



COUNCIL MEETING

TUESDAY, 10 OCTOBER 2023

ORDER PAPER (Pages 1 - 28)

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WEBCASTING NOTICE

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

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

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

I would like to welcome everyone to this evening's 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 Masuk Miah
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 11– 20 of the Council agenda)

To confirm, as a correct record, the draft minutes of the Extraordinary Meeting held on 30 August 2023.

4. MAYOR'S COMMUNICATIONS

To receive any communications from the Mayor.

5. LEADER'S COMMUNICATIONS

The Leader to comment on the following matters:

- Turnaround in planning performance
- New round of funding through Crowdfund Guildford
- First Gold win in the RSPCA PawPrints Awards
- Ash Road Bridge drop-in sessions
- Electoral Registration - Annual Canvass
- Encouraging young people to register to vote
- Burpham Neighbourhood Area and Forum Consultation

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

6. PUBLIC PARTICIPATION

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

7. QUESTIONS FROM COUNCILLORS

Councillors will recall that, at the meeting held on 25 July, 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 was no opportunity for the questioners to ask a supplementary question, the Mayor has agreed to allow this at this meeting.

The six questions and the written response to them are set out below:

(1) Councillor Richard Mills 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.”

(2) 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, £700k, 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".

- (3) 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 (see **Appendix 1** to this 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”.

(4) 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

(5) 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”.

(6) 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.”

Further Questions from Councillors:

- (7) Councillor Sue Wyeth-Price** to ask 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.”

- (8) Councillor Dawn Bennett** to ask 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."

8. FINANCIAL RECOVERY PLAN - OCTOBER UPDATE REPORT (Pages 21 – 42 of the Council agenda)

(a) Comments from the Executive

At its meeting on 5 October 2023, the Executive considered this report and endorsed the recommendations therein.

(b) The Motion:

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

“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

Comments:

Councillor Philip Brooker

9. OVERVIEW AND SCRUTINY ANNUAL REPORT 2022-23 (Pages 43 – 86 of the Council agenda)

The Chairman of the Overview & Scrutiny Committee, Councillor James Walsh to propose, and the Vice-Chairman of that Committee, Councillor Matt Furniss to second, the adoption of the following motion:

- “(1) That the report be commended as the Overview and Scrutiny Annual Report for 2022-23.
- (2) That the current rules relating to the Council’s call-in and 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 requires 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), requires 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.

Comments:

None

10. CORPORATE GOVERNANCE & STANDARDS COMMITTEE ANNUAL REPORT 2022-23
(Pages 87 - 106 of the Council agenda)

The Chairman of the Corporate Governance and Standards Committee, Councillor Phil Bellamy to propose and the Vice-Chairman of that Committee, Councillor Bob Hughes to second, the adoption of the following motion:

“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.

Comments:

None

11. AMENDMENTS TO THE GUILDFORD BOROUGH COUNCIL AND WAVERLEY BOROUGH COUNCIL JOINT GOVERNANCE COMMITTEE'S TERMS OF REFERENCE (Pages 107 - 116 of the Council agenda)

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

Consequently, the Council is asked to defer this item accordingly.

12. APPOINTMENT OF RETURNING OFFICER AND ELECTORAL REGISTRATION OFFICER (Pages 117 – 120 of the Council agenda)

NB: The “Draft” watermark on this report should have been removed prior to publication of the agenda.

The Lead Councillor for Regulatory and Democratic Services, Councillor Merel Rehorst-Smith to propose, and the Leader of the Council, Councillor Julia McShane to second, the following motion:

“To appoint, with effect from 1 November 2023, Susan Sale, Joint Executive Head of Legal & Democratic Services, 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.

Comments:

None

13. APPOINTMENT OF HONORARY RECORDER (Pages 121 – 126 of the Council agenda)

The Lead Councillor for Regulatory and Democratic Services, Councillor Merel Rehorst-Smith to propose, and the Leader of the Council, Councillor Julia McShane to second, the following motion:

“To appoint, with immediate effect, Her Honour Judge Patricia Lees, Resident Judge at Guildford Crown Court, as the Honorary Recorder for the Borough of Guildford.”

