



COUNCIL MEETING

TUESDAY 5 OCTOBER 2021

ORDER PAPER

WEBCASTING NOTICE

This meeting will be recorded for live and/or 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 Committee Services.

I would like to welcome everyone to this evening's 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 6 (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 Marsha Moseley
The Mayor of Guildford

Time limits on speeches at full Council meetings:	
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 MINUTES (Pages 5 – 20 of the Council agenda)

To confirm the minutes of the meeting of the Council held on 28 July 2021.

4. MAYOR'S COMMUNICATIONS

To receive any communications or announcements from the Mayor.

5. LEADER'S COMMUNICATIONS

The Leader to comment on the following matters:

- COVID update
- Car free day
- Resident Permits

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

6. PUBLIC PARTICIPATION

Mr Daniel Hill has submitted a question, details of which are attached as **Appendix 1** to this Order Paper.

The Leader of the Council's response to the question is as follows:

"Before responding to the main question, I would like to clarify a number of issues raised in the introductory material provided.

The Council disagrees with the statement that you have been misled by both Councillors and Council officers.

Whilst the Council works in partnership with both the Environment Agency and Surrey County Council it is not appropriate to respond on matters, such as waste that are their responsibility for enforcement. Any questions should be sent to them directly as previously advised.

*Two parcels of land are referenced within the text, one being the site owned by your father, Robin Hill, which was subject to direct action by the Council during the summer of 2021. Please see the Council's statement dated 5 August 2021 in relation to this land (**Appendix 2** to this Order Paper).*

A joint response from the Council, the Environment Agency and Surrey County Council regarding the neighbouring land which has been the subject of a partnership meeting will be issued shortly.

*During the course of the Council's direct action and works in default at Stoney Castle a number of containers of unidentified oils and liquids were identified. The Council is not able to confirm if they were PCBs as suggested in the question; however, these were removed and disposed of legally by the Council's contractor under instruction from the Council. Please see the attached waste transfer notices attached as **Appendix 3** to this Order Paper.*

Section 111 Local Government Act 1972 allows Local Authorities to take actions that are necessary to facilitate the accomplishment of a duty or power when in exercising duties. In this instance when the Council was exercising its powers by removing 225 tonnes of non-waste materials, 66 cars and caravans, more than 100 tyres and a barn on the land in breach of enforcement notices and environmental health notices, the removal of unidentified oils and liquids was required to facilitate the operation by removing obstructions and so ensure the safety and efficiency of the operation free from obstructions. By this answer no acceptance is made of any unevicenced and unsubstantiated allegations as to the alleged toxicity of the contents of the containers".

Councillor Joss Bigmore
Leader of the Council

Supplementary Question

Under the arrangements to allow Mr Hill to ask his question without being in physical attendance at the meeting, officers provided the Leader's response to him on the morning of Monday 4 October, and he was invited to submit a written supplementary question if such question arose from the written response given, by no later than 5pm on Monday 4 October.

Mr Hill's supplementary question is as follows:

*"Thank you Cllr Joss Bigmore for your response. I'm glad to see that Associated Reclaimed Oil Ltd have correctly categorized the waste as **hazardous** with ref HP7, HP14 and it appears it was correctly disposed of.*

Myself and residents await the joint council response re the neighbouring land at Stoney Castle local known as "the old dump" and look forward to you clearing up the misunderstandings.

The waste transfer note shows that Lantern service removed the 66 vehicles and the hazardous waste oil which as you explained was done under Section 111 Local Government Act 1972 this allowed you, Guildford Borough Council to take necessary action of removing the hazardous waste even though it is the remit of Surrey county council and the Environment agency.

*As mentioned in your response **"the Council works in partnership with both the Environment Agency and Surrey County Council it is not appropriate to respond on matters, such as waste that are their responsibility for enforcement."***

Your enforcement notice from 2013 was to rectify and remove NON-waste materials including the 66 cars and caravans and demolish a barn so my supplementary question is....

Supplementary Question.

Why did Guildford Borough Council instruct Ron Smith Recycling Ltd to remove 17 lorries (40yrd skip) of MIXED WASTE from Stoney Castle when this action was not part of your enforcement powers?"

The Leader of the Council's response to the Supplementary question is as follows:

*"The Joint response has now been issued (see **Appendix 4** to this Order Paper). Vehicles including lorries were classed as stored materials so were removed as part of the direct action to achieve compliance with notices served pursuant to S172 of the Town and Country Planning Act 1990. As these items were not claimed by the owner, after assessment it was determined that there was no resale value, so these items were disposed of by the Council's contractor under our instruction."*

Under Public Speaking Procedure Rule 2, questions, including any supplementary questions, will be asked, and answered without discussion.

7. QUESTIONS FROM COUNCILLORS

- (a) **Councillor Keith Witham** to ask the Lead Councillor for Development Management, Councillor Tom Hunt, the following question:

"What policies/procedures does the Council have to deal with those who are serial offenders with regard to the use of Retrospective Planning Applications, those motivated by greedy self-interest, who know the planning and enforcement regulations as well as – if not better - than any planning or enforcement officer, and as a result keep on staying one step ahead of the Planning Authority and any enforcement action?"

The Lead Councillor's response is as follows:

"Planning determinations are made in accordance with the Development Plan unless material considerations indicate otherwise and these matters are related to land use matters (s38(6) Planning and Compulsory Purchase Act 2004) not past conduct of the individual applicants which may vary with each individual case.

