

GUILDFORD BOROUGH COUNCIL

Draft Minutes of a meeting of Guildford Borough Council held in the Council Chamber, Millmead House, Millmead, Guildford, Surrey GU2 4BB on Tuesday 10 October 2023

* 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 Freeman Keith Churchouse and Honorary Alderman David Wright were also in attendance.

CO48 APOLOGIES FOR ABSENCE

Apologies for absence were received from the Deputy Mayor, Councillor Sallie Barker MBE, Councillors Amanda Creese, Angela Goodwin, Steven Lee, and Fiona

White; and from Honorary Aldermen Catherine Cobley, Jayne Marks, Tony Phillips, and Lynda Strudwick.

CO49 DISCLOSURES OF INTEREST

There were no disclosures of interest from councillors.

Susan Sale, Joint Executive Head of Legal and Democratic Services declared an interest in relation to Item 12 on the agenda (Appointment of Returning Officer and Electoral Registration Officer) and would leave the Chamber when the matter was considered.

Tom Horwood, Joint Chief Executive, declared an interest in relation to Item 16 on the agenda (Notice of Motion dated 29 September 2023 – Sharing of Senior Staff), on behalf of himself and other senior officer colleagues present, all of whom would leave the Chamber when the matter was considered.

CO50 MINUTES

The minutes of the extraordinary meeting of the Council held on 30 August 2023 were approved as a correct record. The Mayor signed the minutes.

CO51 MAYOR'S COMMUNICATIONS

The Mayor informed the Council that, on Sunday 24 September 2023, he had attended The Dean of Guildford's farewell service and reception at the Guildford Cathedral to mark the retirement of the very Reverend Dianne Gwilliams.

The Mayor also informed the Council about his forthcoming Charity Dinner Night on Monday 30 October 2023 at the Shahin Indian Restaurant.

CO52 LEADER'S COMMUNICATIONS

Turnaround in planning performance

Following intensive efforts to improve our planning performance, the Leader was pleased to announce that The Minister of State for Housing and Planning would not designate the Council for its planning performance on non-major applications. The Leader thanked the Joint Executive Head of Planning Development and her team for all their hard work that had gone into achieving this. The Lead Councillor for Planning, Environment and Climate Change, Councillor George Potter also thanked the team for this impressive turnaround in performance, which was entirely down to their hard work and dedication and commented that there was still significant work to do to maintain and improve performance.

New round of funding through Crowdfund Guildford

The Leader announced that a new round of funding through Crowdfund Guildford opened this week. To support our communities, the Council was offering up to £5,000 for community led projects that helped Guildford thrive. This funding was supported by the UK Share Prosperity Fund.

First Gold win in the RSPCA PawPrints Awards

The Leader congratulated the Licencing team for winning a Gold Animal Activity Licencing Award in the RSPCA PawPrints Awards. This award was a great reflection of the hard work of our officers, who ensured our standards remained high when it came to the welfare of animals in the borough.

Ash Road Bridge drop-in sessions

The Leader announced that over 400 people had visited the Ash Road Bridge drop-in sessions at the Ash Centre on 21 and 22 September. There had been a lot of interest in the new bridge and how the roads would look in future, as well as how the work was being carried out. Residents could find out more by searching for "Ash Road Bridge" on the Council's website.

Electoral Registration - Annual Canvass

Last weekend our canvassers started following up on households that had not responded to our annual canvass emails and letters. The Leader noted that the quickest and easiest way for electors to update their details was online, but the paper forms could also be used.

Encouraging young people to register to vote

The Leader announced that the Electoral Services team had visited Guildford College and the University of Surrey to make sure students knew how to register to vote. The team were on hand to answer questions and explain that young people could register to vote from the age of 16.

Burpham Neighbourhood Area and Forum Consultation

There was still time for residents to have their say about the proposed boundary changes and forum until midday on 12 October 2023. More information could be found in the newsroom on the Council's website.

Councillor David Bilbé asked the Leader whether the turnaround in planning performance related specifically to hiring, motivating and retaining more staff, and whether she could give an assurance to the Council that there was not a propensity to put forward applications for approval by officers as distinct from refusal on a more balanced basis. In response, and on behalf of the Leader, the Lead Councillor for Planning, Environment and Climate Change indicated that the

reason for the improved performance was because of the hard work and dedication of staff and continued efforts to ensure that the team was adequately resourced.

In relation to the determination of applications by officers, the Lead Councillor confirmed that officers would always make decisions based on their professional judgment, and in accordance with planning policies.

CO53 PUBLIC PARTICIPATION

No members of the public had registered to speak or ask a question at the meeting.

CO54 QUESTIONS FROM COUNCILLORS

At the 25 July meeting, the Council noted that six additional questions had been received by the deadline for submission of questions for that meeting, but unfortunately, they had not been forwarded to the Leader/relevant Lead Councillors until the afternoon of the meeting. Therefore, no written response to the questions could be prepared for inclusion on the Order Paper for that meeting, and Council was informed that a formal response from the Leader/relevant Lead Councillor to each of the questions would be circulated to all councillors after the meeting. That response was sent, by email, to all councillors on 2 August 2023.

As there had been no opportunity for the questioners to ask a supplementary question, the Mayor had agreed to allow this at this meeting.

(a) **Councillor Richard Mills OBE** asked the Leader of the Council the following question:

“Will the Leader of the Council indicate whether she will urgently bring forward proposals for a restriction on the maximum height for new buildings in the town, in the light of:

- *the continuing development pressures that have driven a steady increase in permitted building height in particular in the Town Centre*
- *the evidence from recent years that the Council’s planning procedures have not proved sufficient to control these pressures in line with the wishes of residents, and*
- *the evidence from the recent election campaign of wide support among residents from across the political spectrum for commitment to a*

maximum permitted building height, including from her executive portfolio holder for planning at election hustings?”.

