

GUILDFORD BOROUGH COUNCIL

Minutes of a meeting of Guildford Borough Council held in the Council Chamber, Millmead House, Millmead, Guildford, Surrey GU2 4BB on Tuesday 6 December 2022

- * The Mayor, Councillor Dennis Booth
- * The Deputy Mayor, Councillor Masuk Miah

- | | |
|----------------------------------|-------------------------------|
| Councillor Paul Abbey | * Councillor Julia McShane |
| * Councillor Tim Anderson | * Councillor Ann McShee |
| * Councillor Jon Askew | * Councillor Bob McShee |
| * Councillor Christopher Barrass | * Councillor Richard Morris |
| * Councillor Joss Bigmore | * Councillor Marsha Moseley |
| * Councillor David Bilbé | * Councillor Ramsey Nagaty |
| * Councillor Chris Blow | * Councillor Susan Parker |
| * Councillor Ruth Brothwell | * Councillor George Potter |
| * Councillor Colin Cross | Councillor Jo Randall |
| Councillor Guida Esteves | * Councillor John Redpath |
| * Councillor Graham Eyre | * Councillor Maddy Redpath |
| * Councillor Andrew Gomm | * Councillor John Rigg |
| * Councillor Angela Goodwin | * Councillor Tony Rooth |
| Councillor David Goodwin | * Councillor Will Salmon |
| * Councillor Angela Gunning | * Councillor Deborah Seabrook |
| * Councillor Gillian Harwood | * Councillor Pauline Searle |
| Councillor Jan Harwood | * Councillor Paul Spooner |
| Councillor Liz Hogger | Councillor James Steel |
| Councillor Tom Hunt | Councillor Cait Taylor |
| * Councillor Diana Jones | Councillor James Walsh |
| * Councillor Steven Lee | * Councillor Fiona White |
| * Councillor Nigel Manning | * Councillor Keith Witham |
| * Councillor Ted Mayne | Councillor Catherine Young |

*Present

Honorary Alderman Vas Kapsalis was also in attendance.

CO73 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Paul Abbey, Guida Esteves, David Goodwin, Liz Hogger, Tom Hunt, Jo Randall, James Steel, Cait Taylor, James Walsh, and Catherine Young, and also from Honorary Aldermen Keith Childs, Catherine Cobley, Jayne Marks, Terence Patrick, Tony Phillips, Lynda Strudwick and Jenny Wicks.

CO74 DISCLOSURES OF INTEREST

There were no disclosures of interest.

CO75 MINUTES

The Council confirmed, as a correct record, the minutes of the special meeting held on 1 December 2022. The Mayor signed the minutes.

CO76 MAYOR'S COMMUNICATIONS

The Mayor reported that he was delighted to help out with the annual Christmas Charity collection for Challengers, which took place on 3 December at the Tesco store in Guildford. The collection managed to raise £435.04.

The Mayor had also visited Whizzkids where he had met some amazing young people in specially adapted wheelchairs, one of whom had six chairs because of the number of different sporting activities he took part in.

The Mayor also reported that on 4 December, he had great pleasure in starting and handing out medals to those who had taken part in the Challengers Santa's Run at Stoke Park. The event had attracted a record number of runners.

In July of this year, the Birmingham 2022 Queen's Baton Relay briefly visited Surrey during its final journey through England in advance of the Commonwealth Games. The Mayor had been present at Newlands Corner to witness the Baton being passed along the route. The Mayor reported that he had received a commemorative certificate, and a model of the Baton.

CO77 LEADER'S COMMUNICATIONS

The Leader reported on the following matters to the Council:

- (a) Changes to the Executive, details of which had been appended to the Order Paper, were summarised as follows:
 - The Leader would continue to be the lead councillor for housing and community.
 - Councillor Joss Bigmore, as Deputy Leader, would become the Lead Councillor for Finance and Planning Policy.
 - Councillor Tim Anderson was the Lead Councillor for Assets and Property.
 - Councillor Tom Hunt was the Lead Councillor for Planning Development, Legal and Democratic Services.
 - Councillor George Potter was now the Lead Councillor for Climate Change and Organisational Development
 - Councillor John Redpath was the Lead Councillor for Customer and Commercial Services.
 - Councillor John Rigg was the Lead Councillor for Regeneration and
 - Councillor James Steel was the Lead Councillor for Environment and Regulatory Services.
- (b) Major Incident on 30 November and into 1 December: Water Outage affecting residents living in the GU1, GU2, GU3, GU4, and GU5 postcodes. GBC and WBC teams worked together to respond quickly and kept residents informed via our website and social media channels. Our call centre and well-being teams called almost 1,200 vulnerable residents across the affected areas. The Leader thanked all the staff who stayed late and diverted resources to ensure that this incident was managed effectively.
- (c) Applications under the Household Support Fund scheme were now open until 31 March 2023. The scheme provided a grant of up to £400 per household for those in need of support towards the cost of fuel, food and other essential items. Residents can apply online using a new application form on our website, which had been designed to make the application process as quick, easy, and inclusive as possible.

