATIONS**

The Leader to comment on the following matters:

- Making Guildford town centre safer for all
- Guildford Flood Alleviation Scheme
- Active April

Councillors shall have the opportunity of asking questions of the Leader in respect of her communications.

## **5. PUBLIC PARTICIPATION**

No members of the public have registered to speak or ask a question.

## **6. QUESTIONS FROM COUNCILLORS**

There are no questions from councillors.

## **7. REVIEW OF THE CONSTITUTION – PROPOSED NEW COUNCIL PROCEDURE RULES**

(Pages 7 – 66 of the Council agenda)

Corporate Governance & Standards Committee: 11 April 2024

During its debate on this matter, the following points were raised by the Committee:

- It was noted that the Council's petition scheme was currently included separately in the Public Speaking Procedure Rules. Given that the proposed new Council Procedure Rules included procedures for public participation, concern was expressed as to whether it was intended to continue with a petition scheme. The Joint Strategic Director of Legal & Democratic Services confirmed that the petition scheme would still be included within the Council's Constitution, albeit separate from the Council Procedure Rules. The councils' petition schemes were also scheduled for review by the Joint Constitutions Review Group (JCRG) in due course.
- It was noted that Appendix 1 to the report had indicated that Waverley currently permitted the public to ask "informal questions", and that it was proposed to remove this provision in the proposed new Council Procedure Rules. A committee member suggested that such provision should be retained and re-introduced into the proposed new Council Procedure Rules in order to encourage greater public engagement. In response, the Joint Strategic Director of Legal & Democratic Services noted that there was some difficulty in defining what was meant by informal questions and so the new Council Procedure Rules had clarified the rules by defining the scope of questions and the timescale by which they should be submitted, which should still encourage public engagement. Another committee member argued that current arrangements for the public to give notice of questions worked well and greatly reduced the likelihood of vexatious or defamatory questions, and disruptive behaviour. Furthermore, it was argued that having rules for formal questions alongside rules for informal questions would be inconsistent and impractical. Another committee member noted that maintaining current

rules requiring notice of questions ensured that the questioner receives a more considered, and better quality, answer in response.

- However, the Joint Strategic Director of Legal & Democratic Services confirmed to the meeting that this provision was not currently included in Waverley’s Council Procedure Rules.
- It was noted that it was being proposed that there should be a time limit of 30 minutes for dealing with motions on notice on the Council agenda and that, in the past, the Council had spent considerably longer than 30 minutes debating a single motion. The Joint Strategic Director of Legal & Democratic Services drew the Committee’s attention to the provision within the Council Procedure Rules to move their suspension, which would allow the Council to agree to extend any such time limit for that meeting if it was felt necessary to deal with the motions on the agenda. However, it was suggested that, as there were already provisions elsewhere in the Council Procedure Rules to move closure motions, for example, to take an immediate vote on a motion when it was felt that a motion had been debated fully, there should be no time limit for dealing with motions on notice within the Procedure Rules.
- In response to a query as to the urgency of reviewing Council Procedure Rules, the Joint Strategic Director of Legal & Democratic Services reminded the Committee that both councils had agreed to set up the JCRG, which allowed early engagement of members from both councils in the constitutional review via the Review Group. Furthermore, neither council’s constitution had been reviewed for some time and it had been noted there were significant gaps, omissions and inconsistencies that required urgent action, for example the recent review and adoption by both councils of Officer Employment Procedure Rules. Further reports on the constitutional review arising from the work of the JCRG would be coming to Committee and full Council in the next few months.

The Corporate Governance & Standards Committee endorsed the following recommendation in respect of this matter:

“That the proposed new Council Procedure Rules, as set out in Appendix 2 to the report, be adopted into the Constitution, subject to:

- (a) the following minor amendments, as suggested by Waverley’s Standards & General Purposes Committee:
- CPR 2.3 - Election of the Mayor and Appointment of the Deputy Mayor (page 32 of the Council agenda): Amend the second paragraph so that it reads as follows:

“The current Mayor will preside over the election of their successor, unless they are unable to do so, in which case the current Deputy Mayor will do so. If the Deputy Mayor is ineligible to do so, due to the principle that a Councillor should not preside over their own election, the Monitoring Officer will **call for a motion that a non-executive Member of the Council take the chair to** preside for the first agenda item of business to Elect the Mayor. In the case of an equality of votes, the person presiding at the meeting, ~~provided they are a councillor,~~ shall give a casting vote in the case of an equality of votes”.