The Leader’s Response:

“We recognise that the height of proposed new buildings (alongside other aspects of their design and form) can give rise to harm, including potentially in relation to:

- important views to and from areas, including of significant landmarks, landscapes, and heritage assets;*
- the character of areas in which they are located;*
- the significance of proximate heritage assets and their settings;*
- other localised impacts such as overshadowing and impacts on microclimate.*

We have a range of local policy and guidance that seeks to avoid or minimise any of these harms arising from new development, including the recently adopted Development Management Policies and Guildford Town Centre Views SPD.

Applicants must respond to our local policy and guidance as part of their planning applications by providing relevant detail reflecting how views, local character, and heritage aspects have been considered in the design of the proposal.

The Council also expects Accurate Visual Representations to be produced to assist in assessing the likely impact of development on the townscape/ landscape setting or nearby heritage asset. This includes for any visually prominent proposals or proposals for additional storeys in the town centre and other significant development proposals elsewhere in our borough with a special focus on major development in Conservation Areas and Areas of Outstanding Natural Beauty.

Importantly, the Council also ensures expert independent professional inputs on significant development proposals via its Design Review Panel, often prior to applications being submitted.

With this information, the decision-maker would carry out assessment of whether and to what extent harm arises from proposals, including in relation to their height as part of the planning process.

That said, I recognise that there is great strength of feeling regarding recent development proposals within the town centre and a perceived lack of ability

to limit the heights of buildings being proposed. We can all agree that we wish to see high quality development that respects its local context, helps to make Guildford a vibrant town centre, and yet makes efficient use of brownfield land to minimise future development pressures on greenfield sites.

As Councillors are aware, Cllr George Potter, Lead Councillor responsible for Planning Policy, is in the process of reconvening a reformed Local Plan Panel which will now be called the Planning Policy Board. Cllr Potter will be exploring/ continuing to explore options for informing the height of development sites in particular within the town centre with the Planning Policy team. We will then bring these options to the Planning Policy Board for further debate and discussion.

The timescales for bringing forward additional policy or guidance in relation to heights will vary depending on what option is chosen. Local Plan policy will take a number of years to produce whereas a design code/guidance may be quicker to implement. I hope we can reach a cross party consensus on how best and most efficiently to bring forward additional measure to help shape development proposals.”

In response to a supplementary question asking the Leader to look again at this reply and pursue the specific issues raised, the Lead Councillor for Planning, Environment and Climate Change responded on the Leader’s behalf by stating that at the inaugural meeting of the Planning Policy Board, he had mentioned that the issue of heights and density and character in the town centre was something that the Board would be looking at in the near future.

(b) Councillor David Bilbé asked the Leader of the Council the following question:

“Will the Leader of the Council advise when will this Council see a fully costed plan for restoring the planning department to an improved level of competence with measurable timescales, targets and specific objectives?”

Will the plan include a comprehensive set of proposals and staffing increases to improve the effectiveness of enforcement action, particularly to resolve significant planning infringements on Wanborough fields?”

The Leader’s Response:

“The Council has already received a fully costed plan for a restructured Planning Development Service. This formed part of the submission to the Department for Levelling Up, Housing and Communities (DLUHC) to make our

case against the threat of designation which was accompanied by a detailed action plan and draft structure. The cost of the new structure, £700,000, was included in the finance report that went to Council on 25 July. As councillors will be aware, the performance targets for determining planning applications are set by Government and this is what we are measured against. As has been well reported to councillors we continue to struggle to retain planning staff, this is a national problem exacerbated in the south, and are heavily reliant on agency staff. The Executive Head of Planning Development is working with colleagues to develop a recruitment and retention strategy for the service.

There are no plans to increase staff in the Planning Enforcement team at this time”.

In response to a supplementary question asking the Leader to clarify:

- (a) whether the £700,000 referred to in the answer was before or after the budget squeeze that would be debated later in the meeting; and
- (b) whether the reference to no plans to increase staff in planning enforcement included the replacement of the two current vacancies in the team, or whether it was from a base level; and
- (c) the reasons why no information was available in respect of Wanborough Fields

the Lead Councillor for Planning, Environment and Climate Change responded on the Leader’s behalf by stating that the £700,000 represented the additional resource provided in the current year, and that planning would continue to be resourced appropriately to maintain improved performance. The current vacancies in the enforcement team were affected by the temporary recruitment freeze, but it was intended to maintain the team to its full staff compliment. In relation to Wanborough Fields, the Lead Councillor was happy to update Councillor Bilbé as appropriate.

- (c) **Councillor Bob Hughes** asked the Lead Councillor for Community and Organisational Development the following question:

“What measures are being taken by the Council to attract job applications from people with disabilities, and to sustain them in the workplace?”

What input has the Council sought from organisations representative of people with lived experience of disabilities in order to take their advice to

help the Council improve their recruitment and retention procedures and policies?"

The Lead Councillor's Response:

"Attracting job applicants

The Council advertises externally on the Council's website and the JobsGoPublic platform.

We currently hold 'Disability Confident' (or similar 'Disability Positive') bronze status as an Employer, and include this in our advertising, so prospective employees know they will not be disadvantaged, and we are positive about including people with disabilities in our workforce.

Our adverts include a link to [Information for Candidates](#) which sets out the Council's commitment to Equalities and states that:

'The Council is positive about people with disabilities and an applicant with a disability is guaranteed an interview if they meet the essential criteria of the person specification.

If you have a disability and require the job information in an alternative format such as large print, audiocassette, electronic/diskette or Braille please phone HR on 01483 444017.

Should you have any queries regarding the working environment, work place visits can be arranged prior to interview.

If you are disabled or for any other reason have any special requirements in respect of the interview arrangements, please call Human Resources (in confidence) on the above number.'