I think it is important to remember that carrying out works without planning permission is not in breach of any law. However, the developer performs such work entirely at his own risk, as he may be required to comply with a subsequent enforcement notice.

It is also important to note that the vast majority of organisations (individuals and companies) that develop property in Guildford Borough do so reasonably, following the proper processes. Some may choose to build unauthorised developments, but the law does not permit the Council to treat these organisations any differently.

In order to deal with an enforcement notice, one approach to this that you mention is for the developer to apply for retrospective planning permission. Such an application is treated no differently to any "normal" planning application, nor should it be treated differently. Unlike licensing legislation, planning legislation does not generally allow discretion to be applied when dealing with an application. If there is no planning harm caused by the unauthorised development, planning permission will be approved.

Failure to comply with an enforcement notice is illegal, and a developer can be prosecuted for this. In extremis, and only once actual breaches of planning control or clear evidence of apprehended breaches of planning control have been identified, an injunction may be secured, but this is unusual given the high bar the courts set on granting injunctions.

The simple fact of the matter is that planning law does not allow discretion to be exercised to deal with “serial” offenders. Each planning application, retrospective or otherwise, must be dealt with on its own merits”.

Councillor Tom Hunt
Lead Councillor for Development Management

- (b) **Councillor Susan Parker** to ask the Deputy Leader and Lead Councillor for Climate Change, Councillor Jan Harwood, the question set out below. (Councillor Harwood’s response to each element of the question is set out in **red type** below.)

“It was agreed at the joint EAB that the Climate Change Board should review the Draft Regulation 19 Climate Change Policies included within the DMP to ensure that the highest possible standards are applied by Guildford.

- A. *Can the Lead Councillor for Climate Change inform the Council whether such a review has been arranged prior to the next Executive scheduled to review the plan?*

“The Council’s Climate Change team was consulted as part of producing the draft Local Plan Development Management Policies (LPDMP). It was not considered necessary to seek the views of other Councillors sitting on the Board as these had already been provided through other forums.”

- B. *As a separate matter, can he (and the Climate Change Board) also address the following specific points in relation to Climate Change, given the acknowledged climate crisis, the fact that COP26 is looming and that district authorities are expected (by central government) to be agents on behalf of government delivering significant changes needed to address the climate crisis (I hope that changes to the DMP will take these issues on board in the future but they are not currently adequately addressed so would like these considered):*

1. *Explain the basis of the proposed 31% carbon emissions reduction statistic - What does this mean in practice?*

“Under the Building Regulations, every new building (except some limited exemptions) has a Target Emission Rate (TER) expressed as annual kg of CO2 per sqm. The TER is established through an approved methodology (Standard Assessment Procedure (SAP) for houses, Simplified Building Energy Model (SBEM) for non-residential) based on the building type, size and shape. Once the building is designed, its SAP or SBEM assessment must show that the Dwelling Emission Rate (DER, for homes) or Building Emission Rate (BER, for non-residential) is lower than the TER in order to pass the building regulations process. The extant national standards are the Building Regulations 2010 (as amended). The current emission standards were introduced through an amendment in 2013.

The Local Plan Strategy and Sites (LPSS) 2019 includes a requirement for all new buildings to achieve a DER or BER that is at least 20% better (lower) than the TER against the Building Regulations 2013 standards. The proposal is to increase this standard in the new plan to 31%.

The government has been consulting on the proposed Future Homes and Future Buildings (non-residential) standards. The government intends to improve emission standards in new homes in June 2022 by 31% over the 2013 standards. This is an interim step on the route to the full Future Homes standard, which will include further improvements and a ban on gas heating in 2025 to deliver a carbon reduction in the region of 75%. These new homes would then reach zero carbon when the electricity grid does. The Future Buildings proposals are less advanced, but the government's preferred option is a 27% improvement as an interim step on the route to the full Future Buildings standard.

A standard of 31% has been included within the new plan for both homes and non-residential development. The reason for including it for homes even though it has parity with the proposed national standard is because knowing that the standard is incoming means that we have to build the impact into our viability assessment. It is therefore good practice to put the standard in policy so that in the event the national standard is not introduced, the benefit of lower carbon emissions, which have already been built into the viability testing, is not lost."

2. *How does Guildford propose to improve its existing building stock compared to national standards in order to promote a Guildford that is recognised as a "green" borough? (Wimbledon requires installation of electric car charging before planning permission is granted for work on existing homes - why don't we? Electric car use replacing petrol/diesel vehicles when associated with existing properties would have a beneficial effect on air quality.) This could be added to our requirements in the DMP for housing extensions - since other boroughs can do this, why don't we?*

"Consequential improvements' policies which require upgrades to existing buildings as a requirement of planning permission for an unrelated matter have been tried in the past with limited success. The Labour and coalition governments both abandoned consequential improvement policies for energy efficiency in 2010 and 2012 (they were dubbed the 'conservatory tax'). Uttlesford District has a limited consequential improvements requirement for residential extensions in a 2007 Supplementary Planning Document. Applicants must submit an EPC report with an application and undertake any 'cost effective' measures it identifies. We are not aware of any current consequential improvement policies in a Local Plan.