- CPR 4.2 – Business at Extraordinary Meetings (page 37 of the Council agenda): Amend paragraph (vi) so that it reads as follows:

“(vi) consider the items of business for which the extraordinary meeting has been called, **and deal with any business remaining from the last Council meeting.**”

- CPR 15.12 - Motions which may be moved during debate (page 52 of the Council agenda): Amend first paragraph so that it reads as follows:

“When a motion is under debate, no other motion may be moved except the following procedural **or closure** motions, which may be moved by a member, without comment, at the end of a speech by another member.”

- CPR 25.4 – Leader of the Council (page 62 of the Council agenda): Amend the first paragraph so that it reads:

“The Leader of the Council, or Deputy Leader in their absence, may attend any meeting of a Committee and speak **once** on any item under consideration as of right, unless they have a relevant interest in the matter that would preclude them from being present.”

- (b) \*no time limit being included in Council Procedure Rule 13 for dealing with motions on notice at Council meetings”.

\*NB: Post meeting note:

Councillors are asked to note that there is actually no time limit being proposed in respect of Council Procedure Rule 13 (Motions on Notice). There appeared to be a misunderstanding at the Corporate Governance & Standards Committee meeting in that regard. Confusingly, Appendix 1 (see page 17 of the Council agenda) states in

respect of the commentary on Council Procedure Rule 13 that *“There will now be maximum time period for Motions on Notice of 60 minutes...”*. This is **not** correct and should be ignored, as no time limit is being proposed.

It is, however, being proposed that there should be an overall time limit of 30 minutes for dealing with Questions by Members - see Council Procedure Rule 12.1.7 (page 46 of the Council agenda). Such a time limit accords with the existing 30-minute limit for dealing with public questions/statements referred to in Council Procedure Rule 11. Officers apologise for the confusion.

The Motion:

The Lead Councillor for Regulatory & Democratic Services, Councillor Merel Rehorst-Smith to propose, and Councillor James Jones to second the following motion:

“That the proposed new Council Procedure Rules, as set out in Appendix 2 to the report, be adopted into the Constitution, subject to the following minor amendments, as suggested by Waverley’s Standards & General Purposes Committee:

- (a) CPR 2.3 - Election of the Mayor and Appointment of the Deputy Mayor (page 32 of the Council agenda): Amend the second paragraph so that it reads as follows:

“The current Mayor will preside over the election of their successor, unless they are unable to do so, in which case the current Deputy Mayor will do so. If the Deputy Mayor is ineligible to do so, due to the principle that a Councillor should not preside over their own election, the Monitoring Officer will **call for a motion that a non-executive Member of the Council take the chair to** preside for the first agenda item of business to Elect the Mayor. In the case of an equality of votes, the person presiding at the meeting, ~~provided they are a councillor,~~ shall give a casting vote in the case of an equality of votes”.

- (b) CPR 4.2 – Business at Extraordinary Meetings (page 37 of the Council agenda): Amend paragraph (vi) so that it reads as follows:

“(vi) consider the items of business for which the extraordinary meeting has been called, **and deal with any business remaining from the last Council meeting.**”

- (c) CPR 15.12 - Motions which may be moved during debate (page 52 of the Council agenda): Amend first paragraph so that it reads as follows:

“When a motion is under debate, no other motion may be moved except the following procedural **or closure** motions, which may be moved by a member, without comment, at the end of a speech by another member.”

- (d) CPR 25.4 – Leader of the Council (page 62 of the Council agenda): Amend the first paragraph so that it reads:

“The Leader of the Council, or Deputy Leader in their absence, may attend any meeting of a Committee and speak **once** on any item under consideration as of right, unless they have a relevant interest in the matter that would preclude them from being present.”