Job seekers can access a link to the equalities information on the web site <https://www.guildford.gov.uk/equalities>. Our commitment to equalities and diversity is set out in the EDI Policy which was reviewed along with the Action Plan by Corporate Governance and Standards Committee on 27 July. The link is waiting to be updated with latest EDI Policy and Action Plan.

Job seekers can also access the [Staff Information Booklet](#) which sets out our commitment to equalities on page 8.

Accessibility issues can be responded to, dealt with or reported at the link provided on our website <https://www.guildford.gov.uk/accessibility>. Staff guidance to ensuring that access to our services is available to all without discrimination is provided on the intranet [Disability-and-reasonable-adjustments-guidance](#).

Sustaining employees in the workplace

Reasonable adjustments would of course be considered by the HR Business Partners, with regards to sustaining people in the workplace. We regularly manage cases and situations where adjustments are required by employees and work with our Occupational Health Service to provide support.

*The document attached as **Appendix 1** to the Order Paper is an extract from our Sickness Absence Management Handbook which has a Section on disability for guidance to our managers.*

The input from external agencies is extremely useful from a recruitment perspective and seeking information about the lived experience of current employees is useful with a view to retention, as employees know what is affecting them as members of our organisation.

The EDI group can accomplish this in various ways (involvement of community groups, charity groups, targeted surveys, focus groups; examination of exit interview data). The EDI group is led by Ian Doyle, Strategic Director: Transformation and Governance and Robin Taylor, Executive Head of Organisational Development and supported by Ali Holman, HR Specialist (Equalities Lead). The group is creating a joint EDI group across Guildford and Waverley Borough Councils and I will ask them to review this issue”.

In response to a supplementary question which invited the Lead Councillor to answer the second part of the written question, the Lead Councillor acknowledged that this had not been answered and indicated that a written response to the unanswered part of the question would be sent.

(d) **Councillor Matt Furniss** asked the Leader of the Council the following question:

“Can the Leader of the Council confirm what is the valuation of the Council’s commercial asset holdings in each year since 2019 to 2023?

In each year how much income was forecast to be generated and how much was actually generated?

The Leader’s Response:

Annual asset valuations of the Council’s commercial asset holdings:

Year	Valuation
2018/19	£161,244,000
2019/20	£153,413,000
2020/21	£159,429,000
2021/22	£173,936,000
2022/23	£178,198,000

Rental income – forecast versus actuals

Year	Forecast	Actuals
2018/19	£9,316M	£8,903M
2019/20	£8,702M	£8,382M
2020/21	£7,804M	£7,769M
2021/22	£8,154M	£8,169M
2022/23	£8,789M	£9,158M

In response to a supplementary question from Councillor Furniss, the Leader agreed to provide a breakdown of all the assets with valuations.

(e) **Councillor Matt Furniss** asked the Leader of the Council the following question:

“In December 2020 Guildford, as one of the districts that commissioned a report by KPMG to look at opportunities for collaboration. Can the Leader confirm:

- a) The cost to GBC for producing the report?*
- b) An update as to what is the status of the KPMG report within GBC?*
- c) How many of its recommendations have been accepted and implemented?*
- d) Of the recommendations not accepted, why not?”*

The Leader's Response:

"I thank Cllr Furniss for his question about the 2020 KPMG report, which was commissioned by the eleven district councils of Surrey in response to Surrey County Council's proposal to replace the district, borough and county councils with a single unitary council for the whole county. GBC's contribution towards the KPMG study was £15,000. At the time, Surrey County Council declined to contribute to this project, having commissioned its own consultants (PwC) in support of its single-unitary council bid at a reported cost to SCC of £107,000.

Later in the year, the Government decided not to proceed with the County Council's request. The KPMG report was discussed by the Executive meeting in public on 16 February 2021 and is available to view online (see agenda item 6):

[*Agenda for Executive on Tuesday, 16th February, 2021, 7.00 pm - Guildford Borough Council*](#)

As many of KPMG's recommendations addressed the question of what the councils could do if SCC's request were accepted by the Government, they were shelved when the Government declined. If the Government or Surrey County Council were to revive the proposal of abolishing district, borough and county councils, the KPMG report will have useful information to contribute to that discussion. However, it is worth recalling that KPMG's independent view was that three, not one, unitary councils would be the preferred option for Surrey, were reorganisation to be pursued. The report stated, "The eleven Surrey District and Borough Councils were mindful of the potential democratic deficit residents might experience as a result of the reduction in number of representatives in a single County unitary solution. They, also, recognise the potential loss of 'place' and 'belonging' for local residents in such a model. They wished, therefore, to be ready to progress an alternative proposal if/when the time comes."

The report also recommended that the district and borough councils could do more to collaborate, regardless of formal reorganisation. As a result, the then Leaders and Executives of Guildford and Waverley Borough Councils held discussions on how these two councils could work together more effectively. Both councils are of similar scale, serve similar populations, are neighbours and – unusually – each own around 5,000 homes. These discussions continued during 2021 and both councils agreed to share a single senior management team in their Full Council meetings in July and August

2021. The joint management team was created in 2022, saving the partnership over £860,000 annually.

The KPMG report included options for service collaboration across councils, such as in waste collection, procurement, ICT, Building Control, and Revenues and Benefits. This Administration at Guildford is prioritising our partnership with Waverley as the main way for exploring these options. Proposals for further projects to build on our success with Waverley will be coming forward for discussion later this year. We remain open to other willing partners in Surrey and elsewhere who wish to work together in good faith”.

In response to a supplementary question which invited the Leader to answer parts c) and d) of the written question, the Leader acknowledged that these had not been answered and indicated that a written response to the unanswered parts of the question would be sent.

(f) **Councillor Bilal Akhtar** asked the Leader of the Council the following question:

“Can the Leader confirm the precise reasons for the three-year delay in opening the SANG and the car park in Frog Grove Lane in Wood Street, Worplesdon? The Car Park and Fences have been in place for over two years now.