Wimbledon is part of the London Borough of Merton and does not have a neighbourhood plan. Planning policy for Wimbledon is provided by the Merton Local Plan and London Plan. Officers have reviewed the Local Plan documents and have been unable to locate the described policy. I should be grateful if Councillor Parker could provide me with further information."

3. *Can we please have a blanket Tree Preservation Orders (TPOs) on all trees across the borough with trunks > 30cm? (Where there may be permissible exceptions, it is removal of established trees that should require approval, rather than needing a requirement for new TPOs to be approved so that trees are protected). Very few TPOs have been declared this year - please also confirm the number to date. (Established trees are essential carbon sinks and improve our air quality and filter particulates. Saplings often die and have a much smaller impact even as they start to grow, so protecting existing established trees must be a priority - this does not preclude planting in addition.)*

*"A Tree Preservation Order is an order made by a local planning authority in England to protect specific trees, groups of trees or woodlands in the interests of **amenity**. Such tree(s) should be a healthy, prominent tree(s), good example of the species, and visible from the public realm.*

Local planning authorities can make a Tree Preservation Order if it appears to them to be 'expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area'.

Climate change alone is not a factor in supporting the need for a TPO.

'Blanket' – Orders are not viable or expedient. The Government guidance even states with 'Area orders' these should really only be used as short term and authorities are encouraged to resurvey existing orders (never happens in any LPA as lack of resources)

It is also of note that the number of TPOs does not necessarily equate to the same number of trees, of note is the recent woodland order in Ockham which includes a high number of trees. To date this year six Tree Preservation Orders have been served.

There is also a significant resource issue, the making and confirming of TPOs all require time and officer input, without the arboricultural justification there is significant questions over whether this would be an appropriate use of resources."

4. *Explain why demonstrably sustainable transport requirements (e.g. applying real modal shift, use of electric trams, safe cycling etc) are not applied to ALL new major developments included in the Local Plan? While this is supposedly included via the Climate Change, Sustainable Design, Construction and Energy SPD ("Climate Change SPD"), much of the sustainable proposals permitted appear to be greenwashing. (An example of greenwashing is the proposed use of cycling to rail stations for the Garlicks Arch major development, when actually any of the required routes involve cycling along a narrow and unsafe A-road which is not practicable and cannot be widespread). Our major developments are required to produce a "sustainability statement" - but we need actual, verifiable sustainability-real mechanisms to reduce the borough's carbon footprint not a box-ticking exercise to greenwash out-of-town developments. How will this be achieved in practice? We need to make real change, not just the illusion of it, and we should not allow developments which are unsustainable so how will this be achieved?*

"The Climate Change SPD does not cover sustainable transport in detail as it provides guidance primarily for Policy D2: Climate Change, Sustainable Design, Construction and Energy, which does not cover transport. Information covering sustainable transport was included largely at the request of councillors and consultation respondents.

The Chartered Institution of Housing and Transportation's Better planning, better transport, better places (2019) report identified that 'Local authorities are not setting out a vision for development in their Local Plans that includes setting accessibility and mode share targets to which developers and promoters can respond' and recommended that 'Local Plans must include clear accessibility and mode sharing requirements. A clear statement of the minimum quality of accessibility by sustainable modes to offer a credible choice must be made.'

We are not aware of any other LPA/council that has yet introduced specific modal share targets for new major developments in its Development Plan, including the Local Plans for Cambridge and Brighton, cities which have both been recognised for achieving significant progress in realising, at least in part, patterns of more sustainable mobility in the period from the 1990s.

At present, Surrey County Council (SCC), the Local Transport Authority, has not defined specific accessibility or mode share requirements for the county as a

whole, or for constituent districts, or for other localities, or for new major developments in the county. SCC's draft Local Transport Plan 4 – presently subject to public consultation – does include unquantified ambitions with respect to the Avoid – Shift – Improve concept, involving reducing the number and length of vehicular trips and traffic volumes, increasing the modal shares of walking, cycling and public transport options, and improving emissions intensity and energy efficiency of vehicles.

In this context, it would introduce risks for Guildford Borough Council to seek to set modal share targets for new major developments in the draft LPDMP, and, in addition, such targets were not consulted upon at the earlier Regulation 18 consultation phase. Furthermore, the major development sites were allocated in the LPSS which was adopted in 2019.

At present, the identification of specific modal share targets for new developments will continue to be progressed through the pre-application and planning application processes for such sites, working with SCC and National Highways as the statutory highway authorities.

5. *High environmental standards are used by other UK councils on all new buildings. In Paris all new buildings are required to have green roofs or electric solar panels. Camden's planning requirements mandate that new Buildings meet a minimum BREEAM target of "Excellent" (70% certification). Our Climate Change SPD published in September 2020 allows developments to submit a sustainability statement instead. While they are allowed to meet either BREEAM Outstanding or Excellent criteria as an alternative to publishing a sustainability statement, this option of publishing a statement appears to be an opportunity not to impose higher standards (p9, Climate Change SPD). Why are our standards not following the highest possible standards, and why are we not pushing at the boundaries of the highest requirements permitted?*

"Note: The Building Research Establishment's Environmental Assessment Method (BREEAM) would only apply to commercial development and some conversions and refurbishments. BREEAM does not apply to new homes.