- (d) A Christmas Fair would be held at the Hive on Saturday 10 December between 11am to 2pm. There would be Christmas stalls, Santa's grotto, chestnuts on the fire, and music from Get Plucky Ukulele Group and Rhythm of Voice Community Choir.
- (e) Gaskin's free Christmas lunch for the lonely, vulnerable and students in need who live within 10 miles of Guildford. Last year they cooked and delivered 382 meals. With energy costs rising and more families struggling, the organisers were anticipating even more demand this year. All the food had been donated but they still needed volunteers and drivers to deliver.
- (f) Festive family trail and competition. The Nutcracker statue trail was another free activity to help bring festive magic to our town centre this year. From 7 December, ten impressive Nutcracker statues would arrive at mystery locations around Guildford. Families and individuals had until 5 January 2023 to follow the trail map, find the Nutcracker statues hidden in shops, and businesses, and spell out the festive word. All correct entries would go into a prize draw. The Leader thanked the businesses who had agreed to host our festive visitors this year and generously donated some fantastic prizes.
- (g) This year's White Ribbon campaign had started on 25 November. The date had been designated by the United Nations as the International Day for the Elimination of Violence Against Women. As part of 16 days of activities, we were raising awareness of domestic abuse and local support services. We had been running the social media campaign of 'Show Domestic Abuse the red card' and the second of two webinars was taking place today at 7pm.
- (h) Guildford & Waverley Business Question Time would be held on Monday 12 December 2022 at 5pm at Charterhouse School in Godalming. This was a free networking event for our local business community, the aim of which was to explore immediate concerns in terms of the cost-of-living crisis, energy security, climate change, recruitment, post-Brexit trade and other national and local challenges.
- (i) Free Heritage Exhibition at Guildford Museum: 'Football Stories From the Beautiful Game in Guildford and Beyond' which charted the history and progress of local football clubs. The Museum was open Wednesday to Saturday, 12noon to 4.30pm.
- (j) Consideration was being given to the installation of a 'trim trail' at Shalford Park and feedback was requested by 8 January 2023 on the style and location of this new feature.

CO78 PUBLIC PARTICIPATION

There were no questions or statements from the public.

CO79 QUESTIONS FROM COUNCILLORS

Councillor Tony Rooth asked the Lead Councillor for Regeneration, Councillor John Rigg, the question below. Councillor Rigg's response to each element of the question is set out in red type below.

"Following the discussion at the North Street presentation for councillors on 14 November 2022, I have now looked again at the consultants' reports on the proposed North Street development (22/P/01336) and in particular the transport /bus station.

I notice that the latest Motion report filed on 15th November is shown as "gbc corporate highways review" and appears commissioned by "GBC Corporate projects".

“Corporate” is surely a separate and distinct part of GBC from “Planning”, which acts in a semi judicial capacity required to, inter alia, “approach each application with an open mind, avoid pre-conceived opinions” and “avoid undue contact with interested parties”.

There must be lines drawn, Chinese walls erected between Corporate and Planning within GBC.

Therefore,

(a) Why did “Corporate” involve itself with this Planning application at all?

The GBC Corporate team have provided the Council as the Local Planning Authority (LPA) with relevant information in respect of various matters when requested, based on knowledge of the site. For example, matters where the developer has obligations to the Council under the terms of the Sales and Purchase Agreement, the provision of a refurbished bus interchange, highways alterations, the pedestrianisation of North Street and the provision of new public space between the Friary and Black Sheep Coffee.

The GBC Corporate team is tasked with regeneration and managing the Council’s assets. Progressing the North Street regeneration project involves selling a parcel of GBC owned land representing about 17% of the site.

The negotiation enables the Council to secure benefits from the transaction, consistent with the Council’s ambitions in the Council’s Strategic Framework, 2021 to 2025. The strategic priorities are to bring forward Homes and Jobs. Specifically, this is stated in full at the beginning of every council and committee agenda and includes:

- Revive Guildford town centre to unlock its full potential*
- Provide and facilitate housing people can afford*
- Create employment opportunities through regeneration*
- Support high quality development of strategic sites*
- Support our business community and attract new inward investment.*

(b) What are the established, documented lines drawn, Chinese walls etc between the various parts of GBC?

The land transaction was managed by the Corporate Programmes team under a designated Head of Service. The LPA has been dealing with the planning application under a separate Head of Service. There is no requirement for a Handling Arrangement in this instance as GBC Corporate is not the applicant.

The LPA receives, scrutinises, and processes the planning application independently. All negotiations between the developer and the LPA have been conducted without members or representatives of the corporate body being present.

(c) Does GBC, “corporate” or otherwise, have interests, financial or otherwise in a favourable (or indeed negative) outcome of this application?

The developer is purchasing the Council’s land for a capital sum and is contracted to refurbish Guildford bus station and undertake the pedestrianisation of North Street. This is subject, amongst other things, to the developer obtaining planning consent.

This financial transaction was considered and approved by the Council's Executive. Any corporate approval gave no indication or certainty of receiving planning consent.

It should be noted the "ethical wall" or strict separation of "Corporate Projects" and "Development Management" teams at GBC, and the referral of the application to the Planning Committee for determination ensures financial interests do not impact on planning judgement.

See also response to part (b) of the question above.

- (d) *In particular, I recall GBC sold its land on the site to the applicants and reached agreement with them about aspects of the bus station – again, does GBC have any financial or other interest in a favourable outcome?*

See response to part (c) of the question above

- (e) *Does GBC generally and "Corporate" in particular have "an open mind, without pre-conceived opinions" without "undue contact with interested parties" on this application?*

Yes, officers are MRTPI, RICS or otherwise appropriately qualified and experienced and fully understand the importance of an open-minded approach required by law. If there is any evidence to the contrary that can be provided this will be further considered and investigated.

- (f) *Has GBC "Corporate" overstepped the line, climbed the Chinese wall etc by becoming actively involved in such a large, controversial planning application?*

There is no evidence we are aware of to suggest this is the case. If Councillor Rooth has evidence to the contrary, we would be grateful if this could be provided for consideration and investigation.

- (g) *Has GBC "Corporate" compromised the impartiality of GBC Planning in deciding this application?*

We do not believe so and there is no evidence we are aware of to suggest this is the case. If Councillor Rooth has evidence to the contrary, we would be grateful if this could be provided for consideration and investigation.

I am sure we would all appreciate confirmation that GBC is moving appropriately on all tracks."

Councillor Rooth referred to the detailed written supplementary question that he had submitted to all councillors prior the meeting and indicated that he did not expect a written response from the Lead Councillor at the meeting.