According to the Officers, there is a delay in resolving an agreement with the landowner and the Council. What measures can be put in place to ensure that this matter can be resolved at the earliest possible time and what is the anticipated opening date?”

The Leader’s Response:

“This land is not a SANG, it is private land with permission to be a public open space. This land status does not mean the land is the Council’s or under the control of the Council. This status is often a precursor for the preparation of a private SANG or potentially a Council controlled SANG and we believe the owner of the land has, or had, the intention of creating a private SANG.

As far as we understand it, the owner has not yet met the financial and legal conditions for it to be a SANG. This is a matter for the landowner alone to resolve.

The landowner has approached officers to see if the Council is interested in purchasing some or all of the land. Officers are looking at this to consider if

the land is of interest to the Council as a SANG at this time and, if so, that it is affordable and represents best value for the Council.

Considering the above there is no current timescale the Council can give as to when it may be open as we are unable to answer questions about the current or future intentions of the landowner.”

Councillor Akhtar commented that the Land Trust had agreed a contract with the landowner of the Wood Street SANG approximately two years ago to manage the SANG, but it was subject to completion of a Section 106 Agreement. As a supplementary question, Councillor Akhtar asked the Leader for an explanation as to the delay in completing the Section 106 Agreement. On behalf of the Leader, the Lead Councillor for Planning, Environment, and Climate Change responded by stating that he would be happy to discuss the matter with Councillor Akhtar to see if the process could be expedited, or he could speak to the relevant Planning Team Leader for an update.

Further Questions from Councillors:

- (g) **Councillor Sue Wyeth-Price** asked the Lead Councillor for Planning, Environment, and Climate Change, Councillor George Potter the following question:

“GBC’s Statement of Case for the North Street Planning Appeal clearly states that 6 out of the 8 reasons given by the Planning Committee when refusing the application have been negotiated away or simply conceded. Were any Councillors involved in these decisions? I am particularly concerned with the decision whereby the refusal on the grounds of viability is not to be pursued. I quote: “In addition a decision was taken after careful consideration and independent advice that the LPA would not pursue reason 6 (viability/affordable housing provision - e-mail of 24th August 2023 to PINS from GBC Kate Little).”

Given the members of the Planning Committee were clearly advised that there were no grounds for refusal on this potential reason during the debate, yet still decided to include it, I would like to know by whose authority the decision was taken to ignore that democratic decision? The process is opaque and in clear contrast to the open decision-making of the Planning Committee, and I am sure this will be a shock to many residents who were assured the appeal would be ‘vigorously defended’.

The Lead Councillor's Response:

“Under the Council's Constitution, delegated power is afforded to the Executive Head of Planning Development to exercise the Council's powers and duties in relation to Planning Inspectorate appeals in consultation with the Lead Specialist – Legal, Chief Finance Officer, and the relevant lead councillor with portfolio responsibility for planning development. This includes the negotiation and settlement of awards of costs against the Council up to a maximum level of £50,000, and the negotiation and settlement of such costs when they are awarded in the Council's favour.

Given the level of public interest in the North Street appeal, the Planning Committee were briefed in private at the end of the Planning Committee meeting held on 19 July 2023. The Committee was advised that the viability assessment had been reviewed by a second Viability consultant employed to advise the Council. The consultant had confirmed that the Council would have no evidential viability basis from which to defend a reason for refusal concerning affordable housing provision on a current day appraisal basis. The consultant further confirmed that they would be unable to act as expert witness for the Council given the conclusions on the viability assessment.

The Committee were verbally advised that the Council would not be able to defend this reason for refusal in light of this advice and in the absence of being able to provide an expert witness at the Inquiry. Further, in the absence of an expert witness to defend this reason for refusal, the Council would be opening itself to a potential award of costs for unreasonable behaviour.

The matter was further discussed with the Portfolio Holder in a briefing session on 7 August 2023. At this time, it was confirmed that the reason for refusal would not be defended. Legal were consulted. Counsel, working on behalf of the Council on the appeal, were made aware.

The issue of the ability of the Executive Head of Planning Development to negotiate and make decisions around the case that the Council sought to defend at appeal was discussed at some length during the Planning Committee meeting of 10 July 2023 relating to Wisley Airfield appeal against non-determination. The Legal Advisor at the meeting clearly advised the Planning Committee on the power delegated to the Executive Head and the reasons for that delegation.”

Councillor Wyeth-Price commented that the Lead Councillor's response had only dealt with one of the six reasons for refusal that the Council had conceded at

appeal. Further, in relation to the viability assessment, the Council had conceded three grounds relating to transport issues and the bus station, and that it was now understood that these issues were due to potential changes to the application before the Inspector which, at the time the decision was made none of the documents were available to councillors, the public or the Planning Committee. As a supplementary question, the Lead Councillor was asked whether he agreed that this was far from satisfactory in respect of an application that had drawn such considerable amounts of public interest, and would this be addressed by his planning improvement activities?

In response, the Lead Councillor did not agree and explained that was a very complicated application, and it was normal practice for the planning team to exercise their own expert judgement upon seeking the advice of relevant experts, and particularly legal experts, to decide how best to go about defending a case. In this case, following receipt of expert opinion from two sources, it was felt that the viability grounds were not sufficiently robust to defend at appeal. The applicant was entitled to request changes to the application at appeal, and it was up to the Planning Inspector to determine them. The Lead Councillor was also satisfied that communication procedures had been followed correctly, and no Planning Committee member had asked any questions in response to the update they received. The Lead Councillor offered to address any concerns at the Planning Improvement Board.

In response to a further supplementary question asking why the briefing about a second opinion about viability was held in private, and the decision to concede was then communicated in private, when the original planning committee was held in public and had received advice from consultants about viability, the Lead Councillor stated that the reason why the Committee was updated in private was because, as with any planning appeal, there were legal issues raised, which if discussed in public, might adversely affect the Council's case.