**Reasons:**

- Adoption of the new Council Procedure Rules will ensure that both Guildford and Waverley Borough Councils have adequate arrangements in place to deal with the conduct of business at council meetings in an effective and efficient manner that meets statutory requirements.
- Adoption of the new Council Procedure Rules will be a significant milestone in the process of aligning the constitutions of GBC and WBC where it is appropriate to do so.

***Comments:***

None

**8. REVIEW OF EXECUTIVE ADVISORY BOARDS AND OVERVIEW & SCRUTINY**  
(Pages 67 – 94 of the Council agenda)

Corporate Governance & Standards Committee: 11 April 2024

During its debate on this matter, the following points were raised by the Committee:

- The reason for introducing the EABs had been a politically driven decision as there had been a public debate around the time of the 2015 local elections as to whether the Council should move from the Leader and Cabinet Executive arrangements to a committee system, which was followed thereafter by a governance referendum in 2016 as to whether the Council should move to a Directly Elected Mayor and Cabinet Executive arrangements. The present EAB/O&S structure was essentially a hybrid arrangement mixing the Leader and Cabinet Executive arrangements with a committee system. It was suggested that the EABs had been an eight-year experiment which had not worked, and would never work as they undermined the role of overview and

scrutiny. EABs were intended to be forward looking and, by default, overview and scrutiny was retrospective. Furthermore, in practice EABs had been overly reliant on the Executive to provide them with work, and had limited autonomy. The proposed model of two Overview and Scrutiny Committees each of which able to focus on different areas of the Council's operations, would enable them to operate with full autonomy and in accordance with their statutory powers.

- It was also suggested that the Executive Working Groups, which had been established recently, had been performing the EABs' role more effectively than the EABs themselves.
- It was suggested that the operation of the new Overview and Scrutiny Committees should be reviewed after 12 months.
- Concern as to whether all of the "general terms of reference" of the current Overview and Scrutiny Committee referred to in Appendix 2 to the report had been included in the proposed terms of reference for the two new Overview and Scrutiny Committees referred to in Appendix 3. In response, the Democratic Services & Elections Manager would check to ensure that the proposed terms of reference for the two new Overview and Scrutiny Committees include any of the existing general terms of reference that had not been included.
- Query as to whether the various factors referred to in the report that had been attributed to the failure of the EABs would continue with the introduction of the proposed two new Overview and Scrutiny Committees. In response, the Democratic Services & Elections Manager explained that there had to be much improved communication between the Executive and Overview and Scrutiny, and proper engagement with Overview and Scrutiny by the Executive in terms of commissioning work on policy development, and Overview and Scrutiny being actively involved in the scrutiny of finance.
- The proposed change to two Overview & Scrutiny Committees had to be meaningful and properly resourced. There also had to be a cultural change in order to achieve the commitment from both O&S Committee members and the Executive to make the new arrangements work. By getting these arrangements in place should result in better, and more informed decision-making. In response, the Democratic Services & Elections Manager suggested that the first priority should be work programming and starting the formal dialogue between the Executive and Overview & Scrutiny, with the support of senior management, to establish how Overview and Scrutiny can assist in policy development to inform Executive decision-making on the Council's corporate



projects and priorities. The importance of further Overview and Scrutiny training was also emphasised.

- It was noted that, unlike EABs, Overview and Committees had statutory powers which they could use to investigate matters of their choosing, and to make recommendations as appropriate to decision-makers.

The Corporate Governance & Standards Committee endorsed the following recommendation in respect of this matter:

- “(1) That the proposal to disband the two EABs and the single O&S Committee and to replace them with two new Overview and Scrutiny Committees (Option 3 referred to in the report), be adopted and implemented with effect from the 2024-25 municipal year.
- (2) That the draft Terms of Reference of the two proposed new Overview and Scrutiny Committees, as set out in Appendix 3 to the report submitted to the Committee, be adopted, subject to ensuring that the proposed terms of reference include any of the general terms of reference for the existing Overview & Scrutiny Committee that had not been included.
- (3) That the operation of the new Overview and Scrutiny Committees be reviewed after 12 months”.