(Post meeting note: the written response to Councillor Rooth's supplementary question was circulated to all councillors on 16 December 2022, and is appended to these minutes for information)

CO80 CAPITAL AND INVESTMENT OUTTURN REPORT 2021-22

The Council considered the Capital and Investment Outturn report for 2021-22, which had set out:

- a summary of the economic factors affecting the approved strategy and counterparty updates
- a summary of the approved strategy for 2021-22
- a summary of the treasury management activity for 2021-22
- compliance with the treasury and prudential indicators
- non-treasury investments
- capital programme
- risks and performance
- Minimum Revenue Provision (MRP)
- details of external service providers
- details of training

In total, expenditure on the General Fund capital programme had been £39.78 million against the original budget of £148.3 million, and revised budget of £141.9 million. Details of the revised estimate and actual expenditure in the year for each scheme were set out in Appendix 3 to the report. The budget for Minimum Revenue Provision (MRP) had been £1.5 million and the outturn was £1.38 million. This was due to slippage in the capital programme in 2020-21.

The Council noted that officers had reviewed the capital programme and had determined that the following schemes were no longer required:

- Albury closed burial grounds £57,000 in 2022-23
- Mill Lane Flood Protection works - £16,000 2022-23 and £200,000 2023-24
- Merrow & Burpham surface water study - £15,000 in 2022-23

At its meeting on 27 October 2022, the Executive had agreed to remove those schemes from the General Fund Capital Programme. This would reduce the Council's underlying need to borrow for capital purposes and would generate a saving to the revenue account in respect of MRP and Interest of approximately £10,000 over the life of the schemes.

The Council's investment property portfolio stood at £174 million at the end of the year. Rental income had been £8.75 million, and income return had been 5.3% against the benchmark of 4.7%.

The Council's cash balances had built up over a number of years, and reflected a strong balance sheet, with considerable revenue and capital reserves. Officers carried out the treasury function within the parameters set by the Council each year in the Capital and Investment Strategy. As at 31 March 2022, the Council held £157 million in investments, £304 million in borrowing of which £170 million related to the HRA, and £134 million was short term borrowing resulting in net debt of £147 million.

The Council had borrowed short-term from other local authorities for cash flow purposes and aimed to minimise any cost of carry on this. The Council had taken out three loans for Weyside Urban Village under the infrastructure rate. This interest was capitalised against the project and not charged to the General Fund as interest payable.

The report had confirmed that the Council had complied with its prudential indicators, treasury management policy statement and treasury management practices (TMPs) for 2021-22. The policy statement was included and approved annually as part of the Capital and Investment Strategy, and the TMPs were approved under delegated authority.

Interest paid on debt had been lower than budget, due to less long-term borrowing taken out on the general fund because of slippage in the capital programme. The slippage had resulted in a lower CFR than estimated.

The yield returned on investments had been lower than estimated, but the interest received was higher due to more cash being available to invest in the year – a direct result of the capital programme slippage. Officers had been reporting higher interest receivable and payable and a lower charge for MRP during the year as part of the budget monitoring when reported to councillors during the year.

Due to the Council projecting an over-spend earlier in the year, a pooled fund that had accumulated a capital gain had been sold. This was redeemed in December at a gain of £1.398 million – this is income to the General Fund.

The report had also been considered by the Corporate Governance and Standards Committee at its meeting on 29 September 2022. The Committee had commended the report to the Executive, subject to a number of comments which were set out in the report to Council.

The Council noted concerns expressed by councillors over the investment of £10 million pounds in Thurrock Council but were reassured that notwithstanding the financial difficulties of that council, this Council's investment was safe. There was also concern over the continual underspending on the Council's capital programme, but it was noted that rigorous review processes had been put in place in respect of capital schemes.

Upon the motion of Councillor Tim Anderson, seconded by the Leader of the Council, Councillor Julia McShane, the Council

RESOLVED:

- (1) That the capital and investment outturn report for 2021-22 be noted.
- (2) That the actual prudential indicators reported for 2021-22, as detailed in Appendix 1 to the report submitted to the Council, be approved.

Reasons:

- To comply with the Council's treasury management policy statement, the Chartered Institute of Public Finance and Accountancy (CIPFA) Code of Practice on treasury management and the CIPFA Prudential Code for Capital Finance in Local Authorities.
- As per the treasury management code although the scrutiny of treasury management (and indeed all finance) has been delegated to CGSC ultimate responsibility remains with full Council this report therefore fulfils that need.

CO81 SUPPLEMENTARY ESTIMATE FOR FUNDS IN RESPECT OF PLANNING APPEALS RELATING TO MEMBER OVERTURN ITEMS

The Council noted that appeals against planning decisions were a statutory provision within planning law. An applicant could appeal any decision (or failure to make a decision). Where an appeal was lodged the local planning authority should be prepared to make a robust defence of its decision. For most appeals this was done at officer level. Therefore, whilst there was a time cost to this there was not a cost in terms of appointing consultants to defend the decision on behalf of the Council.

For large scale appeals on complex applications, it was usually necessary to appoint Counsel and specialist witnesses. However, in these cases there was still the expectation that Council officers would act as the planning witness.

Where an application is refused contrary to the officer's recommendation these tended to be more controversial. Often such overturns would be considered by either a hearing or inquiry, and this would necessitate attendance in person to defend the appeals. Due to conflicts in respect of professional integrity Council officers who had recommended approval cannot professionally defend a refusal. Therefore, it was necessary to appoint external consultants to defend such appeals, for which there was no budget and, therefore, supplementary budgets were required to secure funds to make such appointments.

The Council considered a report which sought a supplementary budget for three appeals which had already been considered and to agree the funding of those. Going forward a supplementary estimate would be brought forward at the time an appeal was made to secure agreement for monies to defend the appeal.

At its meeting held on 24 November 2022, the Executive also considered this matter and had endorsed the recommendation in the report to Council.

The Leader of the Council, Councillor Julia McShane proposed, and Councillor Tim Anderson seconded a motion to approve a supplementary estimate of £535,000 to cover the payments required to defend three specific planning appeals.

During the debate, the following points were made:

- recognition that the ability of the Planning Committee to refuse planning applications contrary to officer recommendations should not be fettered, provided that the reasons for refusal were robust planning reasons;
- concerns expressed over statement in the report that alternative options for future reports could include the possible withdrawal of reasons for refusal or accepting that the Council will not defend particular matters if funding was not agreed. The Leader confirmed, however, that it was not a statement of policy, and no recommendation in that regard had been made.