(h) **Councillor Dawn Bennett** asked the Lead Councillor for Commercial Services, Councillor Catherine Houston the following question:

“As a member of the winter swimming community that uses the Guildford Lido, I have been struggling to answer the questions asked by my friends. I understand that there is urgent work required to ensure that the Lido can re-open next summer, but the details of the specific works required have been vague.

Could you please give more detail (in layman's terms!) of the issue that has been discovered, how long works are expected to take, what is the estimated cost, and who is paying for the repairs?

If GBC are liable for the repairs, will you guarantee, considering the financial situation, that there are funds to carry the works out?

It is also frustrating that the pool was shut immediately, with only a few days' notice on Facebook, and members have still not received any communication about this from either Freedom Leisure or GBC. Although works haven't yet started, is there a risk that using the pool could make the issue worse, or was the closure premature and the pool can reopen until the works are tendered and ready to start?"

The Lead Councillors' Response:

"Thank you for your question on the Lido Councillor Bennett, I have received several other questions from residents on this matter, so it is good to be able to respond formally.

Whilst the work was carried out to refurbish the changing rooms and drainage beneath over the winter last year it was noted that a significant amount of water was leaking from the pool. We were aware of historic leaks, but the team were surprised at the amount that was being lost. Investigations had been carried out previously but had not conclusively identified where the leaks were. We were extremely conscious of ensuring the pool opened in time for the 2023 summer season with the newly refurbished changing rooms. Therefore, the decision was made to open the pool with the knowledge that there were leaks and further investigation needed to take place throughout the summer season to identify the exact problem.

Detailed surveys were carried out by Freedom Leisure over the summer which identified several issues, not least that the pool tank itself was leaking not just surrounding pipework. As this was an operator responsibility, Freedom began planning for the repairs, something that Guildford Borough Council had been pushing for a period of time. The length of the works is difficult to define as the works must take place in stages, ruling out one element before moving to the next. The first step will involve the pool tank and ensuring it is leak proof, then the contractor can focus on leaks to the pipework supplying the pool. In an ideal scenario these will be in easy to reach places; however, it is possible that repairing the leaks around poolside will involve digging to enable the repairs to take place. To ensure the

repairs are carried out in time for the summer Guildford Borough Council supported the proposal, albeit late in the season, from Freedom Leisure to close over the winter. Guildford Borough Council does not hold swimmers' or gym members' contact details so all communications regarding the closure was covered by Freedom Leisure via social media which went out on Monday 25 September. To assist with common points Guildford Borough Council produced a frequently asked questions list and shared with Freedom to go on their website.

These repairs are part of Freedom's contractual responsibility, not the Council's, and £350,000 has been set aside to complete the work. These works are vital to ensure the Lido reopens and can continue to operate for years to come. Once these works are finished, fingers crossed with all leaks identified, we will be able to open on time for the 2024 summer season. We feel it is important to give as much time to the contractor to carry out the work to ensure we open for the summer. Once completed this will mean that the 90-year-old Lido has had the most significant investment, around £2.5m, ever in its life! Coupled, with the annual subsidy paid for by Guildford Borough Council we can show no greater support for the facilities than we are. The Lido is a 'gem' for Guildford and this investment, and our continued commitment will ensure it remains so for the generations to come."

In response to a supplementary question, asking for a response to the last part of the written question and also to a request for a commitment to reopen the Lido as soon as the works were completed, the Lead Councillor informed the Council that work had started on the Lido, but it might not yet be visible. The Lead Councillor also indicated that the intention was to re-open the Lido as quickly as possible, which was why in the work was going to take a number of months in time for the scheduled re-opening next April.

In response to a further question asking whether there would be an opportunity for councillors to have a look at the works that were being undertaken at the Lido so they could better inform the residents who were concerned, the Lead Councillor indicated that she would discuss this with officers after the meeting and inform councillors accordingly.

C055 FINANCIAL RECOVERY PLAN - OCTOBER UPDATE REPORT

Councillors noted that the Council had agreed the 2023-24 budget in February 2023 with a £3.3m shortfall requiring further work to remove this gap, with the fallback position being the deployment of usable reserves.

The delayed audit of the 2020-21 accounts had identified errors relating to accounting for COVID grants and the Collection Fund, which took place in 2021. These were both sums which were due to be repaid to the Government in 2021-22 rather than sums which were available for use by the Council.

The impact of this was that the level of usable reserves was approximately £20m less than had been thought when the 2023-24 budget was set in February 2023.

The budget outturn position for 2022-23 had shown an overspend of £6.4m on the General Fund and this had therefore further reduced the sums available to the Council.

An updated MTFP position had been presented to the Council at its meeting on 25 July 2023, which had set out the key issues and the position in which the Council was now left. In summary, this was a remaining in-year deficit of £1.7m and a budget gap of £18.3m over the MTFP period to 2026-27.

The report had therefore concluded that the Council was facing a potential s114 report if actions were not agreed to bring this situation back in to balance. The deadline set for this was October 2023 and the progress to date was addressed within the report now before the Council.

The Interim s151 Officer had concluded that sufficient progress had been made to avoid the need for a s114 report to be issued at this point, but that significant work was still required to produce a balanced budget for 2024-25 and beyond.

The Council noted that the report had also been considered by the Executive at its meeting on 5 October 2023. The Executive had endorsed the recommendations therein.

The Lead Councillor for Finance & Property, Councillor Richard Lucas, proposed a motion to endorse the second issue of the Financial Recovery Plan, which was seconded by the Leader of the Council, Councillor Julia McShane.

During the debate, councillors raised a number of issues including:

- Absence within the report of a schedule of all current spending for the rest of this year which would have given all members the opportunity of

scrutinising spending that was still proposed and suggesting alternative or further savings.

