

MINUTES of the MEETING of the  
WAVERLEY BOROUGH COUNCIL  
held in the Council Chamber,  
Council Offices, Godalming on 10  
December 2013 at 7.00 p.m.

\* Cllr Patricia Ellis (Mayor)

\* Cllr Liz Wheatley (Deputy Mayor)

- |                            |                           |
|----------------------------|---------------------------|
| * Cllr Brian Adams         | * Cllr Nicky Lee          |
| Cllr Stella Andersen-Payne | * Cllr Denis Leigh        |
| * Cllr Mike Band           | * Cllr Peter Martin       |
| * Cllr Gillian Beel        | * Cllr Tom Martin         |
| Cllr Patrick Blagden       | * Cllr Bryn Morgan        |
| * Cllr Maurice Byham       | * Cllr Stephen Mulliner   |
| * Cllr Elizabeth Cable     | * Cllr David Munro        |
| * Cllr Carole Cockburn     | * Cllr Elliot Nichols     |
| * Cllr Jim Edwards         | Cllr Jennifer O'Grady     |
| * Cllr Brian Ellis         | Cllr Stephen O'Grady      |
| * Cllr Jenny Else          | * Cllr Donal O'Neill      |
| * Cllr Mary Forszyski      | * Cllr Julia Potts        |
| Cllr Pat Frost             | * Cllr Wyatt Ramsdale     |
| * Cllr Richard Gates       | * Cllr Stefan Reynolds    |
| * Cllr Michael Goodridge   | Cllr Ian Sampson          |
| * Cllr Tony Gordon-Smith   | * Cllr Janet Somerville   |
| * Cllr Lynn Graffham       | * Cllr Roger Steel        |
| * Cllr Jill Hargreaves     | Cllr Stewart Stennett     |
| * Cllr Christiaan Hesse    | * Cllr Christopher Storey |
| * Cllr Stephen Hill        | * Cllr Adam Taylor-Smith  |
| Cllr Nicholas Holder       | * Cllr Jane Thomson       |
| * Cllr Simon Inchbald      | * Cllr Simon Thornton     |
| * Cllr Peter Isherwood     | Cllr Brett Vorley         |
| * Cllr Diane James         | Cllr John Ward            |
| * Cllr Carole King         | * Cllr Keith Webster      |
| * Cllr Robert Knowles      | * Cllr Ross Welland       |
| Cllr Martin Lear           | * Cllr Nick Williams      |

\* Cllr Andrew Wilson

\* Present

Prior to the commencement of the meeting, prayers were led by the  
Reverend Jonathan Thomas.

31. MINUTES

The Minutes of the Meeting of Council held on 15 October 2013 were confirmed and signed.

32. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Paddy Blagden, Gillian Beel, Brett Vorley, Stewart Stennett, Jill Hargreaves, Martin Lear, John Ward, Ian Samson, Stella Andersen-Payne, Pat Frost, Stephen O'Grady and Nick Holder.

### 33. DECLARATIONS OF INTEREST

The following declarations of interest were declared at the meeting:-

Paul Wenham, Graeme Clark, Robin Taylor and Robin Pellow declared a potential pecuniary interest on item 9, minute 101, Senior Management Restructure, of the Executive of 3 December 2013 but in light of special circumstances and need for possible financial advice from the section 151 officer, Paul Wenham would stay in the room until they moved into exempt session.

Councillor Roger Steel declared a non-pecuniary interest in item 9, minutes 111, Call-in report back, Waverley Local Plan and 114, Farnham Leisure Centre amendment to Parking Order, of the Executive of 3 December 2013 as a Member of Farnham Town Council.

### 34. MAYOR'S ANNOUNCEMENTS

The Mayor advised members about the success of the Volunteers Tea Party which took place in October and celebrated the work on the Volunteers in the Borough. The Mayor wished to thank everyone for attending and encouraged Members to put forward names of residents in their Wards to be invited to the event next year.

The Mayor had attended an event held by the Royal British Legion poppy appeal and was pleased to announce that the Borough of Waverley had won a certificate of appreciation for the best borough in Surrey for its outstanding support and commitment to the poppy appeal. Residents had supported the charity and thanks was given to all residents in Waverley. It was also noted that July Langley from Thursday had also won a certificate of appreciation for outstanding work and commitment as she had increased the number of volunteers and raised a huge amount for the appeal. The Mayor had also attended the Surrey Sports Awards and wanted to express the Council's congratulations to Farnham Swimming Club which had won a number of awards. Doug Mule from Bagshot Lea Cricket Club who had supported the club for 65 years was also shortlisted for the BBC Surrey Outstanding Service to Sport award.

The Mayor thanked Councillors and staff for their donation and contribution to the Charity Fayre which had taken place the week before. An exceptional amount of money had been raised for the day centres.

### 35. QUESTIONS FROM MEMBERS OF THE PUBLIC

The following question was received in accordance with Procedure Rule 10 from a member of the public:-

i. from Mike Westcott of Farnham

"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?"

The Leader gave the following response:-

"Thank you for your question, Mr Westcott.

As you will have heard at last week's meeting of the Executive, a decision was taken to withdraw the item in order for the Council to seek further legal advice from Counsel regarding your earlier question. Counsel's advice will be incorporated into a report to a special meeting of the Executive this Thursday the 12th of December, and amongst other things that report will address the question you have raised at tonight's meeting.

As a result I am not able to answer your question before the Executive meeting this Thursday, when the legal advice will be considered. I will therefore ensure that you receive a written answer to your question following that meeting."

## 36. MINUTES OF THE EXECUTIVE

### 36.1 Meeting of 5 November 2013

It was moved by the Chairman of the Executive, duly seconded and

RESOLVED that the Minutes of the Meeting of the Executive held on 5 November 2013 be approved and the recommendations contained therein adopted.

36.2 Meeting of 3 December 2013

i. Senior Management Restructure (Minute No. 101)

For consideration of this item, at 7.46pm it was

RESOLVED 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 the item 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 this item there would be disclosure to them of exempt information (as defined by Section 100I) of the Act) of the description specified in the following paragraph of the revised Part I of Schedule 12A to the Act, namely:-

1. Information relating to any individual; and
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information)

At 7.56pm the meeting resumed and recommendations 1-9 confirmed in open session.

ii. Proposed Interim Housing Target (Minute No. 102)

Councillors Elliot Nichols and Diane James asked that their votes against recommendation 10 be recorded.

It was moved by the Chairman of the Committee, duly seconded and

RESOLVED that the Minutes of the Executive held on 3 December 2013 be approved and the recommendations contained therein adopted.

[NB All officers left the meeting during consideration of Minute No:101]

37. MINUTES OF THE AUDIT COMMITTEE

It was moved by the Chairman of the Committee, duly seconded and

RESOLVED that the Minutes of the Meeting of the Audit Committee held on 19 November 2013 be approved.

38. MINUTES OF THE LICENSING AND REGULATORY COMMITTEE

It was moved by the Chairman of the Committee, duly seconded and

RESOLVED that the Minutes of the Meeting of the Licensing and Regulatory Committee held on 28 November 2013 be approved.

The meeting concluded at 8.35p.m.

Mayor