Having considered the report, the Council

RESOLVED: That a supplementary estimate for the Development Management service of £535,000 to cover the payments required to defend three significant appeals relating to Member overturn decisions which were subsequently heard at either public inquiry or as a hearing, be approved.

Reason: To ensure robust defence of planning appeals resulting from Member overturn decisions.

CO82 REVIEW OF POLLING DISTRICTS AND POLLING PLACES 2022

Following the final recommendations of the Local Government Boundary Commission for England's Periodic Review of Electoral Arrangements for Guildford Borough Council in 2021-22, a review of all polling districts and polling places under the new warding patterns had been undertaken in preparation for the full Borough Council and Parish Council Elections to be held on 4 May 2023. The Register of Electors would be re-published on 1 February 2023 reflecting the new warding patterns.

The Council considered a report which set out recommendations arising from the review, including details of the ten responses to the consultation, which had taken place between 4 October and 15 November 2022. The report included maps of the proposed new polling districts, which had been amended in response to the consultation, and a list of the proposed Designated Polling Places for the new Polling Districts.

Upon the motion of the Deputy Leader of the Council, Councillor Joss Bigmore seconded by the Leader of the Council, Councillor Julia McShane, the Council

RESOLVED:

- (1) That the new polling districts, as shown on the maps attached as Appendices 3 - 23 to the report submitted to the Council, be approved.
- (2) That the designated polling places for each of the polling districts as shown on the maps in Appendices 3 – 23 to the report and listed by address in Appendix 24 be approved.

Reason:

As a result of this statutory review, the new designated polling places will improve elector polling experience and further reduce the necessity for schools to close on polling days.

CO83 GUILDFORD JOINT COMMITTEE

Councillors were reminded that, in 2018, this Council and Surrey County Council agreed to replace the former Local Committee (Guildford) with a new Guildford Joint Committee, which dealt not only with the range of executive and non-executive County Council functions that the Local Committee discharged locally, but also a range of executive and non-executive Borough Council functions delegated to it.

Both councils also adopted a Constitution for the Guildford Joint Committee, which set out, amongst other things, the various functions delegated to it and standing orders under which it was proposed that the Joint Committee would operate.

The Joint Committee comprised the ten County Councillors representing the ten County Divisions within the Borough, plus ten Borough Councillors appointed on a politically proportionate basis.

The Council was reminded that Surrey County Council's Cabinet had decided in February 2022 to transfer all executive highway functions (including on-street parking) from the Guildford Joint Committee, and other Joint Committees and Local Committees in Surrey, to County Officers, in consultation with relevant Divisional Members. Those changes took effect from 1 April 2022 and were part of the development of new engagement methods and tools to enable members and officers to reach out more effectively to residents.

The County Council had also agreed at its Annual Meeting on 24 May 2022 that county councillors elected as chairmen or vice-chairmen of the Local and Joint Committees across the county should hold those offices only until 31 October 2022. County partnership officers involved in supporting the Joint Committees and Local Committees across the county would end those responsibilities also with effect from 31 October 2022.

On 27 September 2022, the Leader of Surrey County Council made a decision to remove the remaining executive functions and advisory functions from all the Local Committees and Joint Committees in the county with effect from 11 October 2022.

At the County Council meeting on 11 October 2022, formal approval was given to cease all the Local Committees with effect from 31 October 2022, to serve notice of the County Council's intention to withdraw from all of the Joint Committees (the notice to expire on or before 30 April 2023), and to transfer their non-executive functions relating to Public Rights of Way from all the Local and Joint Committees back to the County's own local governance arrangements.

The effect of these decisions taken by Surrey County Council meant that the Guildford Joint Committee now had no County Council functions delegated to it, and its remit only comprised the very limited number of Borough Council executive and non-executive functions. In light of the decisions taken by Surrey County Council outlined above, the Executive had confirmed, at its meeting on 24 November 2022, that it wished to transfer the existing executive and advisory functions currently within the remit of the Joint Committee back to this Council with immediate effect. The Executive had also recommended that full Council approves the transfer of existing non-executive functions relating to public rights of way back to this Council.

The Deputy Leader of the Council, Councillor Joss Bigmore proposed, and the Leader of the Council, Councillor Julia McShane seconded, the adoption of a motion which would have the effect of transferring all of the Borough Council's non-executive functions relating to public rights of way from the Guildford Joint Committee's remit, as set out in the Joint Committee Constitution, to the Lead Specialist – Legal.

During the debate, Councillor Ramsey Nagaty proposed, and Councillor Susan Parker seconded, the following amendment:

“Add the following to the end of the motion:

‘in consultation with the local ward councillor(s) where applicable’

The amendment was put to vote and was carried.

The Council therefore considered the substantive motion and

RESOLVED: That the Council approves the transfer of all of the Borough Council's non-executive functions relating to public rights of way from the Guildford Joint Committee's remit, as set out in the Joint Committee Constitution, and that those functions be delegated back to the Lead Specialist – Legal, in consultation with the local ward councillor(s) where applicable.

Reason:

To enable the Council to consider its position in light of the withdrawal of all County Council functions from the Guildford Joint Committee.

CO84 REVIEW OF NUMERICAL ALLOCATION OF SEATS ON COMMITTEES TO POLITICAL GROUPS: 2022-23

The Council received a report on the review of the allocation of seats on committees, which had been conducted following the outcome of the Tillingbourne By-Election on 20 October 2022, which had resulted in the election of Councillor Richard Morris. Notice in writing had been received from Councillor Morris that he wished to be treated as a member of the Guildford Liberal Democrat group on the Council. The review had also taken into account receipt of notice in writing dated 9 November 2022 from Councillor Tony Rooth that, with immediate effect, he no longer wished to be treated as a member of the Residents for Guildford and Villages group and wished to be regarded as an independent member.