- Insufficient detail on savings generated, and overly optimistic estimate of car park revenue.
- Concern regarding the withdrawal of grants to parish councils, and the proposal to charge parish councils for emptying rubbish bins.
- Concern that there had been an unfulfilled commitment made in February 2023 to bring a revised budget before Council for scrutiny and adoption, instead of which the Council has only received a high-level update report for endorsement.
- Concern over absence of councillor involvement in the decisions taken by the Financial Control Panel.
- Lack of public consultation
- Communications had reported positively on the progress which had been made with the Financial Recovery Plan, whilst noting that there was still a great deal of hard work to be done.

Having considered the motion, the Council

RESOLVED: That the Council endorses the second issue of the Financial Recovery Plan as set out in Appendix 1 to the report submitted to the Council.

Reason:

To enable the Council to protect the current level of reserves and to set a balanced budget and a robust Medium-Term Financial Plan.

CO56 OVERVIEW & SCRUTINY ANNUAL REPORT 2022-23

The Council considered a report which outlined the work undertaken by overview and scrutiny during the past municipal year and its future work programme as thus far developed.

Decisions taken during the past municipal year under the 'urgency' provisions and the use of 'call-in' were also detailed within the report. In 2022-23, six decisions had been taken under the urgency provisions of Access to Information Procedure Rules, call-in had been waived by the O&S Committee Chairman on three occasions and no Executive decisions had been called in.

The report had also been considered by the Overview and Scrutiny Committee at its meeting on 12 September 2023. The Committee had commended the Annual Report to Council.

Upon the motion of the Chairman of the Overview & Scrutiny Committee, Councillor James Walsh, seconded by the Vice-Chairman of that Committee, Councillor Matt Furniss, the Council

RESOLVED:

- (1) That the report be commended as the annual report of the Overview and Scrutiny Committee for 2022-23.
- (2) That the current rules relating to call in or urgency provisions remain unchanged, subject to clarification of existing procedures to provide that whenever the special urgency provisions are used to take urgent key decisions in accordance with Access to Information Procedure Rule 16, details of those decisions shall be reported by the Leader to the next ordinary meeting of the Council, rather than annually.
- (3) That Access to Information Procedure Rule 17.3 be amended as follows:

“17.3 Annual Reports from the Leader on Special Urgency Decisions
In any event, the Leader will ~~submit annual~~ reports to the ~~next ordinary meeting of the~~ Council on ~~any the~~ executive decisions taken in the circumstances set out in Procedure Rule 16 (special urgency) ~~in the preceding year~~. The report will include the number of decisions so taken and a summary of the matters in respect of which those decisions were taken.”

Reasons:

- Article 8.2(d) of the Council’s Constitution required the Council’s Overview and Scrutiny Committee to report annually to Full Council on the work undertaken during the year, its future work programme, and amended working methods if appropriate.
- Overview and Scrutiny Procedure Rule 16(i), required the operation of the provisions relating to call-in and urgency to be monitored annually and a report submitted to Full Council with proposals for review if necessary.

CO57 CORPORATE GOVERNANCE AND STANDARDS COMMITTEE ANNUAL REPORT 2022-23

Following receipt of the KPMG internal audit report on the effectiveness of the Corporate Governance and Standards Committee, which was considered by the Committee at its meeting on 24 March 2022, the Council noted that one of the recommendations was that the Committee should report at least annually to the Council on its activities and an assessment of its performance in discharging its responsibilities as defined in the Committee's terms of reference.

The Council considered the annual report for the municipal year 2022-23, having noted that it had been commended for adoption by the Corporate Governance and Standards Committee at its meeting held on 28 September 2023.

In commending it for adoption, the Committee had made a number of comments, and these had been included at the end of the Annual Report.

Upon the motion of the Chairman of the Corporate Governance and Standards Committee, Councillor Phil Bellamy, seconded by the Vice-Chairman of that Committee, Councillor Bob Hughes, the Council

RESOLVED: That the annual report of the Corporate Governance & Standards Committee for 2022-23, as set out in Appendix 1 to the report submitted to the Council, be adopted.

Reason:

To ensure that the Committee is accountable for its work to the full Council.

CO58 AMENDMENTS TO THE GUILDFORD BOROUGH COUNCIL AND WAVERLEY BOROUGH COUNCIL JOINT GOVERNANCE COMMITTEE'S TERMS OF REFERENCE

The Council noted that the meeting of the Joint Governance Committee scheduled for 9 October 2023 had been inquorate in respect of the Guildford Borough Council membership present. The meeting had therefore been adjourned to a later date.

The Council therefore deferred consideration of this item accordingly.

CO59 APPOINTMENT OF RETURNING OFFICER AND ELECTORAL REGISTRATION OFFICER

Susan Sale, Joint Executive Head of Legal & Democratic Services, left the Chamber whilst this matter was considered.

Following the process for appointment of the Joint Chief Executive for Guildford and Waverley in 2021, both councils had appointed Tom Horwood to that post, and he had also been appointed as Guildford and Waverley's Returning Officer and Electoral Registration Officer. In December 2022, Waverley Borough Council appointed Robin Taylor as Waverley's Returning Officer and Electoral Registration Officer.

In the light of Tom Horwood's announcement of his proposed departure as Joint Chief Executive, it would be necessary to put in place arrangements for the appointment of Guildford's Returning Officer and Electoral Registration Officer.

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

RESOLVED: That, with effect from 1 November 2023, Susan Sale, Joint Executive Head of Legal & Democratic Services, be appointed as the Returning Officer for local elections, the Acting Returning Officer for UK Parliamentary Elections, and the Electoral Registration Officer.

Reason:

The Council is required to have in place appropriate statutory officers, including the appointment of a Returning Officer for the administration of elections and an Electoral Registration Officer for the registration of electors.