Reason:

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

Comments:

None

14. MINUTES OF THE EXECUTIVE (Pages 127 - 138 of the Council agenda)

To receive and note the minutes of the meetings of the Executive held on 20 July and 24 August 2023 which are attached to the Council agenda.

Comments:

None

15. NOTICE OF MOTION DATED 29 SEPTEMBER 2023: MONTHLY REPORTING OF KEY PERFORMANCE INDICATORS (pages 5 and 6 of the Council Agenda)

In accordance with Council Procedure Rule 11, Councillor David Bilbé to propose, and Councillor Bob Hughes to second, 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.”

Alteration of Motion:

Since the publication of the agenda, the proposer of the original motion (Councillor David Bilbé) has indicated that he wishes to alter the motion in accordance with the provisions of Council Procedure Rule 15 (o), which he can do with the consent of his seconder (which he has) and of the meeting.

The Mayor will put the proposed alteration, which is set out below, to a vote without debate. If approved, Councillor Bilbé’s motion, as altered, will become the substantive motion for debate to which amendments may subsequently be moved.

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."*

Comments:

Councillor George Potter

16. NOTICE OF MOTION DATED 29 SEPTEMBER 2023: SHARING OF SENIOR STAFF (page 7 of the Council Agenda)

In accordance with Council Procedure Rule 11, Councillor Richard Mills to propose, and Councillor Honor Brooker to second 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.”

Comments:

Councillor Carla Morson

Councillor James Walsh

17. NOTICE OF MOTION DATED 29 SEPTEMBER 2023: MANAGEMENT OF HOUSING MAINTENANCE CONTRACTS AND THE HOUSING REVENUE ACCOUNT (page 8 of the Council Agenda)

In accordance with Council Procedure Rule 11, Councillor Matt Furniss to propose, and Councillor Philip Brooker to second 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”.

Comments:

Councillor Merel Rehorst-Smith

Councillor George Potter

Councillor Sue Wyeth-Price

18. NOTICE OF MOTION DATED 29 SEPTEMBER 2023: VOTE OF CONFIDENCE IN THE LEADER OF THE COUNCIL (pages 8 and 9 of the Council Agenda)

In accordance with Council Procedure Rule 11, Councillor Philip Brooker to propose, and Councillor Bilal Akhtar to second, 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.”

NB: Article 6 of the Constitution deals with motions to remove the Leader from office:

“At any meeting of the full Council, a councillor may propose that “the Council has no confidence in the Leader”. The question shall, after debate, be put and, if carried

by a simple majority of those councillors present, the Leader shall be removed from office. If the Council passes a resolution to remove the Leader from office, a new Leader shall be elected –

- (a) at the meeting of the Council at which the Leader is removed from office, or*
- (b) at a subsequent meeting of the Council.”*

Comments:

Councillor James Walsh

* * * * *

**EXTRACT FROM SICKNESS ABSENCE MANAGEMENT HANDBOOK
(see Agenda item 7 – question (3))**

Disability and Sickness Absence Management

The Equality Act 2010 provides protection for disabled people against discrimination and there are implications in relation to sickness absence management. Whilst disabled people do not generally have sickness problems, there may be conditions which do result in a higher than average sickness absence level. Managers must ensure that disability related sickness absence is treated appropriately within the context of this Act.

With the definition of disabilities covered by the Act some may raise particular issues in terms of sickness absence management such as mental impairment or progressive conditions. Whilst some understanding of the individual's disability is useful, Managers should not make unfounded judgments or unsubstantiated prognosis but should accept the information and advice provided by the Council's Medical Adviser. The management concern is with the implications of the employee's absence and the effect of their sickness or disability in terms of their employment and the circumstances of that particular post.

