

To: All Members of the Council

Fiona Cameron, Democratic Services Manager
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Policy and Governance

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Calls may be recorded for training or monitoring

Date: 29 May 2020

Dear Councillor

ANNUAL COUNCIL MEETING - TUESDAY, 9 JUNE 2020

A VIRTUAL MEETING of the WAVERLEY BOROUGH COUNCIL will be held on **TUESDAY, 9 JUNE 2020** at **6.00 pm** and you are hereby summoned to attend this meeting, via Zoom video-conference.

The Agenda for the Meeting is set out below.

The meeting can be viewed remotely in accordance with the provisions of The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020, via the Council's You Tube channel.

Yours sincerely

ROBIN TAYLOR

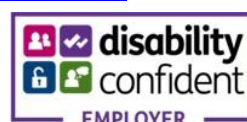
Head of Policy and Governance

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INFORMAL QUESTIONS

Members of the public may ask questions of the Leader, the Deputy Leader, or an appropriate Executive Portfolio Holder during informal question time prior to the Annual Council meeting, which will be held via Zoom video-conference.

Details of how to register to ask an informal question are published on the Council's website with the Annual Council meeting agenda.

AGENDA

1. **WELCOME, INTRODUCTIONS AND PROCEDURAL INFORMATION**

The Mayor, Cllr Mary Forszewska, to move that Council Procedure Rule 21.1 (the requirement for Members to stand to speak) be suspended for this meeting.

2. **APOLOGIES FOR ABSENCE AND ROLL CALL**

The Mayor to report apologies for absence.

The Head of Policy & Governance to carry out a roll call of Members in remote attendance.

The Head of Policy & Governance will ask each Member in alphabetical order to declare that they are present. Please wait to be called then:

a) unmute your microphone on your PC / tablet etc ,

b) confirm that you are "Present";

c) then please remember to, once again, mute your microphone.

3. **MAYOR'S ANNOUNCEMENTS**

The retiring Mayor, Cllr Mary Forszewska, will provide a summary of her year in office.

4. **ELECTION OF MAYOR FOR 2020/21**

To elect the Mayor of the Borough of Waverley for the 2020/21 Council year.

- i) The retiring Mayor, Cllr Mary Forszewska, will call for nominations for the Mayor.

Please note that if there is only one nomination the Mayor will not ask for all Members to indicate their approval or otherwise but, rather, will declare the motion carried and only ask if any Member wishes to vote against.

- ii) The retiring Mayor, Cllr Forszewski, will declare the result.
- iii) The new Mayor will read their declaration of acceptance of office and be presented with the Chain of Office.

The meeting will continue with the new Mayor in the chair.

5. ELECTION OF DEPUTY MAYOR FOR 2020/21

To elect the Deputy Mayor of the Borough of Waverley for the 2020/21 Council year.

- i) The new Mayor will call for nominations for the Deputy Mayor.

Please note that if there is only one nomination, the Mayor will not ask for all Members to indicate their approval or otherwise but, rather, will declare the motion carried and only ask if any Member wishes to vote against.

- ii) The new Mayor will declare the result.
- iii) The new Deputy Mayor will read their declaration of acceptance of office and be presented with the Deputy Mayor's Chain of Office.

6. VOTE OF THANKS TO THE RETIRING MAYOR

A vote of thanks to the retiring Mayor will be moved and seconded.

7. MINUTES (Pages 9 - 30)

To confirm the Minutes of the Council meeting held on 18 February 2020.

These will be signed at a later date.

8. DECLARATIONS OF INTEREST

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.

9. NEW MAYOR'S ANNOUNCEMENTS

To receive announcements from the new Mayor.

10. EXECUTIVE APPOINTMENTS 2020/21 (Pages 31 - 32)

Council to note the Leader's appointments to the Executive for the Council year 2020/21.

The Mayor will not be calling for a vote but will, instead, assume that this item is noted by Council.

11. REVIEW OF POLITICAL PROPORTIONALITY OF THE COUNCIL AND APPOINTMENT OF MEMBERS TO COMMITTEES (Pages 33 - 46)

The Local Government and Housing Act 1989 requires local authorities, where Members are divided into political groups, to review periodically (and as soon as practicable after any change in the political composition of the council) the representation of the political groups on their principal committees to ensure that the seats are allocated in the same proportion as that in which the council as a whole is divided.

This report confirms the political composition of the Council following the by-election in the Milford ward, held on 12 February 2020, the allocation of seats on the principal committees (Annexe 1), and the appointment of members to committees for 2020/21 in accordance with the wishes of the political groups (Annexe 2).

Recommendation

It is recommended that Council notes:

- i. **the proportional allocation of seats on the Principal Committees and SCC Local Committee in accordance with the political proportionality of the Council as detailed in Annexe 1; and,**
- ii. **the Group Leaders' nominations to the Principal Committees, as detailed in Annexe 2.**

The Mayor will not be calling for a vote but will, instead, assume that this item is noted by Council.

12. MINUTES OF THE EXECUTIVE

To receive the Minutes of the Executive meetings held on 3 March 2020 and 12 May 2020, and to consider the recommendations set out within.

12.1 Minutes of the Executive meeting, 3 March 2020 (Pages 47 - 54)

There are no matters in Part I for Council decision.

Members of the Council wishing to make a statement on any Part II Matters of Report must give notice to the Democratic Services Team by midday on Tuesday 9 June 2020.

12.2 Minutes of the Executive meeting, 12 May 2020 (Pages 55 - 64)

There are two matters in Part I for Council decision, and these are set out at Agenda items 12.3 and 12.4, below.

Members of the Council wishing to make a statement on any Part II Matters of Report must give notice to the Democratic Services Team by midday on Tuesday 9 June 2020.

12.3 **EXE 79/19 Temporary Governance Arrangements (Pages 65 - 72)**

This report proposes temporary changes to the Council's governance arrangements in response to the business imperative to prioritise urgent action to support the Waverley community during the Coronavirus emergency.

It summarises key changes in legislation (via the Coronavirus Act 2020) and Regulations (via the Local Authorities (Coronavirus) (Flexibility of Local Authority Meetings (England)) Regulations 2020) ("the Regulations") and makes recommendations on temporary arrangements for Council and committee meetings during the 6-month period from April to October 2020.

The Executive has asked the Standards Committee to review the proposals set out in this report for new temporary planning committees to streamline the planning committee arrangements, and recommendations to temporarily amend the Council's Constitution in this regard are brought to Council via the Standards Committee elsewhere on this meeting agenda.

Recommendations

The Executive recommends to Full Council:

- i. That in principle, remote meetings, at least for the time being, be used sparingly, and that only matters considered to be critical to the Council's business be dealt with by way of remote meetings. Non-critical, 'business as usual' items and items that can be delegated to officers (either through existing or new delegations), delayed or cancelled are not dealt with by remote meetings. All time-limited emergency provisions to be reviewed at the July Council meeting and at any further Full Council meetings beyond that as required.**
- ii. That the revised schedule of committee meetings outlined for Phases 1, 2 and 3 in paragraph 4.8 below, is agreed; a detailed calendar of meetings will be provided to Members as soon as possible.**

NB. The Executive's recommendations (below) in relation to the timing of Annual Council, the appointment of the Mayor and Deputy Mayor, and committee appointments have been superseded by the scheduling of Annual Council on 9 June 2020.

- That the Annual Meeting of Council for 2020 be postponed until such date to be agreed by the Leader of the Council, the Mayor, and the Chief Executive.
- That the Mayor and Deputy Mayor remain in their current roles until an Annual Meeting of the Council is held.
- That the committee memberships for 2019/20 continue for 2020/21, subject to any adjustments required to satisfy political proportionality

following the January 2020 by-election; and that existing committee chairmen and vice-chairmen continue for 2020/21 unless there is a need to appoint a new chairman and/or vice-chairman due to any other reason.

12.4 **EXE 80/19 Safeguarding Policy for Children and Adults at Risk (Pages 73 - 126)**

This report proposes changes to the Council's Safeguarding Policy of 2017 and reflects changes within Surrey County Council Children's Services following the Ofsted re-inspection of services for children in need of help and protection in May 2018 where they found Surrey County Council's Children Services inadequate in relation to: *Children who need help and protection and Leadership, management and governance*.

Recommendation

The Executive recommends to Full Council that the Safeguarding Policy for Children and Adults at Risk is adopted.

13. MINUTES OF THE STANDARDS COMMITTEE, 21 MAY 2020 (Pages 127 - 132)

To receive the Minutes of the Standards Committee meeting held on 21 May 2020, and to consider the recommendations set out within.

13.1 **STD 25/19 Waverley Members' Code of Conduct - Proposed revision (Pages 133 - 146)**

This report proposes a minor revision to the Waverley Member's Code of Conduct, to update the descriptions of the seven Nolan Principles to those now being used by the Committee on Standards in Public Life. The revised version of the Waverley Members' Code of Conduct showing the new text as tracked changes is attached at Annexe 1.

Recommendation

The Standards Committees recommends to Full Council that the revised Waverley Members' Code of Conduct be adopted.

13.2 **STD 26/19 Remote meetings Protocol and Procedure Rules (Pages 147 - 154)**

The current Covid-19 pandemic and related Government restrictions have impacted on local authorities' decision making processes and the ability for meetings of the Full Council, its committees and Executive to be held. This is in large part due to the inability in previous legislation for members to vote at meetings remotely.

The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020 ('the Regulations') which came into effect in early April now

provide the ability for remote meetings to be held. This report responds to the provisions in the Regulations and seeks to provide clarity around the necessary arrangements for remote meetings and attendance.