CO60 APPOINTMENT OF HONORARY RECORDER

Following the formal retirement of His Honour Judge Robert Fraser MVO as a Circuit Judge (and Resident Judge at Guildford Crown Court) at the end of June 2023, the Council was requested to consider the appointment of Her Honour Judge Patricia Lees, who was Judge Fraser's successor as Resident Judge, as the Honorary Recorder for the Borough of Guildford, with immediate effect.

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

RESOLVED: That Her Honour Judge Patricia Lees, Resident Judge at Guildford Crown Court, be appointed as the Honorary Recorder for the Borough of Guildford.

Reason:

To maintain the historic appointment of an Honorary Recorder for the Borough.

CO61 MINUTES OF THE EXECUTIVE

The Council received and noted the minutes of the meetings of the Executive held on 20 July, and 24 August 2023.

CO62 NOTICE OF MOTION DATED 29 SEPTEMBER 2023: MONTHLY REPORTING OF KEY PERFORMANCE INDICATORS

In accordance with Council Procedure Rule 11, Councillor David Bilbé proposed, and Councillor Bob Hughes seconded the following motion:

“Guildford Borough Council is in an unprecedented situation with respect to financial management, service provision, staff morale and management stability. The people who will be totally affected by this significant set of circumstances are the tax paying public and those expecting support and information from the councillors whom they elected. Councillors cannot give clear confidence to voters without having accurate and cogent information. Councillors should be conversant with initiatives which affects their ability to give confident, consistent, and accurate messages to residents of respective wards.

Most well-run businesses produce a brief summary of key variables which show the health or otherwise of the underlying enterprise. This is normally a key document for senior management. This proposal will provide informed information sufficient for councillors to have confidence in the processes and to assure the residents of their ward and Guildford generally that proper action is being taken in the context of circumstances.

Therefore, this Council resolves:

To prepare a regular monthly report in summary format (maximum 4 pages) of key performance indicators (KPIs) for circulation to all councillors containing at least the following information:

- (i) a forecast of projected current deficit or surplus in the next 3-month period together with a rolling forecast for the next 12 months;
- (ii) details of service cost expenditure by service category comparing performance to both original and more importantly revised budget (as submitted to full Council today);
- (iii) a summary of cost saving proposals and consequences for service delivery;
- (iv) proposed asset disposals and yield enhancement performance progress

- (v) a schedule of expected non-current expenditure costs including capital project payments, debt repayments, costs of planning appeals (inter-alia); and
- (vi) any other significant matters which are considered to have an effect on financial outcome or management stability."

Under Council Procedure Rule 15 (o), Councillor Bilbé as the mover of the original motion, indicated that, with the consent of his seconder and of the meeting, he wished to alter his motion as follows:

Alteration:

- (1) Before *"Therefore, this Council resolves:"* add the following words:

"Council notes that Key Performance Indicators are already reported to councillors and placed in the public domain through the quarterly Performance Monitoring Report to the Overview and Scrutiny Committee, and that this reporting and publication of Key Performance Indicators was first introduced in March 2021."

- (2) Amend the first sentence after *"Therefore, this Council resolves:"* to read:

"(1) To produce regular monthly and quarterly reports of key financial information to be reported to the Joint Management Team, Executive, relevant committees and to all councillors, and to be made public on the Council's website, including the following information:"

- (3) Within the proposed resolution, replace sections (i) to (vi) inclusive with the following sections:

- "(i) Budget expenditure by service, covering actual expenditure vs budget, and vs previous forecast.*
- (ii) Explanation of any variances, the forecast for next period, and the forecast year end position*
- (iii) A monthly savings tracker*
- (iv) Capital project payments, debt repayments and key risks to be included as part of the quarterly forecast*
- (v) Proposed asset disposals information as soon as workstream support (currently being recruited) is in place*
- (vi) A covering statement from the S151 officer containing any other key risks or assessments"*

- (4) After section (vi) add the following additional paragraphs to the resolution:

- "(2) To update the annual budget setting process such that future service plans will include detailed service budgets, establishment, key performance, and contracts.*
- (3) To publish this year's revised budget book on the Council's website by 1 November 2023, and then in advance of the new financial year in future years."*

The motion, as altered, would read as follows:

"Guildford Borough Council is in an unprecedented situation with respect to financial management, service provision, staff morale and management stability. The people who will be totally affected by this significant set of circumstances are the tax paying public and those expecting support and information from the councillors whom they elected. Councillors cannot give clear confidence to voters without having accurate and cogent information. Councillors should be conversant with initiatives which affects their ability to give confident, consistent, and accurate messages to residents of respective wards.

Most well-run businesses produce a brief summary of key variables which show the health or otherwise of the underlying enterprise. This is normally a key document for senior management. This proposal will provide informed information sufficient for councillors to have confidence in the processes and to assure the residents of their ward and Guildford generally that proper action is being taken in the context of circumstances.

Council notes that Key Performance Indicators are already reported to councillors and placed in the public domain through the quarterly Performance Monitoring Report to the Overview and Scrutiny Committee, and that this reporting and publication of Key Performance Indicators was first introduced in March 2021.

Therefore, this Council resolves:

- (1) To produce regular monthly and quarterly reports of key financial information to be reported to the Joint Management Team, Executive, relevant committees and to all councillors, and to be made public on the council website, including the following information:*
- (i) Budget expenditure by service, covering actual expenditure vs budget, and vs previous forecast.*

- (ii) Explanation of any variances, the forecast for next period, and the forecast year end position*
 - (iii) A monthly savings tracker*
 - (iv) Capital project payments, debt repayments and key risks to be included as part of the quarterly forecast*
 - (v) Proposed asset disposals information as soon as workstream support (currently being recruited) is in place*
 - (vi) A covering statement from the S151 officer containing any other key risks or assessments.*
- (2) To update the annual budget setting process such that future service plans will include detailed service budgets, establishment, key performance, and contracts.*
- (3) To publish this year's revised budget book to be published on the Council's website by 1 November 2023, and then in advance of the new financial year in future years."*

The Council agreed to accept the alteration to the original motion, as indicated above. The motion, as altered, therefore became the substantive motion for debate.