Disability Related Sickness Absence

It is important to distinguish between general sickness (eg. common cold, sprained limb) and disability related sickness absence (eg. asthma attack, epileptic seizure). Where the effects of a person's disability results in a need to be absence from work due to illness or where a disabled person requires leave which is directly associated with their disability, this will need to be accommodated within the terms of the DDA. Failure on the part of the employer to acknowledge these needs could amount to a failure to make a 'reasonable adjustment'.

General sickness absence is unaffected by the DDA and normal absence management procedures will apply. Examples of discrimination include:

- Dismissal of a disabled person on grounds of a poor sickness record where in practice their sickness absence level is not greater than other employees. It may even be unlawful discrimination if a disabled person is dismissed on the basis that they have a greater level of sickness absence than other employees where this is disability related and the employer cannot show that this is justifiable.
- Automatically referring disabled recruits or employees for medical examinations.

It will be necessary to demonstrate that any less favourable treatment is justifiable and relevant to management objectives.

Sickness related to disability can be monitored separately to general sickness. Disabilities should be handled differently as there may be a need to prove that no discrimination has occurred and that there has not been less favourable treatment. Medical referrals should be used at the same stages and at the same frequency they would be used for non-disabled employees.

Reasonable Adjustments

Reasonable adjustments either on a permanent or temporary basis must be considered for disabled employees and employees returning from long term sickness absence. The duty of employers to make 'reasonable adjustments' in relation to disabled people is incorporated in sickness absence management procedures. The job itself may need to be adjusted in order that the employee may return to work following a period of sickness absence or it may be that acceptance of a disabled person's above average level of sickness absence is a 'reasonable adjustment'.

The DDA sets out a range of specific types of 'reasonable adjustments' that an employer may need to make. These include:

- Making adjustments to premises.
- Allocating some of the disabled person's duties to another person.
- Transferring the person to fill an existing vacancy.
- Altering the person's working hours.
- Assigning the person to a different place of work.
- Allowing the person to be absent during working hours for rehabilitation, assessment or treatment.
- Providing training.
- Acquiring or modifying equipment.
- Modifying instructions or reference manuals.
- Modifying procedures for testing or assessment.
- Providing a reader or interpreter.
- Providing supervision.

The basis of the requirement to make a reasonable adjustment is to prevent the disabled person from facing a 'substantial disadvantage' compared to people who do not have their disability. However where even after an adjustment is considered or made the person still cannot fulfill the requirements of the job or where the adjustment is not reasonable, it need not be carried out by the employer. The

assessment of reasonableness will be based on all the relevant circumstances including effectiveness, practicability and financial consequences.

Where an employee is unable to continue in their existing role, redeployment should be considered where possible. This new post may also require reasonable adjustments to be made.

Medical Advice

As part of the recruitment process, recruits are medically screened through the Occupation Health Service and, as a result, in the case of disabled recruits the Council's Medical Adviser will advise on the likely effect of the person's disability on that role that they are being recruited for and how any disadvantages can be addressed.

Disability Leave

A Disabled person may need to be absent from work for rehabilitation, assessment or treatment. This may include:

- Rehabilitation for someone who is 'newly disabled' or whose condition has changed significantly.
- Routine assessment of hearing aids.
- Hospital or specialist 'check-ups'.

This form of absence is not sickness absence, and it is inappropriate to manage it as such. It should be identified as Special Leave and these absences should be separated from those absences that are subject to general sickness absence management procedures and monitoring systems.

Guidelines for Managers

The HR Service will advise Managers of an employee's disability on a 'need to know' basis therefore respecting the confidentiality of the individual. Advice will also be given on appropriate conduct in interviews for reviewing employee's sickness absence such as:

- Not pressing for disclosure of the person's disability if they chose not to declare.
- Explanation of the Council's procedure.
- Flexibility of approach and encouraging creative and imaginative responses.
- The importance of getting further advice on issues such as possible adaptations and changes to working methods.
- The treatment of disability related leave.

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