Consequently, the political balance on the Council was now:

Guildford Liberal Democrats: 17
 Residents for Guildford and Villages: 14
 Conservatives: 8
 Guildford Greenbelt Group: 4
 Labour: 2
 Independent: 2
 Green: 1

Under Council Procedure Rule 23, whenever there was a change in the political constitution of the Council, the Council must, as soon as reasonably practicable, review the allocation of seats on committees to political groups.

The report included a suggested numerical allocation of seats on committees to political groups that would best meet, as far as reasonably practicable, the requirements for political balance.

Upon the motion of the Deputy Leader of the Council, Councillor Joss Bigmore, seconded by the Leader of the Council, Councillor Julia McShane, the Council

RESOLVED: That the numerical allocation of seats on committees to each political group on the Council, and to the two independent members, and the single Green Party member, as shown in Appendix 5 to the report submitted to the Council and set out below, be approved for the remainder of the 2022-23 municipal year.

Committee	Guildford Liberal Democrats	R4GV	Conservative	GGG	Labour	Green	Ind (Harwood)	Ind (Rooth)
Total no. of seats on the Council (48)	17	14	8	4	2	1	1	1
% of no. of seats on the Council	35.42%	29.17%	16.67%	8.33%	4.17%	2.08%	2.08%	2.08%
Notional number of seats on committees (Total: 85)	30	25	14	7	4	2	2	2
Corporate Governance & Standards Committee (7 seats)	2	2	1	1	1	0	0	0
Employment Committee (3 seats)	1	1	1	0	0	0	0	0
Service Delivery EAB (12 seats)	4	3	1	1	0	1	1	1
Strategy and Resources EAB (12 seats)	4	3	2	1	1	1	0	0
Joint Appointments Committee (3 seats)	1	1	1	0	0	0	0	0
Joint Governance Committee (6 seats)	2	2	1	1	0	0	0	0
Licensing Committee (15 seats)	6	5	2	1	0	0	1	0
Overview & Scrutiny Committee (12 seats)	4	3	2	1	1	0	0	1
Planning Committee (15 seats)	5	5	3	1	1	0	0	0

Reason:

To enable the Council to comply with Council Procedure Rule 23 in respect of its obligation under the Local Government and Housing Act 1989 to ensure political proportionality on its committees.

CO85 COUNCILLOR DAVID GOODWIN

Under the provisions of Section 85(1) of the Local Government Act 1972, if a councillor failed throughout a period of six consecutive months from the date of their last attendance to attend any meeting of the authority, they shall, unless the failure was due to some reason approved by the authority before the expiry of that period, cease to be a member of the authority.

Unfortunately, due to ongoing illness, Councillor David Goodwin had been unable to attend any meetings since 26 July 2022. To avoid Councillor Goodwin ceasing to be a councillor should he be unable to resume attendance at meetings before 26 January 2023, the Council was asked to agree the reason for his non-attendance.

Upon the motion of the Leader of the Council, Councillor Julia McShane, seconded by the Deputy Leader of the Council, Councillor Joss Bigmore, the Council

RESOLVED: That the Council agrees that the reason for Councillor David Goodwin's failure to attend any meeting of the Council or any of its committees since 26 July 2022 was due to his ill health.

Reason:

To comply with the requirements of Section 85 of the Local Government Act 1972.

CO86 SELECTION OF MAYOR AND DEPUTY MAYOR 2023-24

The Council considered a report on nominations received for election of Mayor and appointment of Deputy Mayor for the municipal year 2023-24. The constitutional changes adopted by the Council in 2014 in respect of the Mayoralty, provided that the Council would normally elect the Deputy Mayor appointed at the annual meeting of the Council as Mayor at the next succeeding annual meeting.

Although political group leaders had been asked to submit nominations in respect of the Deputy Mayoralty for 2023-24, none had been received.

Accordingly, the Council was asked to consider the nomination of Councillor Masuk Miah for Mayor in 2023-24, subject to Councillor Miah's re-election to the Council on 4 May 2023. Councillor Miah left the meeting during the Council's consideration of this matter.

Upon the motion of the Deputy Leader of the Council, Councillor Joss Bigmore, seconded by the Leader of the Council, Councillor Julia McShane, the Council

RESOLVED:

- (1) That, subject to the outcome of the Borough Council elections in May 2023, the Deputy Mayor, Councillor Masuk Miah be nominated for the Mayoralty of the Borough for the 2023-24 municipal year.
- (2) That consideration of nominations for appointment of Deputy Mayor for the 2023-24 municipal year, be deferred to the meeting of the Council to be held on 8 February 2023.

Reason:

To make early preparations for the selection of the Mayor and Deputy Mayor for the 2023-24 municipal year.

CO87 APPOINTMENT OF COUNCIL REPRESENTATIVE TO THE SURREY POLICE AND CRIME PANEL: 2022-23

The Council, at its extraordinary meeting on 9 June 2022, had appointed Councillor Julia McShane as its representative to serve on the Surrey Police and Crime Panel until May 2023.

On 23 November 2022, Councillor McShane had given notice in writing that she wished to stand down from this appointment, which meant that the Council needed to appoint a councillor to represent the Council on the Panel until May 2023.

The Council considered the person specification referred to in Appendix 1 to the report and the single nomination received.

Upon the motion of the Leader of the Council, Councillor Julia McShane, seconded by the Deputy Leader of the Council, Councillor Joss Bigmore, the Council

RESOLVED: That Councillor Richard Morris be appointed as the Council's representative on the Surrey Police and Crime Panel for a term of office expiring in May 2023.

Reason:

To enable the Council to comply with the requirements of the Police Reform and Social Responsibility Act 2011.

CO88 APPOINTMENT OF DIRECTOR TO GUILDFORD SPORTSGROUND MANAGEMENT COMPANY LIMITED

The Council considered a report on the proposed appointment of a director to Guildford Sportsground Management Company Limited, which was a company set up to run Woodbridge Road sportsground. The Council was required to appoint three directors to the Board and for this purpose had already appointed Ian Doyle and Jonathan Sewell. It was now proposed that Kelvin Mills, Executive Head of Commercial Services be appointed to the Board.