The Climate Change SPD provides guidance for adopted policy, primarily Policy D2: Climate Change, Sustainable Design, Construction and Energy. Policy D2 contains a number of requirements that drive sustainability in new developments alongside the 20% carbon reduction standard and requires compliance to be proven through submission of Energy Statements and Sustainability Statements containing the relevant evidence.

During the drafting of the SPD, we acknowledged that some developers like to use BREEAM certification. We consulted with the Building Research Establishment (BRE) and decided that the BREEAM levels 'Excellent' and 'Outstanding', while not quite the same as Policy D2, would broadly have parity or would exceed its sustainability requirements, and that we could accept those accreditations instead of Sustainability Statements and Energy Statements. This was done in order to avoid forcing the applicant to duplicate processes.

An SPD cannot mandate a standard that is higher than or different to the standard set out in policy so could not mandate BREEAM accreditation.

The use of BREEAM standards in policy has been considered. During engagement with BRE significant problems regarding the wide-scale use of BREEAM in planning decisions were raised, mainly that the typical timing of

certification in the BREEAM process do not line up with the key junctions in the planning process.

The Development Management (DM) process requires the submission of evidence to show that any conditioned standards (such as BREEAM) will be met. The BREEAM process includes both a design stage/interim assessment and a final Completion certification which could be used as proof of compliance. However, both present issues for the DM process.

The design/interim stage assessment is not a formal requirement of the BREEAM New Construction process, and it is possible for projects to go straight to Completion certification. BRE would not support a planning requirement for Interim certification as this would present a barrier to the use of the scheme in general. As a proxy for this on schemes undertaking BREEAM, we can (and do) require evidence in lieu of a design stage assessment that the developer/design team demonstrate that they have achieved the relevant Completion certification previously on other sites (this is BRE's recommended approach). However, this approach means BREEAM cannot be applied to developers who have not previously built to the BREEAM process.

There is often a delay between the completion of a scheme, the final assessment and the final certificate being issued (BRE advise there are often delays at interim stage as well). As a result, if the final certificate is conditioned as the required evidence, the DM process would be extended resulting in resource and cost impacts on the DM team. If all commercial schemes are required to provide final certificates, the impacts could cumulatively be significant.

Alongside the issues of practicality, mandating the BREEAM process introduces new process costs to development, which are likely to be greater for developers who do not usually undertake BREEAM.

As a result of the above, allowing BREEAM to be used voluntarily by developers who have a track record of using it seems to be the most reasonable approach while developers who choose to take the Policy D2 route still have to provide evidence that their schemes achieve a broad range of sustainability outcomes in a way compatible with the development management process. This is the same approach taken by other district level councils with climate change policies (for instance, see Milton Keynes Local Plan policy SC1)."

6. *Mid-height kerbside urban pavement hedging (up to 1m high) is used in other UK boroughs and in many countries to create a natural and biodiverse boundary between petrol/diesel fumes and pedestrians, protecting the most vulnerable (the elderly or disabled in wheelchairs, small children and babies/toddlers in pushchairs. Such hedging filters particulates, acts as a carbon sink, and assists temperature cooling as well as assisting in absorbing surface water; it is also a safety barrier minimising the risk to pedestrians. Please can we establish this as a formal requirement bordering roadsides for all new developments, and an aspiration for retrofitting existing urban areas where space and heritage design permits? While there is a loose reference to green and blue infrastructure in the Climate Change SPD (para 5.47 and para 5.49), hedges are not a requirement and we have given extensive planning permission for new developments which do not include any such features.*

"The latest revision to the National Planning Policy Framework requires that all new streets are tree lined. If the government had considered that hedges are also appropriate, they would have widened this requirement to include them. Requiring hedges on all new streets would have a significant land take which would impact

the amount of developable land – this could either lead to increased densities of development or increase the amount of land necessary to be allocated to meet development needs.

The LPDMP requires 20% biodiversity net gain – this could include the provision of hedges within the development site. The LPDMP also has a policy on air quality to ensure that development proposals must not result in significant adverse impacts on sensitive receptors, including human health, sensitive habitats and any sites designated for their nature conservation value, from any sources of emissions to air.

Without any evidence to support this proposal, it would be unreasonable to require this on all streets. In terms of retrofitting of existing streets, this would be a matter for Surrey County Council as the Highway Authority as it would be on existing highway land.

It is noteworthy that Surrey County Council's draft Healthy Streets for Surrey: creating streets which are safe and green, beautiful and resilient (2021) – which is subject to further work and expected to be published in 2022 – considers safety considerations for streets with high vehicle volumes/speeds and identifies that buffers such as trees and plantings between the pavement and carriageway will be encouraged."

7. *Why is there not a presumption in terms of retaining and adapting existing buildings rather than demolition, since demolition followed by construction has a very high carbon footprint?"*

"A policy prohibiting demolition would be considered unreasonable and could constrain brownfield redevelopment. However, both the Climate Change SPD and proposed policy D12 support sustainable refurbishment. It is also of note that demolition can be carried out under permitted development rights.

Blanket support for the reuse of buildings in all circumstances would make it difficult to resist poor quality conversions, and consequently could result in poor quality homes and commercial buildings. As a result, proposed Policy D12 states

"4) Development proposals that will improve the energy efficiency and carbon emission rate of existing buildings to a level significantly better than the Council's adopted standards or national standards for new buildings, whichever is most challenging, are encouraged."

