

To: All Members of the Council

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Dear Councillor

COUNCIL MEETING – 10 DECEMBER 2013

A MEETING of the WAVERLEY BOROUGH COUNCIL will be held in the COUNCIL CHAMBER, COUNCIL OFFICES, THE BURYS, GODALMING on **TUESDAY, 10 DECEMBER 2013** at **7.00 p.m.** and you are hereby summoned to attend this meeting.

The Agenda for the Meeting is set out below.

Yours sincerely

ROBIN TAYLOR  
Head of Democratic and Legal Services

**This meeting will be webcast from the conclusion of Informal Question Time and can be viewed by visiting [www.waverley.gov.uk](http://www.waverley.gov.uk)**

### **AGENDA**

1. **INFORMAL QUESTION TIME**

The Mayor to receive any informal questions from members of the public (for a maximum of 15 minutes), before the start of the formal meeting.

2. **MINUTES**

To confirm the Minutes of the Council Meeting held on 15 October 2013 (herewith).

3. APOLOGIES FOR ABSENCE

The Mayor to report apologies for absence.

4. DISCLOSURE OF INTERESTS

To receive from Members declarations of interest in relation to any items included on the agenda for this meeting in accordance with the Waverley Code of Local Government Conduct.

5. MAYOR'S ANNOUNCEMENTS

6. QUESTIONS FROM MEMBERS OF THE PUBLIC

To answer the following question received from Mr Mark Westcott of Farnham in accordance with Procedure Rule 10:-

"In paragraph 26 of the Officer's Report on the result of the second consultation appended to tonight's minutes, members are advised that Waverley sought legal advice from Learned Counsel as to whether or not the second consultation process may have been adversely affected by the publicity issued by Farnham Town Council.

This was consequent to a local elector's complaint mentioned in the previous paragraph that the Town Council appeared to have inappropriately sought to influence the public to hold a particular view on a question of policy and used public funds to do so, in contravention of the Communities and Local Government's Code of Recommended Practice on Local Authority Publicity – Circular 01/2011, paragraph 16.

A main plank of the elector's complaint related to paragraph 16 of the DCLG Guidance and this does not appear to have been addressed in the report from officers to members in the section on legal considerations.

Indeed, there seems to be an absence of any comment by Waverley's Learned Counsel in the officer's report to members on the 2011 DCLG Guidance contained in Paragraph 16, a paragraph which is unfettered and unconstrained by any limit or relation to petitions, referendums or elections.

It applies to any publicity.

The circular does, of course, refer to "should" rather than "must", but surely this is because there is a presumption that the behaviour of local councils is impeccable and above any consideration that they might ever act improperly, or be at fault.

Please can the Chairman explain this Council's understanding of paragraph 16 of the DCLG Guidance and explain why it does not appear to have been taken into consideration and reported on by officers in the Appendix attached to tonight's minutes in order to assist members in their deliberations?"

*[NB. These questions express personal views of the questioners and Waverley does not endorse the statements of fact and opinion in any way and they do not reflect the views of Waverley Borough Council.]*

7. QUESTION TIME

To answer any questions received in accordance with Procedure Rule 11.2.

8. MOTIONS

To receive any motions submitted in accordance with Procedure Rule 12.1.

9. MINUTES OF THE EXECUTIVE AND COMMITTEES

(a) To receive the minutes of the meetings of the Executive held on:-

(i) 5 November 2013 (herewith - coloured grey); and

(ii) 3 December 2013 (to follow – coloured grey);

(b) To receive the minutes of the meeting of the Audit Committee held on 19 November 2013 (herewith - coloured lilac); and

(c) To receive the minutes of the meeting of the Licensing and Regulatory Committee held on 28 November 2013 (herewith - coloured bright green);

10. EXCLUSION OF PRESS AND PUBLIC

To consider the following motion, to be moved by the Mayor, where appropriate:-

That pursuant to Procedure Rule 20 and in accordance with Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of any matter on this agenda on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during the item(s), there would be disclosure to them of exempt information (as defined by Section 100I of the Act) of the description specified in the appropriate paragraph(s) of the revised Part I of Schedule 12A of the Local Government Act 1972 (to be identified at the meeting).

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