Upon the motion of the Leader of the Council, Councillor Julia McShane, seconded by the Deputy Leader of the Council, Councillor Joss Bigmore, the Council

RESOLVED: That Kelvin Mills (Executive Head of Commercial Services) be appointed to the Board of Directors for Guildford Sportsground Management Company Limited.

Reason:

To comply with the Constitutional requirement for full Council to approve appointments of individuals to any office other than an office in which he or she is employed by the authority.

CO89 NOTICE OF MOTION DATED 24 NOVEMBER 2022: SURREY PENSION FUND'S INVESTMENTS IN FOSSIL FUELS

In accordance with Council Procedure Rule 11, Councillor George Potter proposed, and Councillor Steven Lee seconded the following motion:

"Council recognises that burning fossil fuels contributes significantly to global warming. Research demonstrates that 80% or more of the world's fossil fuel reserves will have to remain unburnt if we are to meet targets for climate change mitigation. As four-fifths of known fossil fuels must remain in the ground investing in them now presents a substantial financial and environmental risk. Council notes the International Energy Agency has released modelling in 2021 predicting that global oil demand could peak as early as 2025, and that its Executive Director has referred to putting money into oil and gas projects as being potential 'junk investments'.

Guildford Borough Council is a member of the Surrey Pension Fund, which currently has over £100 million invested in fossil fuel through its Local Government Pension Fund Scheme.

Council believes that this investment is both environmentally and financially irresponsible. Every indication points to renewable energies and green technologies being much safer investments for pension funds going forwards. With COP 26 having taken place in Glasgow the world's eyes are on the UK to show leadership on climate change. Divesting from fossil fuels in our pension fund is a clear and meaningful action we can take here in Surrey.

Council recognises that fossil fuel investments should be considered part of the council's 'carbon footprint' and that divesting our pension fund is one of the most impactful steps we can take to reduce our impact on our community and the world.

Council therefore commits to calling on the Surrey Pension Fund to divest from fossil fuels by requesting the Pension Fund Committee to adopt and implement responsible investment policies which:

- (a) Immediately freeze any new investment in the top 200 publicly-traded fossil fuel companies.
- (b) Divest from direct ownership and any commingled funds that include fossil fuel public equities and corporate bonds by 2030.
- (c) Set out an approach to quantify and address climate change risks affecting all other investments.
- (d) Actively seek to invest in companies that will reduce greenhouse gas emissions and minimise climate risk.
- (e) Ensure that the overall investment portfolio is aligned with the Paris Agreement's goal of limiting global warming to 1.5°C.

Council further instructs the Joint Chief Executive to write to the Leaders and Chief Executives of all other councils which are members of the Surrey Pension Fund to outline this Council's position and ask for their support to adopt the same policies".

After the debate, and before proceeding to the vote, the Council agreed to take a recorded vote in respect of the motion.

Upon the recorded vote being taken, the results of which were as follows, with 13 councillors voting in favour of the motion, 13 councillors voting against the motion, and 11 abstentions:

FOR:

Councillor Jon Askew
Councillor Ruth Brothwell
Councillor Angela Goodwin
Councillor Gillian Harwood
Councillor Diana Jones
Councillor Steven Lee
Councillor Julia McShane
Councillor Richard Morris
Councillor George Potter
Councillor Will Salmon
Councillor Deborah Seabrook
Councillor Pauline Searle
Councillor Fiona White

AGAINST:

Councillor Tim Anderson
Councillor Christopher Barrass
Councillor Joss Bigmore
Councillor David Bilbé
Councillor Chris Blow
Councillor Graham Eyre
Councillor Andrew Gomm
Councillor Nigel Manning
Councillor Marsha Moseley
Councillor John Redpath
Councillor John Rigg
Councillor Paul Spooner
Councillor Keith Witham

ABSTAIN:

The Mayor,
Councillor Dennis Booth
Councillor Colin Cross
Councillor Ted Mayne
Councillor Ann McShee
Councillor Bob McShee
The Deputy Mayor,
Councillor Masuk Miah
Councillor Maddy Redpath
Councillor Angela Gunning
Councillor Tony Rooth
Councillor Ramsey Nagaty
Councillor Susan Parker

As the Mayor opted not to exercise a casting vote, the motion was lost for want of a majority, in accordance with Council Procedure Rule 19 (b).

CO90 MINUTES OF THE EXECUTIVE

The Council received and noted the minutes of the meeting of the Executive held on 22 September and 27 October 2022.

CO91 APPOINTMENT OF JOINT MONITORING OFFICER

The Council noted that the Joint Appointments Committee (JAC) had met on Monday 5 December 2022 to make a recommendation to the full Council meetings of both Guildford and Waverley on the appointment to the post of Joint Executive Head of Legal & Democratic Services and Monitoring Officer, following the final interviews of the short-listed candidates.

Although the JAC had concluded the process and agreed a recommendation in respect of the appointment, councillors acknowledged that there had been insufficient time for a conditional offer to be made to, and accepted by, the successful candidate to enable the Council to formally ratify the JAC's recommendation at this meeting.

Accordingly, the Council

RESOLVED: That this matter be deferred to an extraordinary meeting of the Council to be held on Tuesday 3 January 2023 at 7pm.

CO92 COMMON SEAL

The Council

RESOLVED: That the Common Seal of the Council be affixed to any documents to give effect to any decisions taken by the Council at this meeting.

The meeting finished at 8.49 pm

Signed
Mayor

Date

Appendix

Councillor Tony Rooth asked the Lead Councillor for Regeneration, Councillor John Rigg, the question set out below. (Councillor Rigg's response to each element of the question is set out in red type below).

Councillor Rooth's Supplementary Questions are highlighted in yellow, and the Lead Councillor's response to the Supplementary questions is shown in green text below.

"Following the discussion at the North Street presentation for councillors on 14 November 2022, I have now looked again at the consultants' reports on the proposed North Street development (22/P/01336) and in particular the transport /bus station.