The Motion:

The Lead Councillor for Regulatory & Democratic Services, Councillor Merel Rehorst-Smith to propose, and Councillor James Walsh to second the following motion:

- “(1) That the proposal to disband the two EABs and the single O&S Committee and to replace them with two new Overview and Scrutiny Committees (Option 3 referred to in the report), be adopted and implemented with effect from the 2024-25 municipal year.
- (2) That the draft Terms of Reference of the two proposed new Overview and Scrutiny Committees, as set out in Appendix 3 to the report submitted to the Council, be adopted, subject to the addition of the following after paragraph 1.4:

**‘1.5 *General terms of reference***

*Each Overview and Scrutiny Committee may:*

- (a) *appoint such formal sub-committees and informal task and finish groups as they consider appropriate to fulfil the Council’s overview and scrutiny functions,*

- (b) *approve an overview and scrutiny work programme so as to ensure that each Committee's time is effectively and efficiently utilised,*
- (c) *undertake investigations into such matters relating to the Council's functions and powers as:*
  - (i) *may be referred by the Leader/Executive, or*
  - (ii) *the Committee may consider appropriate.*
- (d) *consider petitions received under the adopted Petition Scheme that fall into the following categories:*
  - *petitions requiring a senior officer to give evidence to the Committee, and*
  - *a request from a petition organiser, who is not satisfied with the Council's response to a petition, for a review of the adequacy of the steps taken or proposed to be taken in response to the petition.'*

(3) That the operation of the new Overview and Scrutiny Committees be reviewed after 12 months”.

Reason:

To ensure that the Council is able to demonstrate that it discharges its overview and scrutiny function more effectively.

**Comments:**

None

**9. APPOINTMENT OF JOINT STRATEGIC DIRECTOR OF FINANCE /SECTION 151 OFFICER (Pages 95 – 112 of the Council agenda)**

Update:

At its meeting held on Friday 12 April, the Joint Senior Staff Committee (JSSC) held an interview for appointment to the post of Joint Strategic Director of Finance and s151 Officer, and identified their preferred candidate as Richard Bates, and have unanimously recommended his appointment on a permanent basis, on a salary of £127,850 per annum, from a date to be arranged, to each full Council (Guildford's this evening and Waverley's next Tuesday 23 April).

Statutory consultation with the Executives of both councils - see paragraph 1.7 of the report (page 96 of the agenda)

In accordance with the requirements of paragraph 5 of Part II of Schedule 1 to The Local Authorities (Standing Orders) (England) Regulations 2001, the Executive members of both councils have been asked to confirm, with their respective Leaders, whether they have any well-founded objections to the appointment of Richard Bates as Joint Strategic Director of Finance and s151 Officer. No such objections have been received.

The report on this matter was circulated to all councillors, and published on the Council’s website on Friday 12 April, following the JSSC meeting.

A copy of the report is attached to this Order Paper.

The Motion:

The Leader of the Council, Councillor Julia McShane to propose, and the Lead Councillor for Finance and Property, Councillor Richard Lucas to second the following motion:

“That, subject to the agreement of Waverley Borough Council at its full Council meeting on 23 April 2024, confirmation of a formal offer of appointment to the role of Joint Strategic Director of Finance, and designation as Section 151 Officer, for both Guildford and Waverley Borough Councils be made to Richard Bates, subject to a salary of £127,850 per annum.”

Reasons:

- Section 151 of the Local Government Act, 1972 requires that local authorities have in place arrangements for the proper administration of their financial affairs.
- Richard Bates is a qualified Accountant and experienced local authority Chief Financial Officer. He has held the S151 Officer role at Dorset County Council and interim S151 Officer at Mendip District Council (see Exempt Appendix 2 – Richard Bates - Summary Curriculum Vitae)
- Richard Bates has been carrying out the responsibilities of the role of interim Executive Head of Finance/S151 Officer at both authorities since 17 July 2023 and, latterly, the role of Interim Joint Strategic Director of Finance.

**Comments:**

None

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