Recommendation

The Standards Committee recommends to Full Council that the ‘Remote Meetings Protocol and Procedure Rules’ as set out in Annexe 1 is recommended to Full Council for adoption.

13.3 STD 27/19 New Planning Committees - Temporary arrangements for 2020/21 (Pages 155 - 170)

This report sets out proposals for the establishment, on a temporary basis, of two new planning committees (WESTERN and EASTERN) to replace the Council’s five existing planning committees (Joint Planning Committee, and Southern, Western, Eastern and Central Area Planning Committees, in order to streamline planning committee decision-making arrangements whilst resources are stretched due to the impact of the Covid-19 pandemic.

Recommendation

The Standards Committee recommends to Full Council that:

- i. the arrangements set out in Section 4 of the report are adopted as a temporary measure to facilitate decision-making by Planning Committees whilst the work of the Council is impacted by the effects of the Coronavirus pandemic;**
- ii. the Terms of Reference of the new temporary WESTERN and EASTERN planning committees as set out in Annexe 1 are incorporated into the Constitution and clearly identified as being temporary measures for a period to be agreed by Full Council;**
- iii. the need for the new temporary WESTERN and EASTERN planning committees is kept under review by the Planning Committee Chairmen in consultation with the Head of Planning & Economic Development, and should be reviewed by Full Council in December 2020.**
- iv. where an application could be decided under delegated authority were it not for there being a connection with a Member of Officer, then these applications may be delegated to the Head of Planning & Economic Development in consultation with the relevant Planning Committee Chairman and Vice-Chairman, and relevant Ward Member(s), such special delegation expiring with the temporary planning committee arrangements.**

14. MINUTES OF THE AUDIT COMMITTEE, 2 MARCH 2020 (Pages 171 - 186)

To receive the Minutes of the Audit Committee meeting held on 2 March 2020.

There are no matters in Part I for Council decision.

Members of the Council wishing to make a statement on any Part II Matters of Report must give notice to the Democratic Services Team by midday on Tuesday 9 June 2020.

15. EXCLUSION OF PRESS AND PUBLIC

If necessary, to consider the following motion, to be moved by the Mayor:

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).

Agenda Item 7.

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MINUTES of the WAVERLEY
BOROUGH COUNCIL held in
the Council Chamber, Council
Offices, The Burys, Godalming
on 18 February 2020 at 7.00
pm

- * Cllr Mary Forszewski (Mayor)
- * Cllr Penny Marriott (Deputy Mayor)

- | | |
|---------------------------|---------------------------|
| * Cllr Brian Adams | * Cllr Jerry Hyman |
| * Cllr Christine Baker | * Cllr Peter Isherwood |
| * Cllr David Beaman | * Cllr Jacquie Keen |
| * Cllr Roger Blishen | * Cllr Robert Knowles |
| * Cllr Peter Clark | * Cllr Anna James |
| Cllr Carole Cockburn | * Cllr Andy MacLeod |
| * Cllr Richard Cole | * Cllr Peter Marriott |
| * Cllr Steve Cosser | * Cllr Michaela Martin |
| * Cllr Martin D'Arcy | * Cllr Peter Martin |
| Cllr Jerome Davidson | * Cllr Mark Merryweather |
| * Cllr Kevin Deanus | * Cllr Kika Mirylees |
| Cllr Simon Dear | Cllr Stephen Mulliner |
| * Cllr Sally Dickson | * Cllr John Neale |
| * Cllr Brian Edmonds | * Cllr Peter Nicholson |
| * Cllr Patricia Ellis | * Cllr Nick Palmer |
| * Cllr David Else | * Cllr Julia Potts |
| * Cllr Jenny Else | * Cllr Ruth Reed |
| * Cllr Jan Floyd-Douglass | * Cllr Paul Rivers |
| * Cllr Paul Follows | * Cllr Penny Rivers |
| * Cllr Maxine Gale | * Cllr John Robini |
| * Cllr Michael Goodridge | * Cllr Anne-Marie Rosoman |
| * Cllr John Gray | * Cllr Trevor Sadler |
| * Cllr Michaela Gray | Cllr Richard Seaborne |
| * Cllr Joan Heagin | * Cllr Liz Townsend |
| * Cllr Val Henry | * Cllr John Ward |
| * Cllr George Hesse | * Cllr Steve Williams |
| Cllr Chris Howard | * Cllr George Wilson |
| * Cllr Daniel Hunt | |

*Present

Apologies

Cllr Carole Cockburn, Cllr Jerome Davidson, Cllr Simon Dear, Cllr Chris Howard, Cllr Stephen Mulliner and Cllr Richard Seaborne

Also Present

Prior to the commencement of the meeting, prayers were led by
The Reverend Ian Maslin.

CNL52./19 MINUTES (Agenda item 1.)

The Minutes of the Meeting held on 10 December 2019 were confirmed as a correct record and signed.

CNL53./19 APOLOGIES FOR ABSENCE (Agenda item 2.)

Apologies for absence were received from Cllrs Carole Cockburn, Jerome Davidson, Simon Dear, Chris Howard, Stephen Mulliner, and Richard Seaborne.

Cllr Hyman gave apologies and left the meeting at 9.20pm, during the consideration of the Capital Strategy.

CNL54./19 DECLARATIONS OF INTEREST (Agenda item 3.)

Cllr John Robini and Cllr Jacquie Keen declared a Disclosable Pecuniary Interest (DPI) in respect of Agenda Item 11, as they rented a garage from Waverley Borough Council.

Robin Taylor, Monitoring Officer, advised that given the nature of the DPI he had granted a dispensation to allow Cllrs Robini and Keen to remain in the Council Chamber and take part in the determination of the recommendations on the Housing Revenue Account budget.

CNL55./19 MAYOR'S ANNOUNCEMENTS (Agenda item 4.)

- 55.1 The Mayor thanked the Chief Executive, Tom Horwood, and Waverley officers for their hard work over the weekend in responding to the bad weather and flooding in Waverley.
- 55.2 The Mayor reported on a networking event she had hosted on Monday, which enabled representatives from local organisations to meet with representatives of the Ahmadiyya Muslim Community. This had been an extremely interesting event, and many useful connections were made between organisations for their mutual benefit.
- 55.3 The Mayor reminded Members of her charity walk, on Sunday 22 March, in aid of Mane Chance. The walk would start at Guildford Station and follow the North Downs Way via Watts Gallery to Farnham, with refreshment stops along the way. She hoped that Members and staff would join her for some or all of the walk.
- 55.4 Finally, the Mayor announced that she would be holding an event on Monday 27 April at Rodborough School to highlight the issue of mental ill-health and in particular suicides among men. She had met with the Surrey County Council Public Health Lead for Suicide Prevention, and was looking forward to providing more details in due course of this exciting initiative.
- 55.5 With the indulgence of the Mayor, Cllr Christine Baker stood to commend the Mayor for what she was doing to draw attention to this important matter. Cllr Baker advised Members that her son had committed suicide at the age of 38,

and today would have been his birthday, so she could not let the moment pass without commenting.

CNL56./19 LEADER'S ANNOUNCEMENTS (Agenda item 5.)

The Leader welcomed Cllr Maxine Gale to the Council.

CNL57./19 QUESTIONS FROM MEMBERS OF THE PUBLIC (Agenda item 6.)

There were no questions from members of the public.

CNL58./19 QUESTIONS FROM MEMBERS OF THE COUNCIL (Agenda item 7.)

There were no questions from Members of the Council.

CNL59./19 MOTIONS (Agenda item 8.)

There were no motions on notice from Members.

CNL60./19 MEDIUM TERM FINANCIAL PLAN 2020/21 - 2023/24 AND GENERAL FUND REVENUE BUDGET 2020/21 [EXE 60/19] (Agenda item 9.)

60.1 The Leader of the Council, Cllr John Ward, presented the budget to Council:

“Good evening Councillors and Ladies and Gentlemen in the Public Gallery. I am pleased to present to you the first General Fund Budget of this new administration which is outlined in the report on pages 23 – 84 of your Agenda packs. We may be a new Administration but the same problems and financial pressures confront us as they did our predecessors and so, before Cllr Merryweather; effectively my Chancellor; presents that report in more detail, I would like to set the scene with a number of more general remarks about the situation in which we find ourselves. By the way I should perhaps make it clear at once that I have no intention of knifing my Chancellor.

“This report relates only to our General Fund budget and does not cover our social housing activities, dealt with by our Housing Revenue Account (HRA), which is an entirely separate entity that will be covered later under Agenda Item 11. Excluding our Housing Revenue Account activities, our General Fund is the account into which we receive all our other revenues and is the “pot” from which we expend money on all of our other day-to-day services. Therefore it is clear that having a robust General Fund Budget is essential to the delivery of all aspects of our Corporate Plan which, to remind you all, states explicitly that we “*will promote and sustain a financially sound Council*”.

“For some years now, it has been Central Government policy to reduce the funding this and other Councils receive, either in Grants or from the small share of Business Rates that it allows us to retain. It is doing so despite relentless upward inflationary pressure on our costs, and faster than we can reasonably be expected to make up the resulting gap from other income sources. There is, therefore, extraordinary pressure on us to cut costs and, by implication, risk services. This is captured on the adverse side of the

Medium Term Financial Plan, and summarised in the Table at §4.2 of your report (Page 24).