I notice that the latest Motion report filed on 15th November is shown as "gbc corporate highways review" and appears commissioned by "GBC Corporate projects".

"Corporate" is surely a separate and distinct part of GBC from "Planning", which acts in a semi judicial capacity required to, inter alia, "approach each application with an open mind, avoid pre-conceived opinions" and "avoid undue contact with interested parties".

There must be lines drawn, Chinese walls erected between Corporate and Planning within GBC.

Therefore,

(1) Why did "Corporate" involve itself with this Planning application at all?

The GBC Corporate team have provided the Council as the Local Planning Authority (LPA) with relevant information in respect of various matters when requested, based on knowledge of the site. For example, matters where the developer has obligations to the Council under the terms of the Sales and Purchase Agreement, the provision of a refurbished bus interchange, highways alterations, the pedestrianisation of North Street and the provision of new public space between the Friary and Black Sheep Coffee.

The GBC Corporate team is tasked with regeneration and managing the Council's assets. Progressing the North Street regeneration project involves selling a parcel of GBC owned land representing about 28%¹ of the site.

The negotiation enables the Council to secure benefits from the transaction, consistent with the Council's ambitions in the Council's Strategic Framework, 2021 to 2025. The strategic priorities are to bring forward Homes and Jobs. Specifically, this is stated in full at the beginning of every council and committee agenda and includes:

- Revive Guildford town centre to unlock its full potential*
- Provide and facilitate housing people can afford the planning application contains no affordable housing whatsoever out of a development of 483 homes*

The affordable housing debate is a function and task of the local planning authority and their advisers. I am not aware you are correct or that this is the situation. We await information.

- Create employment opportunities through regeneration*

¹ NB. This figure was stated incorrectly on the Order Paper as 17%.

- *Support high quality development of strategic sites*
- *Support our business community and attract new inward investment.*

(i) Please specify the matters where the developer has obligation to the Council under the terms of the Sale and Purchase Agreement and disclose, as far as possible the Sale and Purchase Agreement

The North Street site has been assembled by the developer St Edwards (a joint venture between Berkeley Homes and M&G) through various acquisitions including from M&G as owners of the Friary Shopping Centre, and from other parties. GBC owned approximately 28% of the proposed site.

Their original proposal, inherited from the previous Council in 2019, was for a scheme of 735 homes sitting atop a relocated bus station recognising the Local Plan allocation (Policy A6) of 41,000 sq ms of retail and 400 homes.

The first of three consultations resulted in a much-reduced scheme proposal with 485 homes, a refurbished bus station and major regeneration proposals.

The developer is making a land payment of £5m to GBC and undertaking various works, including refurbishing the bus station at a cost of approximately £4 million and meeting the cost of roadworks to facilitate the pedestrianisation of North Street, landscaping and delivering a pocket park leading from North Street to the bus station at a cost of c.£1.3m.

(ii) Why is “bus interchange” used to justify a bus station which will provide no “interchange” with other sustainable transport (e.g. trains)?

The definition of an interchange is the action of interchanging people or things. Passengers will change to pedestrians. It is an interchange.

(iii) The proposed bus station will remove the current access by the Friary Centre for all southern and western services (over 50% of all bus services) and replace with an in/out access/egress at the same location at Leapale Road and thereby create a “u-bend” bus station layout with reduced size and bus capacity for current and future sustainable transport, alterations in highways, diversion of bus services and potential increased traffic congestion and?

The bus station will remove traffic from lower North Street where the maximum conflict exists between shoppers and vehicles and will also reduce pollution in an area already the subject of an AQMA. The relocation of buses to the north and pedestrianisation will assist health and safety, air quality, place making and well-being. It will also facilitate the landscaping of lower North Street and the improvement of the market for both stall holders and shoppers.

All of these Benefits were pointed out at the North Street Bus Working Group meetings which commenced in November 2021 and included various stakeholders, including Councillor Rooth.

Bus services have been in decline from the beginning of the Covid pandemic. Surrey County Council (SCC) is currently consulting on further reductions across a number of services across the county. Not only have the services declined, but so has bus occupancy levels as a result of Covid, home working, online retailing, and of course the reduction of services. This is unlikely to change unless there is a major change in transportation and modal shift which will not occur without major interventions and funding by SCC not currently planned to the extent required.

Major interventions required will include park-and-ride, better active travel options, such as cycling and walking, interceptor car parks, road, pricing, better bus services

and many other changes. These are being investigated and planned by GBC in our forward plan Shaping Guildford's Future (SGF). Improving bus services is a major priority. The SGF proposals will be designed to provide whatever additional bus capacity is required where and when it is required. Supporting and funding the actual services, however, will remain the responsibility of SCC and the operators which is where the services have the greatest need now and in the immediate future.

GBC corporately have scrutinised the bus operators' objections and Infrastructure objections of SCC and are satisfied that supporting the current proposals is the right decision. Separately, GBC already make a major contribution by owning and providing the existing bus station for SCC and the operators at zero rent which more correctly should be a cost for SCC and the bus operators.

Similarly, GBC is meeting the cost of the refurbishment. All of these costs fall on GBC with no contribution from SCC or the operators. As Councillor Rooth will be aware, GBC receives 9p in the pound of Council Tax, with 91p is passed to Surrey County Council, which has direct responsibility for the provision of Infrastructure and transportation including the quality of bus services, and the Police and Crime Commissioner.

(iv) Will you confirm that all these issues were raised at meetings of the North Street Bus Working Group (since the first meeting in November 2021) attended by representatives of SCC Highways and bus operators who questioned the bus station proposals from the start and have maintained their substantial objections now joined by bus users' representative?

Yes, the bus operators and SCC bus officers objected to the changes from the outset. Whenever bus operators are excluded from any High Streets on the introduction of pedestrianisation schemes, I suspect they are likely to have marginally longer routes and hence object, but hundreds of councils have still pedestrianised the heart of their towns, putting people and place-making ahead of buses, accidents and pollution. The current and likely unutilised capacity of the bus station after project completion and the fact bus users will have no further to walk but will have a materially, improved traffic free landscaped walk to the station compared to the current arrangements is noted.