Note: any conversion, e.g. from commercial to residential, would need to meet building regulations standards for the new use, so it reserves support for those that go beyond minimum standards in order to avoid greenlighting any and every conversion or refurbishment".

- (c) **Councillor Guida Esteves** to ask the Deputy Leader and Lead Councillor for Climate Change, Councillor Jan Harwood, the question set out below. (Councillor Harwood's response to each element of the question is set out in **red type** below.)

"The draft schedule for the Community Infrastructure Levy (CIL) was published and consulted on in 2015. Since then, two viability studies in 2016 and 2017, were commissioned and published. Subsequently a number of implementation dates for CIL have been set and delayed. The levy is a non-negotiable developer contribution towards infrastructure in the Borough. New development will nearly always have an impact on infrastructure with different types of development and scales of development having different effects. A single new dwelling may not appear to have an impact but the cumulative impact of twenty or so single dwellings will have. It is therefore fair that all

development pays a share towards the cost of infrastructure, services and amenities that everyone uses and not just large-scale development. Through CIL all but the smallest building projects will make a contribution towards additional infrastructure.

Could the Lead Councillor for Climate Change please provide information on the target delivery date for CIL including:

1. Why this has not yet been implemented?

“The emerging Local Plan Development Management Policies (LPDMP) includes a number of draft policies with cost impacts for development. A viability study is being prepared to support the Plan. This is to ensure that development in the borough is deliverable, accounting for policy and infrastructure costs along with other recent value and cost assumptions. It is considered that this study will provide updated information necessary for any next steps on CIL.”

2. What still needs to be done to implement CIL, given there have already been two viability studies done?

“The Council needs to complete the viability study to inform recommended CIL rates – a draft of the study will be completed later this year. The next steps toward implementing a CIL charge would include developing a draft charging schedule (DCS) and associated policies, consultation, review, submission for examination, examination hearings, and adoption. The Council is aware of Government proposals to replace the existing s106/CIL regimes with a new national ‘Infrastructure Levy.’ We will be monitoring developments in this regard and any implications for the Council’s processes.”

3. Details of what the CIL collection value would have been based on the draft schedule (In total and split between the Borough and the relevant parish councils/Neighbourhood plan areas) since the adoption of the local plan in April 2019, and this compared to the financial S106 contributions for the same (including how much was subsequently reduced/changed/removed).”

“The Council publish an Infrastructure Funding Statement (IFS) on its [website](#) with details of s106 contributions as part of the Section 106 report at appendix 3. Figures are available for 2019-20 in the latest IFS reflecting a total of £12,979,611.20 to be provided under planning obligations during that financial year. This excludes non-monetary contributions to infrastructure such as on-site provision of open space, private SANG, roadworks, etc. Attempting to quantify a CIL collection value (as a comparison) would require extensive speculation including regarding un-adopted CIL rates (whilst there were early indications of what these could have been during the LPSS process – varying between £40/sqm and £300/sqm for residential floorspace, these were prior to Local Plan strategy and sites updates and consideration of LPDMP policies, both of which have cost impacts). These figures are considered to be no longer valid.

Regarding small scale residential development (fewer than 10 homes), the potential for cumulative impacts on infrastructure is acknowledged. In this regard, the Council is seeking to provide a basis for securing open space contributions from this scale of development as part of its emerging LPDMP. An infrastructure levy would hold opportunities in this regard. However, a significant majority of residential development (likely upward of 90%) in the borough will continue to be in the form of major development schemes (10 or more homes) which contribute toward infrastructure via established mechanisms.”

- (d) **Councillor Graham Eyre** to ask the Lead Councillor for Community and Housing the following question:

“After a recent visit to Japonica Court in Ash with my Ward colleague, Councillor Paul Spooner, to meet concerned tenants, we were both shocked to see how run down and neglected the building had become. The communal areas are in darkness and unused, and many residents therefore spend their days in their rooms and rarely venture out. The gardens and outside areas are a disgrace in places with weeds some three or four feet high. Interestingly Surrey County Council have also been allowed to take over two of the Rooms designated for residents’ use with no consultation with tenants. Whilst lifts have been replaced (but no fire safe lifts fitted) and some areas of carpet have been replaced, it is clear that the level of investment is not enabling staff on the ground to provide the service and support that is required, and this is unfair on our tenants and on our hard-working staff. This from a Council that says it cares for, and looks after, the vulnerable and elderly.

Could the Lead Councillor for Community & Housing please confirm how much money the Council has spent on Japonica Court in the past two years, discounting the cost of the lifts and what are the plans to return Japonica Court to being a site we can be proud of and staff can deliver services that enable a fair quality of life for tenants? Ash and Tongham deserve better!”

The Lead Councillor’s response is as follows:

“As a sheltered housing scheme, we encourage residents to live independently and choose where they spend their time; this means that sometimes communal areas will be being used but at others they will not, what is important is they are available, which they are at Japonica Court. Sadly, over the last year or so in line with Government guidance this has not always been possible, and whilst some tenants remain understandably cautious, we are encouraging use of the facilities and we are now seeing these spaces increasingly used.

Councillor Spooner visited on 28 September 2021 during the first residents’ coffee morning held for some time and was able to see how this is working and that particular event was able to raise a considerable amount for Macmillan Cancer Relief. The scheme is also used by a number of other local groups with further events planned later in the month.