“I encourage you, during Cllr Merryweather’s remarks, to view the Chart at §4.12 (Page 27) of the report and, in particular Business Rates. While we, as Waverley, collect them, they are not set by us nor do we have any say in how much we can keep to fund our services. So, whilst we currently collect around £38m from Waverley’s businesses, for which they naturally expect to receive some services it will, I am sure, surprise many of you to learn that we are currently allowed to keep only around 5p in every £1. More importantly, we have not only been told by Central Government to expect that share to decline to zero, but there is a very serious threat that it may actually go further and tax us more than £1 for every £1 we collect from our hard-pressed businesses. The Government continues to insist that “*Local Councils retain 50% of the Business Rates*” which may be true overall as some northern (Tory Target?) Boroughs appear to be able to retain over 100% which is called “*levelling the playing field*” but seems to be political tilting of the available funding. All this is even before the other potential impact we may suffer – perhaps £800,000 or more – from the so-called “*negative RSG*” which is discussed in §4.14 (Page 28).

“You will also notice from that Chart that in 2010 Waverley used to receive £6 million in Government Grants but we have received no Central Government Support Grant funding since 2018-19 and the only Central Government support we have had since; the so-called “*New homes Bonus*” (a reward for building even more houses); will be cut by £300,000 in 2020-21 and we expect it to disappear altogether by 2023-24. The income that Councils can obtain basically comes from three sources – Central Government Funding (Grants) – the local population (Council Tax and other Charges) – Investment Income – the Government has cut off our Grants, capped our ability to raise Council Tax and not given us enough time to make prudent Investments to replace the “lost” revenue. No wonder Surrey County Council has felt it necessary to go to the Public with its Begging Bowl and is considering “inviting” residents to pay more Council Tax!

“The financial stresses that we face now were identified several years ago, and in 2018 the Budget Strategy Working Group was established to “*drive forward the initiatives designed to resolve the projected budget shortfall.*” The initiatives and targets they have been working on comprise the initiatives side of the Medium Term Financial Plan, summarised in the Table at §4.4 (Page 25) of your report. These fall into three broad categories:

1. Cutting costs and making other efficiency savings that do not affect service delivery;
2. Increasing funding where we can from existing sources insofar as they are not affected by government policy;
3. Finding completely new sources of revenue, for example from investments.

“While some of these initiatives, like the ones for Property and Commercial, have evolved into strategies, others have not. Although Cllr Merryweather will discuss shortly their impact on the 2020-21 Budget, I must draw your attention now to the remarks made by Cllr Mulliner, the Chair of the Budget Strategy Working Group, to the Executive on 4 February, (summarised at

§60.2 on page 170 of the pack) about the Group's progress and findings to date after 2 years of work. The Group has concluded that it is "*unlikely that any significant revenue could be generated from new revenue streams in the next four years, and also has reservations about the level and timing of savings achievable through the Customer Services Project*".

"Our new Administration has been following the work of the Group closely in the 9 months since the local elections and improved on some of initiatives where we can, for example the Property Investment Strategy. However, whilst we are as disappointed as Cllr Mulliner in that Group's progress, we have no reason to disagree with his assessment, especially as to whether new income streams can impact soon enough.

"Some of you may already have thought that the scope of the Group's initiatives may have been too optimistic because it didn't include deep, strategic, service cuts. Whilst this Administration will if necessary, but only as a last not a first resort, consider making such strategic service cuts. I must make it clear that we feel it is a more realistic, and fair approach, steered by last year's Residents' Consultation, to cut costs and increase fees and charges. The Administration is already making contingency plans for the future but the challenge remaining after 2020/21, to deal with a further £3.5 million deficit represents over a quarter of our General Fund Budget. On that depressing note, I would ask the Mayor's indulgence to now hand over to Cllr Merryweather to deal with the detail of the proposed Budget."

- 60.2 Cllr Mark Merryweather, Portfolio Holder for Finance, Assets and Commercial Services, highlighted the key details of the General Fund budget, which were summarised on page 45 of the agenda. A balanced budget was being proposed in very challenging circumstances. The council did not have the reserves to draw on to balance a deficit, and so the challenge had been to find a sustainable £1.9m in annual savings and new income. This was just the first step towards the £5.4m per year need in total by 2023/24. Within these constraints, the Executive was proposing a fair budget that reflected the Corporate Strategy that itself expressed the mandate granted to the administration through the election in 2019, and residents' priorities as informed by the 2019 budget consultation.
- 60.3 Cllr Merryweather referred to Annexe 2, which showed the Council's total service cost which at £10.8m was a net cost increase of £255,000 made up of large cost and revenue movements caused by budget pressures and compensating initiatives, including cost inflation, loss of recycling credit income, and 5% cost savings totalling almost £700,000 from Heads of Service. There were no planned structural cuts to services, but unintended consequences of planned savings would need to be monitored. The Council's property investment portfolio was operating in challenging market conditions, and a voids reserve was proposed which was offset against investment income.
- 60.4 Cllr Merryweather outlined the proposals for raising car parking income: car park charges had not been increased for over three years, but neither had parking capacity; most central car parks were full at peak times. Waverley had listened to residents and businesses, and taken expert advice via an

independent strategic review of off-street parking, and was proposing a range changes to charges, with some tariffs increasing, some decreasing, and some being frozen. The aim was to improve the availability of parking in areas of high demand whilst enabling longer stay parking at cheaper rates at less busy car parks. This would make better use of space, reduce town centre congestion and improve air quality. It was forecast that these changes would increase overall car parking income by £145,000 of which £100,000 would be earmarked to pay for the ongoing costs of delivering the climate change emergency action plan.

- 60.5 Other fees and charges were regulated to a large extent by central government, but a review was underway to make pricing fairer for residents and reflective of the council's priorities. A freeze on the pricing of a Green Waste subscription was proposed and other discretionary charges were rising in line with inflation. Cllr Merryweather went on to detail the allocation of earmarked reserves to the capital programme, investment property voids, and a further £200,00 to the climate change emergency projects reserve making the total commitment for 2020/21 £300,000.
- 60.6 Cllr Merryweather outlined the approach proposed to mitigate risk on business rate income, and highlighted the impact of business rate 'retention' proposals and reduction in New Homes Bonus on forecast income. Finally, Cllr Merryweather explained the approach to increase Council Tax by 1.9%, which was less than the maximum allowed by government which would equate to a 2.7% increase. This approach in part allowed residents to benefit from the additional council tax income arising from new properties built in the borough.
- 60.7 The Mayor invited Cllr Julia Potts, Leader of the Principal Opposition Group, to respond to the budget presentation:

"Madam Mayor, thank you. First I would like to thank Mr Clark, and the finance team, for their hard work, assistance and professionalism to us as a Conservative Group with budget briefings.

"Before you this evening, we have what can only be described as an exceedingly optimistic one year budget. So, the very real concern of the Waverley Conservative Group is how does it fit into the 4 year budget strategy? Does this 1st year budget address the structural issues that Waverley, like so many other district and borough councils, face over the next 4 years? There can be no doubt that savings not accomplished in year 1 will make years 2-4 far more difficult. We see this as a significant risk.

"In particular, the key aspect to this, which we would question, is: are the significant expense reductions, and raising of revenue, in year 1 sufficient to ensure that financial problems are minimised in later years. I would ask the Leader to please clarify what the strategy is on Council Tax and car parking ongoing, because this is extremely unclear in this budget. We have proposals on car parking charges and have still not seen the review, so again, what is the proposed strategy? I do see that there is a 100% increase proposed in this budget for the car park in Milford so it will be interesting to see if the ward councillors support this.

“We have a significant sum, £300,000, proposed for the Climate Change agenda in this first year. This is non-specific, and again we have seen no plan. Where is the costed plan? We have grave concerns that these critical aspects to the council’s financial strategy are somewhat vague and non-transparent.

“From what we have seen of the Administration’s budget, income from property investment seems to play a crucial part - £1.2m, a huge assumption. £300,000 on income can come from one near-term investment paid for out of reserves. However, this is a huge risk that it is likely to fail to achieve for the following reasons:

1. Our understanding from political comments at the Value for Money O&S was that the administration intends to limit themselves to Waverley-only properties. Simple arithmetic proves this to be a tiny pool of opportunities to be competed for in the open market.
2. They won’t invest in some properties because they are ‘unethical’. How exactly is this defined? A tiny pool becomes microscopic.
3. The arithmetic of the PWLB funded acquisitions has become almost insurmountable since the 1% hike in loan rate.
4. Ideas of getting involved in residential development, whilst laudable, involve long time delays and significant risk before even being delivered.

“Continuing on investment, what is happening with our Leisure Centres, the jewels in our crown for so many years. What has happened to plans for Cranleigh and given the Carbon Neutrality target now of this council, can a new leisure centre offering both dry and wet side facilities even be built. Or are they just ‘treading water’ until a private provider moves into the area? Godalming Leisure Centre, again delays; and whilst we know the school have to apply to the Secretary of State for the car park extension the delay to a £70,000 annual income is significant. Farnham, again what is happening? Dither and delay has cost the climbing wall; what assurances can be given that the rest of the expansion will proceed?

“Heads of Service are expected to create £699k of savings this year. The most exposed here is surely commercial services with savings of £246k. Waverley Training Services, Leisure, Ranger reduction, and proposed changes to Careline are all of serious concern. How realistic are the Business Transformation objectives. Whilst we understand there has been some slippage already we have serious concerns about staff morale. Never forget that our staff are our most important asset. Delivering such huge savings, through massive cuts, begs the question Are we really going to be adequately staffed to enable us to provide the core services for our residents?

So to summarise we have major changes to car parking charges being delegated, we have initiatives that are uncosted, and we have no coherent 4 year budget plan. This is from leadership who were on the previous council and should therefore be fully aware of the day to day funding requirements of Waverley. The Conservative Group have serious and very grave concerns about significant aspects of the General Fund budget proposals before councillors this evening, and do feel this potentially calls into question

whether Waverley will even be able to remain a viable standalone authority long term if this General Fund budget as it is, is approved.