(v) Will you explain why neither transport consultants Motion (instructed by GBC Corporate) and Savills (appointed by GBC Planning) have advised in their reports on recommendations of Bus and Coach Station Design generally for "drive through" access for bus stations which is rejected in the planning application?

Bus stations for parking buses are now not generally considered a good use of town centre land. In a perfect situation, drive-through access is preferred, but this option is unviable without better planned bus services as the buses would not be able to stand for long periods as bus operators currently operate. In Guildford, many of the buses arrive, park often wait before they reverse or drive out. A full drive-through arrangement would not work without considerable changes to the current proposals and negative outcomes.

(2) What are the established, documented lines drawn, Chinese walls etc between the various parts of GBC?

The land transaction was managed by the Corporate Programmes team under a designated Head of Service. The LPA has been dealing with the planning application under a separate Head of Service. There is no requirement for a Handling Arrangement in this instance as GBC Corporate is not the applicant.

The LPA receives, scrutinises, and processes the planning application independently. All negotiations between the developer and the LPA have been conducted without members or representatives of the corporate body being present.

Noted but, in a triangle of interested parties, what discussion has GBC Corporate, either directly (or through consultants such as Motion and Savill) had with the developers directly (or their consultants)?

GBC transportation consultants Motion were instructed by GBC separately from the local planning authority who have their own advisers. Savills are property advisers and nothing to do with transportation studies.

The bus operators supported by SCC bus team objected mostly on resisting extended bus journey times (a 20 second delay to some morning rush-hour services and 2 second delay to some evening services when some travel times may improve). The reduction in bay numbers and north entry/exit is objected to without supporting evidence.

However, GBC corporate did not want a scheme that would not work. Neither do I. The local planning authority arrange their own transportation advisers appointing a firm called RGP I believe.

As SCC could not produce modelling objections or respond in time yet remained immovable, GBC corporate therefore believed independent advice might be required, a view the LPA independently reached.

All three transportation consultants, the developers, the planning authority, and the Council considered the proposals to be workable and supportable and did not share the bus operators' or SCC's objections particularly balanced against the clear benefits available for the Borough of housing delivery and regeneration.

In terms of consultant contact with the developer, the GBC corporate transport consultants Motion advised using the submitted planning application and supporting evidence only as far as I am aware. I would have had no problem had they wanted clarification on any point from the developer or developer's consultants. I had no contact with the local planning authority advisers, so cannot answer that question on behalf of the LPA.

- (3) *Does GBC, "corporate" or otherwise, have interests, financial or otherwise in a favourable (or indeed negative) outcome of this application?*

The developer is purchasing the Council's land for a capital sum and is contracted to refurbish Guildford bus station and undertake the pedestrianisation of North Street. This is subject, amongst other things, to the developer obtaining planning consent.

What is the "capital sum" and "the other things"? If the developer does not obtain planning permission, what will be the Council's obligation vis-a-vis the developers (and any other party) e.g. repayment of "capital sum" and any other monies?

What financial loss, both present and future, will the Council suffer if planning permission is not granted (e.g. any future financial entitlement in the event of a review of the development's progress/performance)?

The land price is c £5 million.

The developer was fully aware that there have been eight failed attempts by developers over 30 years, and that Guildford is perceived as a very difficult town for applicants to bring forward major inward investment projects.

Accordingly, whilst they were willing to bear considerable costs preparing a planning application if it fails, they may choose not to proceed. The deposit will then be refundable.

In addition to land price the contract provides for the project to cover the major regeneration and improvement costs which will also be lost to the community.

This financial transaction was considered and approved by the Council's Executive. Any corporate approval gave no indication or certainty of receiving planning consent.

It should be noted the "ethical wall" or strict separation of "Corporate Projects" and "Development Management" teams at GBC, and the referral of the application to the Planning Committee for determination ensures financial interests do not impact on planning judgement.

See also response to part (b) of the question above.

Noted but should an application of this size and importance be referred to full council in view of the importance to residents?

The Executive has the authority to initiate and support regeneration. Many presentations describing the scheme evolution have been available to all councillors so their views could be taken into account. Many may not choose to attend which is outside my control.

The planning authority and Planning Committee scrutinise and review the application independently and reach their own conclusions in consultation with the many agencies who are consulted, including in this instance, the Design Panel South East, the Environment Agency, the County Council, Historic England and others. They also consider the degree of consultation undertaken by the applicant. This has been unprecedented for a town centre scheme over the past four years that these proposals have been under negotiation. Three separate presentations have also been made to members during the evolution of the project to seek their views on all and any aspect of the proposals.

I am satisfied due process has been followed by both officers and myself in our corporate roles in bringing forward regeneration.

- (4) *In particular, I recall GBC sold its land on the site to the applicants and reached agreement with them about aspects of the bus station – again, does GBC have any financial or other interest in a favourable outcome?*

See response to part (c) of the question above

- (5) *Does GBC generally and "Corporate" in particular have "an open mind, without pre-conceived opinions" without "undue contact with interested parties" on this application?*

Yes, officers are MRTPI, RICS or otherwise appropriately qualified and experienced and fully understand the importance of an open-minded approach required by law. If there is any evidence to the contrary that can be provided this will be further considered and investigated.

- (6) *Has GBC “Corporate” overstepped the line, climbed the Chinese wall etc by becoming actively involved in such a large, controversial planning application?*

There is no evidence we are aware of to suggest this is the case. If Councillor Rooth has evidence to the contrary, we would be grateful if this could be provided for consideration and investigation.

- (7) *Has GBC “Corporate” compromised the impartiality of GBC Planning in deciding this application?*

We do not believe so and there is no evidence we are aware of to suggest this is the case. If Councillor Rooth has evidence to the contrary, we would be grateful if this could be provided for consideration and investigation.

I am sure we would all appreciate confirmation that GBC is moving appropriately on all tracks.”