Having debated the substantive motion, the Council

RESOLVED: That the substantive motion, as outlined above, be adopted.

CO63 NOTICE OF MOTION DATED 29 SEPTEMBER 2023: SHARING OF SENIOR STAFF

Tom Horwood, Joint Chief Executive, Susan Sale, Joint Executive Head of Legal & Democratic Services, and Richard Bates, Joint Interim Head of Finance and Section 151 Officer left the Chamber for the consideration of this matter.

In accordance with Council Procedure Rule 11, Councillor Richard Mills OBE proposed, and Councillor Honor Brooker seconded the following motion:

"In the light of developments in the last few months it is now clear that for the next few years the Council faces continuing and severe financial constraints as well as major challenges in its Housing and Planning Departments. This will inevitably place an exceptionally heavy burden on the Council's most senior officers who under arrangements introduced by the

last administration now have to carry out functions jointly for both Guildford and Waverley.

Such “Job Sharing” arrangements between two organisations, especially at such a senior level, are extremely rare. They tend to be onerous and inefficient for the staff concerned, and while they may temporarily obscure problems, they seldom resolve them.

Understandably therefore, most organisations prefer to have dedicated officials whose sole concern is for the enterprise for which they work.

It is now clear that, for Guildford at least, this partnership arrangement has not been effective, either in terms of costs or performance. Indeed, in view of the poor financial performance of the Council in recent years, it could be argued that instead of saving money, by spreading managerial resources too thinly, it has actually become an extremely expensive experiment. It now needs to be brought to an end as soon as practicable.

Therefore, this Council resolves:

- (a) after consultation with Waverley Borough Council, to end the current arrangement for sharing senior staff as quickly as possible.
- (b) to review “Job Sharing” contracts rapidly, so as to bring them under the sole managerial authority of GBC.
- (c) to ensure that all future senior appointments are dedicated appointments solely for the benefit of GBC.”

During the debate on the motion, Councillor James Walsh gave notice of his intention to move an amendment to refer the motion to the Overview & Scrutiny Committee at its meeting in January 2024, which was seconded by Councillor Maddy Redpath. Following further discussion, Councillor Walsh indicated that notwithstanding the outcome of the debate in this motion, he would be asking for a report on the collaboration to come to Overview & Scrutiny Committee which would, amongst other matters pick up on some of the points raised in this debate. Councillor Walsh therefore withdrew his amendment.

Following the debate on the motion, the Council

RESOLVED: That the motion be not supported.

CO64 NOTICE OF MOTION DATED 29 SEPTEMBER 2023: MANAGEMENT OF HOUSING MAINTENANCE CONTRACTS AND THE HOUSING REVENUE ACCOUNT

In accordance with Council Procedure Rule 11, Councillor Matt Furniss proposed, and Councillor Philip Brooker seconded the following motion:

“This Council is extremely concerned to hear of yet more financial irregularities taking place, this time around a Council Housing Maintenance Contract.

Again, it follows a lack of financial controls and political oversight by this Council over the past four years which has led to the significant financial issues this Council now faces.

Therefore, this Council resolves:

- (1) That the Department for Levelling Up, Housing and Communities (DLUHC) be requested to send in a Best Value Commissioner no later than four weeks from today, to independently assess the Housing Contracts and management of the Housing Revenue Account at Guildford Borough Council.
- (2) That all documentation be transparently published for the public to be able to see the extent of the challenges faced by the Council”.

During the debate on the motion, Councillor George Potter gave notice of his intention to move a procedural motion to exclude the public from the meeting as there was a likelihood that there would be disclosure of exempt information which might prejudice the ongoing investigation into the allegations regarding housing maintenance contracts, which was seconded by Councillor Richard Lucas. Following the advice of the Monitoring Officer, that nothing said in the debate so far had caused concern regarding such disclosure, Councillor Potter withdrew his procedural motion.

Following the debate, the Council

RESOLVED: That the motion be not supported.

CO65 NOTICE OF MOTION DATED 29 SEPTEMBER 2023: VOTE OF CONFIDENCE IN THE LEADER OF THE COUNCIL

In accordance with Council Procedure Rule 11, Councillor Philip Brooker proposed, and Councillor Bilal Akhtar seconded the following motion:

“Guildford Borough Council is experiencing significant financial issues with respect to being able to set a balanced budget for years 2024 – 2025 and beyond, with the realistic prospect that a section 114 notice (insolvency) may have to be issued next year. This situation appears to have primarily been brought about through the erosion of reserves since 2019.

Further, there have been recent disturbing disclosures within the Housing Revenue Account (HRA). These disclosures indicate that a contractor has overrun his contract value by several million pounds. Councillors have only been made aware of this vast overspending in mid-September 2023. It has to be said that such astronomic differences between contract value and authorised payments would have been well documented with detailed reasons given in virtually any other commercial organisation. However, within Guildford Borough Council, it seems to have taken senior officers and controlling portfolio holders by surprise, indicating a total breakdown in all types of financial control and management.

The current Leader of the Council was in office as Leader for part of the coalition administration and was also the portfolio holder for Housing for the whole of the period covering the excess payments being made within the HRA; she is deeply associated with these debacles.

Therefore, this Council expresses no confidence in the current Leader of the Council and Portfolio Holder for Housing, and requires her immediate resignation.”

Following the debate, the Council

RESOLVED: That the motion be not supported.

The meeting finished at 10.12 pm

Signed

Mayor

Date