“Madam Mayor, given the concerns we have about the longer term transparency of changes to the car parking tariffs, we wish to bring an amendment to the recommendations in the General Fund Budget on page 3 of the main agenda by adding an additional recommendation to ensure greater transparency for all our councillors and residents. The amendment is as follows:

That Council agree to add an item 6 to the recommendations to:
Require any changes to car parking tariffs in the borough in 2020/21 be brought to Council for full transparent debate and decision, following all necessary consultation, and are not approved through delegated authority. “

- 60.8 Cllr Michael Goodridge seconded the proposed amendment. Cllr Potts spoke to the amendment proposed:

“Further to comments I have already made about car parking charges and in the spirit of openness and transparency I move this amendment and additional recommendation. When fellow councillors approve the use of delegated authority for fees and charges last year I am sure many were unaware that this would potentially include car parking, indeed I am told by members of the Conservative group how surprised and indeed ‘shocked’ many of them were when they attended the Finance Portfolio Holders ‘drop-in sessions’ only to be told that car parking charges could be increased under delegated powers. Furthermore, some of the Conservative members of the Standards Committee recall this particular matter being discussed and being assured that would not be the case.

“I am sure that members of this council – cross party – will agree that changes to car parking charges must have a fully open and transparent debate before any decisions are made. The Rainbow Alliance has made a point of expressing its desire to communicate and listen to residents in Waverley. It is crucial that happens with decisions as key as car parking, and that process includes all councillors as this impacts residents, businesses and those working in towns and villages across Waverley.”

- 60.9 Cllr Goodridge, seconding the amendment, expressed his concern that Council was being asked to approve the car parking charges as set out in the email of 4 February sent on behalf of Cllr Palmer by the Strategic Director, without them being in the council papers, having gone to public consultation nor to Overview & Scrutiny. The email also referred to further proposals concerning car parking to be brought forward in the near future. Cllr Goodridge referred to the powers reserved to Full Council in the Constitution, including approving car park fees and charges; the delegations to the S151 officer in the scheme of delegation; and the delegation to the Head of Environmental Services which excluded approval of fees and charges from his management powers in relation to car parks. Cllr Goodridge felt that it was clear that the Constitution required car parking charges to come to full Council for approval and the amendment would ensure that this happened.

- 60.10 The Mayor invited speakers on the amendment. Cllr Steve Cosser, Cllr Kevin Deanus, Cllr Peter Martin and Cllr Robert Knowles all spoke in support of the amendment. Cllr Nick Palmer, Portfolio Holder for Operational and Enforcement Services, noted that Cllr Cosser was the only councillor to have responded directly to him regarding the email of 4 February. Cllr Palmer explained that the objective of the changes to charges was to start to address the most immediate difficulties within the parking system, and these were a modest adjustment after several years of no change.
- 60.11 Cllr Paul Follows, Cllr George Wilson, and Cllr Andy MacLeod spoke against the amendment. In response to Councillors' request for clarification, Robin Taylor, Head of Policy & Governance, confirmed that at its meeting on 10 December 2019, Full Council had approved recommendations from the Audit Committee to amend the Financial Regulations including a delegation to the Section 151 Officer in consultation with the Portfolio Holder for Finance and relevant service Portfolio Holders to amend fees and charges.
- 60.12 In summing up, Cllr Potts emphasised that the amendment was about the principle of openness and transparency in decision-making, and this was not evident in the way the proposals for changes to car parking charges were being presented. It had not been clear to Members in December what was being agreed and the implications of that in relation to car parking charges.
- 60.13 The Leader responded that, having checked with Officers, he was confident that the Council had on 10 December approved the change to the Financial Regulations allowing the delegation to the S151 Officer. The reason for seeking the delegation was to have some flexibility to respond to demand in a business-like manner, and he was totally opposed to the amendment.
- 60.14 The Mayor put the amendment to the Council:

That Council agree to add an item 6 to the recommendations to:

Require any changes to car parking tariffs in the borough in 2020/21 be brought to Council for full transparent debate and decision, following all necessary consultation, and are not approved through delegated authority. "

Votes in favour 16; against 31; abstentions 4. The amendment therefore was lost.

For 16

Cllrs Brian Adams, Steve Cosser, Kevin Deanus, Patricia Ellis, David Else, Jenny Else, Jan Floyd-Douglass, Michael Goodridge, John Gray, Val Henry, Peter Isherwood, Robert Knowles, Anna James, Peter Martin, Julia Potts, Trevor Sadler

Abstentions 4

Cllrs Martin D'Arcy, Mary Forszewska, Jerry Hyman, Penny Marriott

Against 31

Cllrs Christine Baker, David Beaman, Roger Blishen, Peter Clark, Richard Cole, Sally Dickson, Brian Edmonds, Paul Follows, Maxine Gale, Michaela

Gray, Joan Heagin, George Hesse, Daniel Hunt, Jacquie Keen, Andy MacLeod, Peter Marriott, Michaela Martin, Mark Merryweather, Kika Mirylees, John Neale, Peter Nicholson, Nick Palmer, Ruth Reed, Paul Rivers, Penny Rivers, John Robini, Anne-Marie Rosoman, Liz Townsend, John Ward, Steve Williams, George Wilson

- 60.15 Returning to the debate on the General Fund budget for 2020/21, Members agreed that there was a need for united lobbying of central government on retention of business rates, but disagreed along Group lines on other aspects of the proposals. Members emphasised the importance of maintaining grants to voluntary organisations, and it was noted that the £300k fund for the climate change action plan was for 2020/21, and the action plan itself would come to the Executive in March 2020.
- 60.16 The Mayor invited the Leader to sum up before moving to the recommendations. The Leader welcomed the debate that had occurred, and assured Members that a similar level of debate had taken place between Executive members in drawing up proposals. On the procedural point raised, he assured Members that Council had approved the delegation to officers, in line with the recommendation of the Audit Committee from their meeting on 26 November. Expectations had been raised in Cranleigh by the out-going administration last year but the Executive was trying hard to resolve to find a way to meet those expectations and provide a new leisure centre. The Leader echoed support for voluntary organisations, and welcomed the cross-party unity on business rates retention.
- 60.17 The Budget called for a 1.9% increase in Council tax for our residents which was the 2nd lowest in Surrey and compared favourably with the 3.99% increase demanded by Surrey County Council, the 3.84% demanded by the Surrey Police and the much higher average percentages, albeit on smaller bases, demanded by the Towns & Parishes. Car parking charges had not increased for 3 years and, as virtually our only other significant form of revenue, had to play their part in balancing the budget although a blanket increase was not a reasonable proposition. The charges would therefore be scaled so that long-term parking was encouraged towards the further out and under-used areas, whilst the more central ones were biased towards shorter term parking to aid our hard-pressed retailers by increasing turn-over.
- 60.18 Officers had been asked to look very carefully at their departmental expenditures and seek out savings to reduce the burden on our ratepayers. They had managed to achieve savings of almost £700,000. The outcome of the recent budget consultation had been noted and the Executive had listened to residents who preferred to see strategic savings and a rise in car parking charges to a larger rise in Council Tax. The Leader commended this well constructed and fair Budget to Council.
- 60.19 In accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014, a recorded vote was taken on each of the five recommendations, which were agreed as follows:

Council RESOLVED to:

1. Agree a 1.9% increase in Waverley's element of the Council Tax charge for 2020/21, equivalent to around 7p a week on a Band D property.

For 33

Cllrs Christine Baker, David Beaman, Roger Blishen, Peter Clark, Richard Cole, Martin D'Arcy, Sally Dickson, Brian Edmonds, Paul Follows, Maxine Gale, Michaela Gray, Joan Heagin, George Hesse, Daniel Hunt, Jerry Hyman, Jacquie Keen, Andy MacLeod, Peter Marriott, Michaela Martin, Mark Merryweather, Kika Mirylees, John Neale, Peter Nicholson, Nick Palmer, Ruth Reed, Paul Rivers, Penny Rivers, John Robini, Anne-Marie Rosoman, Liz Townsend, John Ward, Steve Williams, George Wilson

Abstentions 3

Cllrs Mary Forszewska, Val Henry, Penny Marriott

Against 15

Cllrs Brian Adams, Steve Cosser, Kevin Deanus, Patricia Ellis, David Else, Jenny Else, Jan Floyd-Douglass, Michael Goodridge, John Gray, Peter Isherwood, Robert Knowles, Anna James, Peter Martin, Julia Potts, Trevor Sadler

2. Agree to make no change to the Council's existing Council Tax Support Scheme.

For 49

Cllrs Brian Adams, Christine Baker, David Beaman, Roger Blishen, Peter Clark, Richard Cole, Steve Cosser, Martin D'Arcy, Kevin Deanus, Sally Dickson, Brian Edmonds, Patricia Ellis, David Else, Jenny Else, Jan Floyd-Douglass, Paul Follows, Maxine Gale, Michael Goodridge, John Gray, Michaela Gray, Joan Heagin, Val Henry, George Hesse, Daniel Hunt, Jerry Hyman, Peter Isherwood, Jacquie Keen, Robert Knowles, Anna James, Andy MacLeod, Peter Marriott, Michaela Martin, Peter Martin, Mark Merryweather, Kika Mirylees, John Neale, Peter Nicholson, Nick Palmer, Julia Potts, Ruth Reed, Paul Rivers, Penny Rivers, John Robini, Anne-Marie Rosoman, Trevor Sadler, Liz Townsend, John Ward, Steve Williams, George Wilson

Abstentions 2

Cllrs Mary Forszewska, Penny Marriott

Against 0

3. Agree the proposed Fees and charges as shown at Annexe 4 of the agenda report.

For 49

Cllrs Brian Adams, Christine Baker, David Beaman, Roger Blishen, Peter Clark, Richard Cole, Steve Cosser, Martin D'Arcy, Kevin Deanus, Sally Dickson, Brian Edmonds, Patricia Ellis, David Else, Jenny Else, Jan Floyd-Douglass, Paul Follows, Maxine Gale, Michael Goodridge, John Gray, Michaela Gray, Joan Heagin, Val Henry, George Hesse, Daniel Hunt, Jerry Hyman, Peter Isherwood, Jacquie Keen, Robert Knowles, Anna James, Andy MacLeod, Peter Marriott, Michaela Martin, Peter Martin, Mark Merryweather, Kika Mirylees, John Neale, Peter Nicholson, Nick

Palmer, Julia Potts, Ruth Reed, Paul Rivers, Penny Rivers, John Robini, Anne-Marie Rosoman, Trevor Sadler, Liz Townsend, John Ward, Steve Williams, George Wilson

Abstentions 2

Cllrs Mary Forszewska, Penny Marriott

Against 0

4. Approve the General Fund Budget for 2020/21 as described in the agenda report and in Annexes 2 and 3 of the agenda report.