In respect of the gardening, we are currently reviewing the arrangements with Oakleaf a local social enterprise organisation who support and work with those with mental health issues and provide gardening services at the scheme. We recognise the positive impact there is from working with organisations such as Oakleaf but also need to ensure the services we receive and the work carried out helps to maintain, improve, and enhance the gardens. The standards have been below those we would normally expect but we will continue to work with Oakleaf to achieve a much better standard and help them support our wider community.

Over the last two years the Council has invested £155,000 in repairs and maintenance at this property which has included decorating external and all internal areas, and whilst not all of the carpet has been replaced, we will continue to review and replace other areas over time. If there are other specific issues that have been identified, we will be happy to work with Councillors and residents to resolve these.

As part of the programme of continued investment we have also recently renewed the lifts to this block, these are fully compliant with the appropriate standards and as required by these standards the lifts are fire rated to 2 hours. Whilst lifts in high rise properties are required to be able to be controlled by the fire service on high floors to

help them get to a fire, in a low level block such as this there is no requirement for this type of control and the lifts therefore do not need to meet those standards, as access can be more easily be gained from the stairs.

I can confirm that we will continue to invest in this scheme with further investment planned which should benefit residents, the wider community and also for our staff who have worked so hard over the last year to support the residents of this and other schemes in what we all understand to have been a difficult period.

Lastly, we are not aware of rooms being removed from residents without consultation. In 2016 one room at the back of Japonica Court was converted into a community services office space. Surrey County Council and adult social care do have access to the office suite at the front of the building as part of their role in supporting the most vulnerable residents at Japonica Court and this has been in place for many years.”

Councillor Julia McShane
Lead Councillor for Community and Housing

- (e) **Councillor Graham Eyre** to ask the Lead Councillor for Community and Housing the following question:

“Councillor Paul Spooner and I recently visited the former Shawfield Day Centre. The Centre looked sad and empty and is obviously not in a state to be reopened. From the recent Public Consultation published by the Council, and its biased questions, GBC plan to close down this Centre permanently and only fund the recently renamed ‘Hive’ in Park Barn. The Shawfield Days Centre is essential for the west of the Borough and it is shameful that other sites except Park Barn are being abandoned. Two points spring to mind. The first is that Park Barn just happens to be in the Lead Member’s Ward, and secondly, once again this is from a Council that says it cares for, and looks after, the vulnerable and elderly.

Could the Lead Councillor for Community & Housing please confirm how much money the Council has spent on Shawfield Day Centre in the past two years, and how much on Park Barn, and can the Lead Councillor share the evidence that supports her position that residents of Ash and Tongham will be able and willing to travel to support the Hive in her ward as a preference to a site within the large residential area of Ash, Tongham and neighbouring villages? Has the Older Persons Champion at GBC been involved in the decision-making process?”

The Lead Councillor’s response is as follows:

“As Councillor Eyre will know, given the extremely challenging financial position faced by the Council, the approved Savings Strategy included a project to review community and day centres with a view to consolidating sites. The target was to deliver savings in the region of £300,000 per annum.

In response, we have developed a proposal to reduce the costs of day care services, whilst maintaining or improving the quality of provision. This would involve transporting existing clients of the Shawfield Day Centre to the Hive. With the improved facilities and services available at The Hive and by consolidating staffing, we believe that clients would receive improved support and care. We are now consulting on that proposal.

The consultation is not biased, just a reflection of the options we have in this very difficult circumstance.

The fact that the Hive happens to be in Westborough, my ward, is irrelevant to this process. What is relevant is to ensure we deliver what will benefit all our residents in the borough within the constraints we face.

Clearly, clients and their families are most directly affected by the proposal and we are undertaking in-depth consultation with them. This includes one-to-one conversations and drop-in sessions. We also held a drop-in session for councillors last week to discuss the consultation options in more detail.

The consultation questionnaire will also allow us to gather the views of wider stakeholders on the proposal. Both the detailed views of clients and families and the results of the consultation questionnaire will be reported to the Service Delivery EAB to facilitate an informed discussion on the future of day care services.

In answer to the question around budgets, I hope it is helpful to share the budget spend over the last five years. Please note that The Hive spend will usually be higher due to it being a larger site with a much larger footfall. This affects costs around staffing, janitorial services, utilities, and catering. The Hive budget pre Covid also absorbed the Dray Court Lunch club staffing and food expenses. This lunch club has not restarted since the start of the pandemic and is under review.

Budget Year	Shawfield Centre	The Hive
2016-17	£235,989	£345,533
2017-18	£206,061	£355,170
2018-19	£249,403	£406,710
2019-20	£290,403	£490,504
2020-21	£482,625	£346,638

The finance team have confirmed that the higher costs for the Hive in 2018 – 2020 are due to agency costs needed to support the service as well as the IAS10 Superann Adjustment (an accounting procedure). This budget period also reflects the pandemic. The higher costs for the Shawfield Centre in 2020-21 included £25,000 of overtime cover for the pandemic and IAS19 Superann Adjustment.

Further context to the consultation may also help and reassure councillors around service provision. Prior to the pandemic, the Shawfield Centre had on average 15 people attending older people's services each day, The Hive had on average 40 people attending older people's services. We currently have 25 customers of Ash and Tongham taking our community transport offer to The Hive – so we have several new customers from Ash and Tongham. We also have 17 customers travelling to the Hive from other areas of the borough that are of equivalent distance to The Hive as Ash.