For 33

Cllrs Christine Baker, David Beaman, Roger Blishen, Peter Clark, Richard Cole, Martin D'Arcy, Sally Dickson, Brian Edmonds, Paul Follows, Maxine Gale, Michaela Gray, Joan Heagin, George Hesse, Daniel Hunt, Jerry Hyman, Jacquie Keen, Andy MacLeod, Peter Marriott, Michaela Martin, Mark Merryweather, Kika Mirylees, John Neale, Peter Nicholson, Nick Palmer, Ruth Reed, Paul Rivers, Penny Rivers, John Robini, Anne-Marie Rosoman, Liz Townsend, John Ward, Steve Williams, George Wilson

Abstentions 2

Cllrs Mary Forszewska, Penny Marriott

Against 16

Cllrs Brian Adams, Steve Cosser, Kevin Deanus, Patricia Ellis, David Else, Jenny Else, Jan Floyd-Douglass, Michael Goodridge, John Gray, Val Henry, Peter Isherwood, Robert Knowles, Anna James, Peter Martin, Julia Potts, Trevor Sadler

5. Approve the General Fund Capital Programme as shown at Annex 6 of the agenda report.

For 37

Cllrs Christine Baker, David Beaman, Roger Blishen, Peter Clark, Richard Cole, Martin D'Arcy, Kevin Deanus, Sally Dickson, Brian Edmonds, Paul Follows, Maxine Gale, Michael Goodridge, Michaela Gray, Joan Heagin, George Hesse, Daniel Hunt, Jerry Hyman, Jacquie Keen, Andy MacLeod, Peter Marriott, Michaela Martin, Peter Martin, Mark Merryweather, Kika Mirylees, John Neale, Peter Nicholson, Nick Palmer, Julia Potts, Ruth Reed, Paul Rivers, Penny Rivers, John Robini, Anne-Marie Rosoman, Liz Townsend, John Ward, Steve Williams, George Wilson

Abstentions 7

Cllrs Patricia Ellis, Mary Forszewska, John Gray, Peter Isherwood, Anna James, Robert Knowles, Penny Marriott

Against 7

Cllrs Brian Adams, Steve Cosser, Jan Floyd-Douglass, David Else, Jenny Else, Val Henry, Trevor Sadler

CNL61./19 CAPITAL STRATEGY 2020/21, INCORPORATING TREASURY MANAGEMENT STRATEGY AND PROPERTY INVESTMENT STRATEGY [EXE61/19] (Agenda item 10.)

Cllr Jerry Hyman left the meeting before the start of consideration of this item.

- 61.1 The Leader moved the recommendation to approve the Capital Strategy for 2020/21, which was seconded by Cllr Paul Follows. The Leader invited the Portfolio Holder, Cllr Mark Merryweather, to present the proposals.
- 61.2 Cllr Merryweather reported that it was a statutory requirement for local authorities to produce an annual capital strategy. The Capital Strategy brought together the Council's detailed policies, procedures and plans relating to cash investments and property assets. Only minor amendments were proposed to the Treasury Management strategies. More substantive changes were proposed to the Property Investment Strategy, to allow the Council more scope to explore investment opportunities that would generate an income for the Council. The current property portfolio was wholly commercial office, industrial and retail space, and heavily concentrated in Farnham. Having taken legal advice, it was now proposed to diversify and invest in open market rental residential property, and it was expected that the most attractive opportunities would be those where the Council had the strategic cost advantage of building on its own land. These developments would be in addition to the Housing Revenue Account, and would contribute to Waverley's Local Plan housing targets, be built to a high standard of design, and the rental income would contribute to Waverley's General Fund balance.
- 61.3 The Property Investment Strategy continued to keep risk and good governance at the heart of decision-making and these sections had been strengthened. The Strategy also now reflected the Council's Climate Change commitment.
- 61.4 Cllr Peter Martin was pleased to support the Capital Strategy, although he had some reservations about the move into residential property, and the proposal to keep investments within the confines of the borough. However, all proposals were considered on a case-by-case basis and assessed against the agreed criteria. He also had concerns about whether the budgeted level of income could be achieved in 2020/21, but was content to support the Capital Strategy.
- 61.5 Cllr John Gray noted that the Executive had reduced the number of independent members on the Investment Advisory Board, and that the Audit Committee had not had an opportunity to review the proposals, which had been submitted to the Value for Money Overview & Scrutiny Committee instead. He noted also that since the elections in May 2019, the Audit Committee had not yet reviewed its terms of reference, which the committee had previously agreed to do at its first meeting in the new council year. This was important because of the potential confusion in the roles of Audit Committee and O&S, and their respective lines of reporting. Given the substantial sums of money that would need to be invested to generate the required level of income, and the risks involved in property investment, Cllr Gray was concerned that the Audit Committee had not had an opportunity to review the Capital Strategy. There was not sufficient time in Council to review such technical documents and he felt that the Audit Committee should be

able to review these thoroughly and seek assurances or independently raise concerns if necessary.

- 61.6 Cllr Merryweather responded by assuring Members that he was fully aware of the risks of property investment, but some carefully considered risks would be necessary in order to generate income to balance the General Fund. Cllr Merryweather welcomed the interest of the Audit Committee in the Capital Strategy, and their having a stronger role in it.
- 61.7 The Mayor put the recommendation to approve the Capital Strategy for 2020/2021, and

Council RESOLVED that the Capital Strategy for 2020/2021, incorporating the Treasury Management Strategy, Prudential Indicators and Property Investment Strategy be approved.

For 46

Cllrs Brian Adams, Christine Baker, David Beaman, Roger Blishen, Peter Clark, Richard Cole, Martin D'Arcy, Kevin Deanus, Sally Dickson, Brian Edmonds, Patricia Ellis, David Else, Jenny Else, Jan Floyd-Douglass, Paul Follows, Maxine Gale, Michael Goodridge, Michaela Gray, Joan Heagin, Val Henry, George Hesse, Daniel Hunt, Peter Isherwood, Jacquie Keen, Robert Knowles, Anna James, Andy MacLeod, Peter Marriott, Michaela Martin, Peter Martin, Mark Merryweather, Kika Mirylees, John Neale, Peter Nicholson, Nick Palmer, Julia Potts, Ruth Reed, Paul Rivers, Penny Rivers, John Robini, Anne-Marie Rosoman, Trevor Sadler, Liz Townsend, John Ward, Steve Williams, George Wilson

Abstentions 4

Steve Cosser, Mary Forszewski, John Gray, Penny Marriott

Against 0

CNL62./19 HOUSING REVENUE ACCOUNT BUSINESS PLAN, REVENUE BUDGET AND CAPITAL PROGRAMME 2020/21 [EXE 62/19] (Agenda item 11.)

- 62.1 The Leader introduced the Housing Revenue Account (HRA) report, reminding Members that this was another area where the Council's income stream and ability to provide services to residents was suffering from ill thought-out Central Government interference. The authority's responsibility as a social landlord was with the management and maintenance of existing council homes, of which there were almost 5,000 rented and shared ownership homes in our Borough, and delivering housing by purchase or by building our own. Waverley was one of a dwindling number of councils still doing this.
- 62.2 The Right to Buy (RTB) scheme had seemed "a good idea at the time" but was not properly thought through. The Council was forced to sell houses at below market value and not even allowed to keep all the proceeds, resulting in a continued net loss of Social Housing. Even worse, national statistics showed that about 40% of social housing sold ended up being privately rented out at full market rates – a classic case of robbing the poorest to enrich those better off. There was little wonder that there is a nationally recognised crisis in available Social Housing.

- 62.3 The Government had also required Waverley to take £189 million of “assumed debt” by an enforced transfer of the HRA to a so-called “self-financing basis”; and a 4 year rent freeze; had robbed the council of badly needed income to maintain our current housing stock. Even applying the maximum rent increase now allowed by the Government, our tenants will be paying less in rent than 4 years ago
- 62.4 Waverley’s Corporate Strategy aimed to maximise the availability of housing that meets the needs of local people at all income levels and emphasised the value and worth of all residents. More and better affordable housing was needed for residents of the Borough in housing need, particularly the more vulnerable in our society. Despite the many difficulties outlined this Administration had put in place a viable business plan to aid delivery of these priorities.
- 62.5 The Council had to set a balanced HRA budget for 2020/21 in accordance with the updated 30-year Business Plan including the three-year Capital Programme. The plan which would be presented by Cllr Rosoman, the Housing Portfolio Holder, would provide the resources to fund the 30-year maintenance forecast and deliver proposals for building new quality affordable homes for those in need and investment in stock remodelling.
- 62.6 The Housing Portfolio Holder, Cllr Anne-Marie Rosoman outlined the detail of the proposed Housing Revenue Account Business Plan. In order to set a balanced HRA budget a combination of factors had to be considered, looking at statutory responsibilities, housing need and setting forward programmes within the Housing Strategy.
- 62.7 In 2012, Waverley had to take out £189m of borrowing to transfer the HRA to the new ‘self-financing’ basis. This level of debt, and the cost of servicing it, could not be ignored. At the time the government allocated this debt to the Council, it was on the assumption that rents would rise annually with reference to the Retail Price Index. However, only 4 years later, in 2016, the Conservative Government implemented major changes to HRA finances requiring statutory annual rent reductions of 1% per year on year for four years. The impact was to remove a significant amount of resources from the HRA in future years, limiting the ongoing ability to develop or acquire new properties replacing the Right to Buy stock losses.
- 62.8 Last year, the Government announced that providers of social housing would be permitted to increase average weekly rents by CPI plus 1% for the five years starting 1 April 2020. CPI in September 2019 was 1.7% While this did not allow us to fully make up for those year on year reductions imposed over the last 4 years, it did allow some limited, but sadly still necessary, breathing space ,in which to catch-up. It was proposed that the maximum allowed rent increase in 2020/21 be approved in order to fund annual repairs, core maintenance programme and the new build and re-modelling capital programme and because of the cumulative effect on future rental streams.
- 62.9 The Business Plan assumed that in 2020/21 average rents would be increased by the maximum currently allowable ie 2.7% for 5 years and then assumed rents would increase by CPI only and that CPI is 2%. The table at 4.11 on page 137 of the agenda demonstrated the cumulative effect on rental streams applying 3 scenarios and assumed for simplicity that the stock level

would remain the same throughout the 30 Year HRA Business Plan. The table at 4.11 on page 138 provided details of how this would affect tenants according to bedroom numbers. Even with the rent increase average rents would still be below the 2016 level.

- 62.10 The Housing O&S Committee reviewed the draft HRA Business Plan last month and was largely in agreement with the recommendations set out in this report. We acknowledge that some people may need help and the Council had excellent support in place to help, particularly with the transition to Universal Credit. As of last month, over 4,100 tenants were in credit and arrears stood at only £164,000. Whilst recognising financial pressures, the Council had a responsibility to ensure that services to tenants were maintained and that we could deliver homes to those at all income levels.
- 62.11 The proposed rise in service charges in senior living accommodation broadly related to utilities. A schedule of fees and charges for various services to leaseholders and shared owners was given in Annexe 2, whilst Annexe 3 on page 149 showed the planned spend in 2020/21 and the following years on each of the three elements to the capital programme.
- 62.12 The 30-year Business Plan also included a programme to develop new affordable homes and a programme to remodel some of the existing stock. The major regeneration project at Ockford Ridge continued to be a combination of redevelopment and remodelling existing dwellings.
- 62.13 The Corporate Strategy aimed to maximise the availability of housing that meets the needs of local people at all income levels, despite the impact of the previous 4 years' rent reduction on future resources. There was still an ambitious plan to bring new affordable homes into our Borough and the proposed rent increase would help secure the resources to deliver.
- 62.14 Cllr Rosoman concluded by thanking Officers for their hard work and support, and commended the Budget for approval.
- 62.15 Cllr Julia Potts, as Leader of the Principal Opposition Group, spoke to confirm that the Waverley Conservative Group supported the HRA budget, unlike Cllr Follows last year. The Group did have concerns about the Climate Change agenda and the potential cost impact on the budget of retro-fitting 5000+ homes to meet the carbon neutral target, and the potential cost of this to lower income and vulnerable residents. Cllr Potts sought assurances from the Portfolio Holder that this would be carefully and sensitively managed.
- 62.16 Cllr Jenny Else referred to the climate change commitment, for the council to be carbon neutral by 2030, and noted that she could not see in the Business Plan the initiatives that would achieve this. Cost was an unknown factor, but even a conservative cost of £10,000 per property to retro-fit would come to around £50m. Cllr Else asked how this work was being planned, and how it was planned to be funded, and whether it was a realistic goal.
- 62.17 Cllr Paul Follows echoed the comments of the Leader with regard to the impact of central government policies on local government, and ultimately on social housing tenants. The Council had to maintain housing standards, and that required further funding. His opposition last year was to the government

strategy of council house financing that negatively impacted on Waverley's housing stock. Cllr Follows highlighted the need for genuinely affordable housing, and for better quality housing that was environmentally sustainable and cheaper for tenants to run. Costs of building to improved environmental standards were decreasing, as were the costs of retro-fitting energy saving features, and officers were looking innovatively at what could be achieved. Cllr Follows commended the HRA Budget to Council.

62.18 The Leader summed up by reminding Members that the aspiration to become carbon neutral by 2030 had recognised the need for additional government funding to reach this ambitious target, and he encouraged all Members to lobby government to deliver this. In closing, he commended the HRA Business Plan to Council for approval, and the recommendation was seconded by Cllr Follows.

62.19 In accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014, a recorded vote was taken on this item. The Mayor move the nine recommendations *en bloc* and these were approved, with 48 votes in favour and two abstentions. Accordingly,

Council RESOLVED that:

- 1.the rent level of Council dwellings be increased by 2.7% from the 2019/20 level with effect from 1 April 2020 in accordance with the Government's permitted guidelines;**
- 2.the weekly charge for garages rented by both Council and non-Council tenants be increased by 25 pence per week excluding VAT from 1 April 2020;**
- 3.the service charge in sheltered accommodation be increased by 50 pence per week from 1 April 2020 to £19.50;**
- 4.the recharge for energy costs in sheltered accommodation (as appropriate) be increased by 50 pence per week from 1 April 2020;**
- 5.the revised HRA Business Plan for 2020/21 to 2023/24 as set out at Annexe 1 of the agenda report be approved;**
- 6.the approval change for the fees and charges as set out in Annexe 2 of the agenda report be noted;**
- 7.the Housing Revenue Account Capital Programmes as shown at Annexe 3 of the agenda report be approved;**
- 8.the proposed use of the Working Balance Reserve and Contingency Reserves to fund Capital Programmes be approved; and,**
- 9.the financing of the capital programmes be approved in line with the resources shown in Annexe 4 of the agenda report.**

For 48

Cllrs Brian Adams, Christine Baker, David Beaman, Roger Blishen, Peter Clark, Richard Cole, Steve Cosser, Martin D'Arcy, Kevin Deanus, Sally Dickson, Brian Edmonds, Patricia Ellis, David Else, Jenny Else, Jan Floyd-Douglass, Paul Follows, Maxine Gale, Michael Goodridge, John Gray, Michaela Gray, Joan Heagin, Val Henry, George Hesse, Daniel Hunt, Peter Isherwood, Jacquie Keen, Robert Knowles, Anna James, Andy MacLeod, Peter Marriott, Michaela Martin, Peter Martin, Mark Merryweather, Kika Mirylees, John Neale, Peter Nicholson, Nick Palmer, Julia Potts, Ruth Reed, Paul Rivers, Penny Rivers, John Robini, Anne-Marie Rosoman, Trevor Sadler, Liz Townsend, John Ward, Steve Williams, George Wilson

Abstentions 2

Cllrs Mary Forszewski, Penny Marriott

Against 0

CNL63./19 ANNUAL PAY POLICY STATEMENT 2020/21 [EXE 63/19] (Agenda item 12.)

63.1 The Leader moved the recommendation that the Annual Pay Policy Statement for 2020/21 for Council be approved. Cllr Paul Follows seconded the recommendation.

(Cllr Jan Floyd-Douglass was absent from the meeting for the consideration of this item)

For 47

Cllrs Brian Adams, Christine Baker, David Beaman, Roger Blishen, Peter Clark, Richard Cole, Steve Cosser, Martin D'Arcy, Kevin Deanus, Sally Dickson, Brian Edmonds, Patricia Ellis, David Else, Jenny Else, Paul Follows, Maxine Gale, Michael Goodridge, John Gray, Michaela Gray, Joan Heagin, Val Henry, George Hesse, Daniel Hunt, Peter Isherwood, Jacquie Keen, Robert Knowles, Anna James, Andy MacLeod, Peter Marriott, Michaela Martin, Peter Martin, Mark Merryweather, Kika Mirylees, John Neale, Peter Nicholson, Nick Palmer, Julia Potts, Ruth Reed, Paul Rivers, Penny Rivers, John Robini, Anne-Marie Rosoman, Trevor Sadler, Liz Townsend, John Ward, Steve Williams, George Wilson

Abstentions 2

Cllrs Mary Forszewski, Penny Marriott

Against 0

63.2 Council RESOLVED that the Pay Policy Statement for the 2020/21 financial year be approved.

CNL64./19 MINUTES OF THE EXECUTIVE (Agenda item 13.)

64.1 Council received the Minutes of the Executive for the meetings held on 7 January and 4 February 2020.

64.2 The Leader reported that all Part 1 matters had been dealt with.

64.3 Cllr Steve Cosser spoke in relation to Minute EXE 51/19, The Burys investment opportunity, and noted that following the January Executive

meeting Cllr Follows had made comments which had appeared to be contradict what the Executive had agreed. Cllr Cosser asked if the Leader could clarify the scope of the options appraisal being commissioned. The Leader responded by referring Cllr Cosser to the Executive's decision.

CNL65./19 COUNCIL TAX SETTING (Agenda item 14.)