The team have capped all travel journeys to the same amount for everyone in the borough and if people have difficulty with finances we, along with adult social care, look at ways to support so that no one misses out on the care they need.

The older people's champion can participate in the consultation as can all councillors. The decision to consult on our options was taken by myself as Lead Councillor along with the Leader of the Council.

We all acknowledge that difficult decisions will be needed to address our substantial budget shortfall."

Councillor Julia McShane
Lead Councillor for Community and Housing

- (f) **Councillor Ramsey Nagaty** to ask the Deputy Leader and Lead Councillor for Climate Change, Councillor Jan Harwood, the question set out below. (Councillor Harwood's response to each element of the question is set out in **red type** below.)

"The Council agreed to a Local Plan Review, but the review process lacks transparency.

What is happening and when?

"This is yet to be agreed".

We are told the transport / infrastructure evidence base is being updated. This is not enough. This is not the only aspect that needs to be updated. With our 2019 Local Plan now being clearly out of date due to climate change, covid, air quality concerns, lack of infrastructure provision, excessive housing need and the OSR / ONS declarations there are exceptional circumstances which need to also be considered for immediate review and action. These should be included in the terms of reference.

"The Council will have regard to all relevant factors when undertaking the review in the context of national policy and guidance on the matter, including as set out by the National Planning Practice Guidance as follows:

'What can authorities consider when determining whether a plan or policies within a plan should be updated?

The authority can consider information such as (but not exclusively):

- conformity with national planning policy;*
- changes to local circumstances; such as a change in Local Housing Need;*
- their Housing Delivery Test performance;*
- whether the authority can demonstrate a 5 year supply of deliverable sites for housing;*
- whether issues have arisen that may impact on the deliverability of key site allocations;*
- their appeals performance;*
- success of policies against indicators in the Development Plan as set out in their Authority Monitoring Report;*
- the impact of changes to higher tier plans;*
- plan-making activity by other authorities, such as whether they have identified that they are unable to meet all their housing need;*
- significant economic changes that may impact on viability; and*
- whether any new social, environmental or economic priorities may have arisen.'*

Paragraph: 065 Reference ID: 61-065-20190723"

What are the terms of reference for the review and who is carrying this out internally and externally?

"The Council will have regard to all relevant factors when undertaking the review (see above). At this point there are no external consultants appointed to undertake work associated with the Local Plan review. Internally, planning policy are responsible for the review."

A formal review or update with a date of 2025 is not acceptable. This would enable developments which are questionable to proceed in the meantime. In any case technically a review should be completed by 2024 as per Government rules on Local Plans.

“The timing in terms of finalising the review has not been agreed. It is accepted this should be by 2024 (5 years from the Local Plan strategy and sites adoption date)”.

The Guildford Greenbelt Group formally request that the Councillors receive an update report prior to each Full Council going forward, if necessary, as pink papers in confidence.”

“We are committed to providing regular updates as and when relevant through the Local Plan Panel which was specifically setup to disseminate this information. We do not wish to commit to providing a report if there is simply nothing to provide an update on. Full Council will, of course, be provided with detailed reports ahead of any decision-making points in the process ahead.”

- (g) **Councillor David Bilbé** to ask the Lead Councillor for Environment, Councillor James Steel the following question:

“The current Executive leadership prides itself on openness and transparency. In that spirit could I ask why I am hearing rumours that the Tourist Information Centre (TIC) is to be closed and many of the current service enjoyed by residents and visitors is to be moved on line with a residual presence at Guildford Museum. If indeed this is true, why has this not been properly articulated and debated by Council? I was the Executive member for tourism previously and I can state that the TIC is a real asset for Guildford.

Further, if the premises are vacated then what is the plan for selling or developing the location and can I receive an assurance that the disposal will be handled transparently and at a fair market value?”

The Lead Councillor’s response is as follows:

“No decision has been made to close the TIC. It is correct that we are currently looking to move the TIC to the Museum to increase visitor awareness of the museum offer and, in these financially challenging times, to maximise the efficiency of the resources deployed. The area the TIC currently occupies in Guildford House Gallery is planned to return to its former use by the Brewhouse Shop, currently operating from the building at the back of the site. This prime retail spot will help the shop reach a wider range of high street customers and will continue to support local craft suppliers.

The museum is perhaps an under-appreciated attraction in the town and will benefit from greater visitor numbers and an increased awareness through the transfer of the TIC. Visitors to Guildford continue to be an important part of the local economy, however it is important to give potential customers the services they need to get the most from their visit to our borough. There is an ongoing channel shift towards customers using virtual data as their primary source of visitor information, driven by the convenience of the smartphone. We will continue to be mindful of the changing expectations of visitors and are looking at developing a long-term plan for the future of tourist information in Guildford.

As you will be aware, the Council is facing challenging financial targets and every aspect of the Council’s non-statutory services must be reviewed to ensure they continue to offer the right service at the right cost. This review includes every aspect of Council spend, including the heritage sites and tourist Information service; we must ensure we provide our community with value for money. All councillors have a responsibility to correct rumour with fact. It is extremely unfair on our officers to allow rumours to destabilise our staff when there is understandable uncertainty about the future.”