- 65.1 The Mayor moved the recommendations in the report on Council Tax Setting, which was a technical report that summarised all of the appropriate budgetary decisions that had been taken to enable the level of Council Tax for 2020/21 to be determined, and specified all of the individual levels of Council Tax for approval by the Council.

Votes For 48

Cllrs Brian Adams, Christine Baker, David Beaman, Roger Blishen, Peter Clark, Richard Cole, Steve Cosser, Martin D'Arcy, Kevin Deanus, Sally Dickson, Brian Edmonds, Patricia Ellis, David Else, Jenny Else, Jan Floyd-Douglass, Paul Follows, Maxine Gale, Michael Goodridge, John Gray, Michaela Gray, Joan Heagin, Val Henry, George Hesse, Daniel Hunt, Peter Isherwood, Jacquie Keen, Robert Knowles, Anna James, Andy MacLeod, Peter Marriott, Michaela Martin, Peter Martin, Mark Merryweather, Kika Mirylees, John Neale, Peter Nicholson, Nick Palmer, Julia Potts, Ruth Reed, Paul Rivers, Penny Rivers, John Robini, Anne-Marie Rosoman, Trevor Sadler, Liz Townsend, John Ward, Steve Williams, George Wilson

Abstentions 2

Cllrs Mary Foryszewski, Penny Marriott

Votes Against 0

- 65.2 Council RESOLVED to approve the individual council tax resolutions as set out in the agenda report at paragraphs**

- **2.1 (a) – (h), being the amounts calculated for the Council for 2020/2021 in accordance with Sections 31 to 36 of the Local Government Finance Act 1992;**
- **2.2, being the amounts of the precepts for 2020/2021 issued by Surrey County Council and the Police and Crime Commissioner for Surrey, in accordance with Section 40 of the Local Government Finance Act 1992; and,**
- **2.3, being the aggregate in each case of the amounts at 2.1(h) and 2.2, in accordance with Section 30(2) of the Local Government Finance Act 1992 expressed as the Council Tax for the financial year commencing on 1 April 2020 for each of the categories of dwellings specified.**

CNL66./19 CONTRACT PROCUREMENT RULES - PROPOSED REVISIONS [AUD34/19] (Agenda item 15.)

- 66.1 Cllr Peter Marriott, Chairman of the Audit Committee, presented the proposed revisions to the Contract Procurement Rules to Council. The Audit

Committee had reviewed the proposed changes at its meeting on 26 November 2019. The revisions largely related to the insertion of a number of new sections addressing Modern Slavery, a number of tax issues, web accessibility standards, and the drive towards carbon neutrality. The Audit Committee was keen to get the input of the Members on the Climate Change Advisory Group on the provisions to address carbon neutrality, and as a result the wording now proposed was stronger than that originally considered by the Audit Committee.

- 66.2 The revisions also included clarification on seeking and obtaining quotes for contracts; and on disposal of council assets, distinguishing between disposal of land and buildings and other council-owned assets.
- 66.3 The Audit Committee had considered the proposed changes to the Contract Procurement Rules carefully and, with the addition of wording provided by the Climate Change Advisory Group, were pleased to recommend them to Council for adoption.
- 66.4 Cllr John Gray questioned the route by which the revisions had come to Council, noting that the Financial Regulations went to Audit Committee on 26 November and then Council on 10 December, and that the CPRs had been to Audit Committee as well on 26 November.
- 66.5 It was proposed by Cllr Peter Marriott, duly seconded by Cllr Merryweather, that the proposed revisions to the Contract Procedures Rules as set out in the agenda report be approved, which was agreed by general assent with the Mayor and Deputy Mayor abstaining and no dissent.
- 66.6 **Council RESOLVED to approve the revisions to the Contract Procedure Rules, as set out in the agenda report.**

CNL67./19 MINUTES OF THE LICENSING AND REGULATORY COMMITTEE (Agenda item 16.)

- 67.1 It was moved by Cllr Robert Knowles, Chairman of the Committee, duly seconded by Cllr Peter Clark, and

RESOLVED that the Minutes of the Licensing and Regulatory Committee held on 13 January 2020 be received and noted.

- 67.2 There was one matter for Council's consideration in Part I, detailed at Minute CNL 68/19, and there were no speakers on Matters of Report in Part II.

CNL68./19 TAXI AND PRIVATE HIRE ENFORCEMENT - DELEGATIONS FOR SURREY JOINT WARRANTING [LIC 33/19] (Agenda item 17.)

- 68.1 Cllr Knowles introduced the proposal to approve Joint Warranting Arrangements between Surrey Licensing Authorities in relation to enforcement of Taxi and Private Hire regulations.
- 68.2 Waverley Borough Council was the Licensing Authority for the purposes of regulating Taxi and Private Hire services in the Borough. The proposed Joint Warranting Arrangements would allow Waverley's powers for inspecting and

taking action against Waverley licensed Taxi and Private Hire vehicles to be exercised by Licensing Officers of the ten other Surrey Licensing Authorities when vehicles are operating outside of Waverley. Waverley would receive reciprocal powers from the other Surrey Licensing Authorities, which would enable Waverley Licensing Officers to inspect and take action against Taxi and Private Hire vehicles licensed by other Surrey Licensing Authorities when operating in Waverley.

- 68.3 The proposed arrangements addressed restrictions in the Taxi and Private Hire vehicle regulations, to enable improved enforcement of the taxi and private hire trade across the County. It was an excellent example of cross border working for the benefit of public safety. As well as endorsing the proposals, the Licensing & Regulatory Committee had asked officers to report back on whether similar arrangements could be agreed with relevant Hampshire and West Sussex Licensing Authorities that border Waverley.
- 68.4 In response to comments from a number of Members, Cllr Knowles confirmed that whilst some aspects of Taxi and Private Hire licensing had been standardised across the county, there was more to be done in this area. However, the powers to be delegated related to legal requirements applicable to all licensed vehicles.
- 68.5 The Mayor moved the recommendation that the delegations for Surrey Joint Warranting be approved, which was agreed by general assent with the Mayor and Deputy Mayor abstaining and no dissent.
- 68.6 **Council RESOLVED that:**
- (a) the Council's Taxi and Private Hire enforcement functions under the legislation set out below are delegated to the Surrey local licensing authorities (also set out below), in addition to retaining those functions within the Borough and to similarly receive the same delegated Taxi and Private Hire enforcement functions of those local authorities; and,**
 - (b) the responsibility for relevant Hackney Carriage and Private Hire licensing legislation in accordance with 2.1 of the Council's Constitution which confirms an existing delegated power to the Head of Environmental & Regulatory Services at Part I.3 of the Council's Scheme of Delegation (authorisation to enforce all relevant Hackney Carriage and Private Hire licensing legislation) be extended to include the authorisation of officers of other Surrey authorities participating in a Joint Warranting Scheme.**

Functions to be delegated to the Surrey Local Licensing Authorities:

Local Government (Miscellaneous Provisions) Act 1976

- Section 53(3)(a): Driver to produce his licence for inspection
- Section 58: Return of identification plate or disc on revocation
- Section 60: to suspend and revoke vehicle licences
- Section 61: to suspend and revoke drivers' licences

- Section 68: fitness of private hire vehicles
- Section 73: obstruction of authorised officer

Town and Police Clauses Act 1847

- Section 45: prosecution for plying for hire without a licence

Road Traffic Act 1988

- Section 143: no insurance

The Surrey Local Authorities named below have delegated (or will delegate) the same functions to Waverley Borough Council. Those authorities have also retained the ability to exercise these functions.

The Surrey Local Authorities:

- Elmbridge Borough Council
- Epsom and Ewell Borough Council
- Guildford Borough Council
- Mole Valley District Council
- Reigate and Banstead Borough Council
- Runnymede Borough Council
- Spelthorne Borough Council
- Surrey Heath Borough Council
- Tandridge District Council
- Woking Borough Council

CNL69./19 MINUTES OF THE STANDARDS COMMITTEE (Agenda item 18.)

69.1 It was moved by Cllr John Robini, Chairman of the Standards Committee, duly seconded by Cllr Goodridge, and

RESOLVED that the Minutes of the Standards Committee meeting held on 13 January 2020, be received and noted.

69.2 There were no matters for consideration in Part I, and no speakers on matters in Part II.

CNL70./19 EXCLUSION OF PRESS AND PUBLIC (Agenda item 19.)

There were no matters to be considered in exempt session.