Councillor James Steel
Lead Councillor for Environment

8. CAPITAL AND INVESTMENT OUTFURN REPORT 2020-21 (Pages 21 - 90 of the Council agenda)

The Lead Councillor for Resources, Councillor Tim Anderson to propose, and the Leader of the Council, Councillor Joss Bigmore to second the adoption of the following motion:

- “(1) That the Treasury Management Annual Report for 2020-21 be noted.
- (2) That the actual prudential indicators reported for 2020-21, as detailed in Appendix 1 to the report submitted to the Council, be approved.

Reason:

To comply with the Council’s treasury management policy statement, the Chartered Institute of Public Finance and Accountancy (CIPFA) Code of Practice on treasury management and the CIPFA Prudential Code for Capital Finance in Local Authorities”.

Comments:

None

9. COUNCILLOR EMAIL SIGNATURE GUIDANCE (Pages 91 - 96 of the Council agenda)

The Leader of the Council, Councillor Joss Bigmore to propose, and the Chairman of the Corporate Governance Task Group, Councillor Deborah Seabrook to second, the adoption of the following motion:

“That the Council be requested to agree the following amendment to paragraph 9 of the Councillors’ Code of Conduct:

- ‘9. In addition to compliance with this Code of Conduct, you are also expected to comply with:
 - (i) the relevant requirements of the Protocol on Councillor/Officer Relations, the Social Media Guidance for Councillors, [the Councillor Email Signature Guidance](#), and the Probity In Planning – Councillors’ Handbook, and
 - (ii) any reasonable request by the Council that you complete a related party transaction disclosure.’

Reason:

To ensure clarity for the recipients of emails sent by ward councillors in which capacity they are writing.”

Comments:

None

10. PROTOCOL ON THE APPOINTMENT, ROLE, STATUS, RIGHTS AND OBLIGATIONS OF HONORARY FREEMEN AND HONORARY ALDERMEN (Pages 97 - 108 of the Council agenda)

The Leader of the Council, Councillor Joss Bigmore to propose, and the Chairman of the Corporate Governance and Standards Committee, Councillor George Potter to second, the adoption of the following motion:

“That the revised Protocol on the appointment, role, status, rights and obligations of Honorary Freeman and Honorary Aldermen, as set out in Appendix 2 to the report submitted to the Council, be adopted.

Reason:

To bring the Protocol up to date, including for the purpose of clarifying the rights and obligations placed upon Honorary Freeman and Honorary Aldermen.”

Comments:

None

11. APPOINTMENTS TO EXTERNAL ORGANISATIONS: VACANCY FOR TRUSTEE ON GUILDFORD POYLE CHARITIES (Pages 109 – 114 of the Council agenda)

As the only nomination received was from Councillor Ruth Brothwell, the Democratic Services and Elections Manager has confirmed her appointment as the Council’s trustee on the Guildford Poyle Charities, under existing delegated authority. This matter has therefore been withdrawn from the agenda.

12. MINUTES OF THE EXECUTIVE (Pages 115 - 118 of the Council agenda)

To receive and note the minutes of the meeting of the Executive held on 20 July 2021, which are attached to the Council agenda.

Comments:

None

12A. ITEM OF URGENT BUSINESS – APPROVAL OF REDUNDANCY TERMINATION PAYMENT

Councillors are asked to ensure that they refrain from discussion of any employment matters in public session.

Exclusion of the Public:

Before the Council considers this item, it will be necessary to formally agree to exclude the public from the meeting.

The Mayor, Councillor Marsha Moseley to propose, and the Deputy Mayor, Councillor Dennis Booth to second, the adoption of the following motion:

“That under Section 100A(4) of the Local Government Act 1972 (as amended), the public be excluded from the meeting for consideration of the item of urgent business set out in Agenda Item 14 on the grounds that it involves the likely disclosure of exempt information, as defined in paragraphs 1 and 4 of Part 1 of Schedule 12A to the Act.”

For further information regarding this matter, please see the attached “Not for Publication” **Appendix 5** to this Order Paper.

Membership of the Joint Appointments Committee

After dealing with the matter in respect of the proposed redundancy termination payment, the Council will resume in public to deal with an urgent related matter that has arisen in respect of the Council’s membership on the Joint Appointments Committee (JAC) which is overseeing the recruitment process for the appointment by this Council and Waverley Borough Council of a Joint Chief Executive.

Councillor Paul Spooner has withdrawn from membership of the JAC, which leaves a vacancy that would otherwise fall to the Conservative group to fill. However, Councillor Spooner has

also indicated that no other member of his group wishes to be considered for appointment to the JAC to replace him.

Councillors will recall that the Council on 28 July 2021 approved the terms of the reference of the JAC which state that “*The Joint Appointments Committee shall comprise the respective Leaders of both councils plus two members appointed by Guildford Borough Council and two members appointed by Waverley Borough Council (one of whom will be the Leader of Waverley’s Principal Opposition Group)*”.

The Council also resolved on 28 July to confirm the appointment of Councillors Joss Bigmore, Jan Harwood, and Paul Spooner to the JAC.

As there is now a vacancy, it is up to full Council to appoint another councillor to the JAC to ensure that Guildford continues to be represented by three members.

The Mayor will call for nominations in respect of the vacancy and a vote will be taken.

NB. The next meeting of the JAC, which is to conduct the formal selection interview with the candidate, will be held on Wednesday 13 October 2021 from 9.30am at the offices of Woking Borough Council.

13. COMMON SEAL

To order the Common Seal.