The meeting concluded at 9.55 pm















Mayor

WAVERLEY BOROUGH COUNCIL

COUNCIL

9 JUNE 2020

EXECUTIVE APPOINTMENTS 2020/21

Name / Group		Portfolio Name / Remit		SMT link
Cllr John Ward Farnham Residents		Leader		
		Corporate Strategy; EM3 LEP; Representing Waverley BC; Partnership Working and Strategy; Strategic Oversight: Brightwells	CX/Directors	
Cllr Paul Follows Liberal Democrats		Deputy Leader		
		Corporate Strategy; Representing Waverley BC; Strategic Oversight: Dunsfold	CX/Directors	
Cllr Andy MacLeod Farnham Residents		Planning Policy, Services and Brightwells		
		Local Plan Pt 2; CIL Policy; Neighbourhood Plans; Planning Policy; Strategic Delivery: Brightwells (With Leader), Brightwells Programme Board	Planning & Economic Development	
Cllr Mark Merryweather Liberal Democrats		Finance, Assets and Commercial		
		Commercial Strategy and income generation (including Building Control)	Commercial Services	
Cllr David Beaman Farnham Residents		Health, Wellbeing and Culture		
		Financial Strategy; Procurement; Property and Assets; Investment Advisory Board	Finance & Property	
Cllr Anne-Marie Rosoman Liberal Democrats		Housing and Community Safety		
		Health and Wellbeing; voluntary sector; older people; youth and young people	Commercial Services	
Cllr Peter Clark Farnham Residents		Housing and Community Safety		
		Strategic Housing and Delivery; Liaison with Social Landlords; Community Safety (including Safer Waverley Partnership)	Housing Delivery & Communities	
Cllr Nick Palmer Labour		Business Transformation		
		Waverley Housing	Housing Operations	
Cllr Steve Williams Green		Operational and Enforcement Services		
		Business Transformation, IT, Customer Services	Business Transformation	
Cllr Liz Townsend Independent		Operational and Enforcement Services		
		Civil Enforcement; Car Parks; Unauthorised Encampments	Environmental Services	
Cllr Steve Williams Green		Environment and Sustainability		
		Operational Planning; Planning Enforcement; CIL Implementation; CIL Advisory Board	Planning & Economic Development	
Cllr Liz Townsend Independent		Environment and Sustainability		
		Waste and Recycling; Environmental Health; Air Quality Monitoring; 2032 Climate Change and Sustainability Action Plan (Monitoring and Implementation); Flooding	Environmental Services	
Cllr Liz Townsend Independent		Economic Development, Leisure and Dunsfold		
		Strategic Delivery: Dunsfold (With Deputy Leader), Dunsfold Programme Board	Planning & Economic Development	
Cllr Liz Townsend Independent		Economic Development, Leisure and Dunsfold		
		Leisure centres, parks, countryside, Waverley Training Services	Commercial Services	

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WAVERLEY BOROUGH COUNCIL

COUNCIL

9 JUNE 2020

Title:

Review of Political Proportionality of the Council, allocation of committee seats, and appointments to committees for 2020/21

Portfolio Holder: Cllr John Ward, Leader of the Council

Head of Service: Robin Taylor, Head of Policy & Governance

Access: Public

1. Purpose and summary

- 1.1 The Local Government and Housing Act 1989 requires local authorities, where Members are divided into political groups, to review periodically (and as soon as practicable after any change in the political composition of the council) the representation of the political groups on their principal committees to ensure that the seats are allocated in the same proportion as that in which the council as a whole is divided.
- 1.2 This report confirms the political composition of the Council following the by-election in the Milford ward, held on 12 February 2020, the allocation of seats on the principal committees (Annexe 1), and the appointment of members to committees for 2020/21 in accordance with the wishes of the political groups (Annexe 2).

2. Recommendation

It is recommended that Council notes:

- i. the proportional allocation of seats on the Principal Committees and SCC Local Committee in accordance with the political proportionality of the Council as detailed in Annexe 1; and,
- ii. the Group Leaders' nominations to the Principal Committees, as detailed in Annexe 2.

3. Reason for the recommendation

It is a statutory requirement to report to Annual Council on the political composition of the council, the allocation of committee seats to political groups in accordance with political proportionality, and to confirm the appointment of members to committee seats.

4. **Background**

- 4.1 Political Groups on the Council are formed in accordance with the Local Government (Committee and Political Groups) Regulations 1990 when two or more councillors notify the Head of Policy & Governance, the Proper Officer, of their wish to be treated as a group.
- 4.2. The Conservatives, Farnham Residents, Liberal Democrats, Green Party, and Labour have registered as Political Group under the provisions of the Local Government and Housing Act 1989. There are two un-grouped Independent Members of the Council.
- 4.3. There is a total of 88 committee seats available on the Council's Principal Committees (four Overview & Scrutiny Committees, Audit, Standards, Licensing & Regulatory and Joint Planning Committees). The calculation of the proportional allocation of committee seats excludes the Executive and the Area Planning Committees. Where there are Sub-committees of the Principal Committees these are also governed by the political balance rules, with the exception of the Licensing Act 2003 Sub-Committees.
- 4.4. The political breakdown of the Council is shown below, together with the rounded total number of committee seats per group:

	Cons.	Farnham Residents	Lib. Dem.	Green	Labour	Ind.	Total
No. of seats on the Council	22	15	14	2	2	2	57
Proportion	38.60%	26.32%	24.56%	3.51%	3.51%	3.51%	100.00%
No. of committee seats	34	23	22	3	3	3	88

- 4.5 The following principles apply to the allocation of seats (LG&HA1989, s15 (5)):
- (a) *Preventing domination by a single group*: That not all the seats on the body to which appointments are being made are allocated to the same political group;
 - (b) *Ensuring a majority group enjoys a majority on all committees*: That the majority of seats on each committee are allocated to a particular group if the number of persons belonging to that group is a majority of the authority's membership;
 - (c) *Aggregating all committee places and allocating fair shares*: That, subject to (a) and (b), when allocating seats to a political group, the total number of their seats across all the ordinary committees of the Council, must reflect their proportion of the authority's membership; and
 - (d) *Ensuring as far as practicable fairness on each committee*: That, subject to (a) to (c), the number of seats on each committee is as far as possible in

proportion to the group's membership of the authority.

- 4.6 Seats are allocated to each committee as shown in Annexe 1, and following consultation with the Leaders of each of the political groups represented on the Council. Their agreement has been obtained to the calculations relating to the allocation of seats on committees in order to accommodate various rounding errors.

Appointments to Committee Places

- 4.7 The Local Government & Housing Act 1989 requires that once the Council has determined the allocation of committee places between the political groups, the Council must then appoint the nominees of the political groups to the committees. The nominations of the Group Leaders are shown on Annexe 2.

Area Planning Committees

- 4.8 The allocation of seats on the Area Planning Committees is calculated for each area. All the ward councillors in the Eastern Area are appointed to the Eastern Area Planning Committee. The Central, Southern and Western Area Planning Committees have more ward councillors than committee seats available. The committee seats for these three committees are allocated according to the political proportionality of the council seats within the relevant geographical area.
- 4.9 Notwithstanding the proposed new temporary planning committees, the four Area Planning Committee continue to exist and appointments have been made to these committees in readiness for when they resume meeting.

New Temporary Planning Committees (Subject to the agreement of recommendations of the Standards Committee)

- 4.10 In order to streamline planning committee decision-making whilst resources are stretched as a result of the Covid-19 pandemic, Group Leaders have agreed in principle to the temporary suspension of the Joint Planning Committee and four Area Planning Committees and to replace them on a temporary basis with two area-based politically proportional planning committees, WESTERN and EASTERN, each having 15 members. Subject to the agreement of Council of the recommendations of the Standards Committee in relation to these temporary planning committees, the Group Leaders' appointments to these committees are also set out in Annexe 2.

Surrey County Council Local Committee

- 4.11 The Waverley Borough Council has nine seats on the Surrey County Council Waverley Local Committee, allocated on a political proportional basis as shown in Annexe 1.

5. Relationship to the Corporate Strategy and Service Plan

5.1 The corporate governance of the Council provides the basis of the Council's work towards achieving all the Corporate Priorities.

6. Implications of decision

6.1 Resource (Finance, procurement, staffing, IT)

The cost of servicing the Council's Committees will be met through existing budgets.

6.2 Risk management

N/A

6.3 Legal

The legal implications are set out in the body of the report..

6.4 Equality, diversity and inclusion

The Council is under a statutory duty to ensure that equality and diversity is a key part of the decision making process of the Council. This is fundamental to the Council being able to meet its statutory responsibilities. There are no direct equality, diversity or inclusion implications in this report.

6.5 Climate emergency declaration

There are no climate emergency implications arising from this report.

7. Consultation and engagement

7.1 Committee appointments have been made by Group Leaders.

8. Other options considered

8.1 This report fulfils statutory reporting requirements. There is no alternative option.

9. Governance journey

9.1 This report is being made to the Full Council for noting in accordance with statutory requirements.

Annexes:

Annexe 1 – Political proportionality and allocation of committee seats

Annexe 2 – Committee memberships 2020/21

Background Papers

There are no background papers, as defined by Section 100D(5) of the Local Government Act 1972).

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Annexe 1

Allocation of Committee seats 2020/21

	Cons.	Farnham Residents	Lib. Dem.	Green	Labour	Ind.	Total
No. of committee seats	34	23	22	3	3	3	88
VFM & Cust. Service O&S	3	3	3	0	0	0	9
Community Wellbeing O&S	4	2	2	0	1	0	9
Environment O&S	3	2	2	1	0	1	9
Housing O&S	4	2	3	0	0	0	9
Licensing & Regulatory Committee	4	3	3	1	0	1	12
Audit Committee	3	2	2	0	1	0	8
Standards Committee	4	3	2	0	0	0	9
Joint Planning Committee	9	6	5	1	1	1	23
	34	23	22	3	3	3	88

	Cons.	Farnham Residents	Lib. Dem.	Green	Labour	Ind.	Total
SCC Local Committee	4	2	2	1			8

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WAVERLEY BOROUGH COUNCIL
Committee Memberships 2020/21 @ 3 March 2020

LOCAL GOVERNMENT AND HOUSING ACT 1989

LOCAL GOVERNMENT (COMMITTEES AND POLITICAL GROUPS) REGULATIONS 1990

indicates Chairman

* indicates Vice-Chairman

Committee	Conservative	Farnham Residents	Liberal Democrat	Green Party	Labour	Independent	Total seats
Value for Money and Customer Service O&S	Peter Martin [#] Stephen Mulliner Julia Potts	Roger Blishen George Hesse Jerry Hyman	Jerome Davidson Joan Heagin* Peter Nicholson	0	0	0	9
	<u>Substitutes</u> Simon Dear John Gray	<u>Substitute</u> Kika Mirylees	<u>Substitute</u> Richard Cole				
Community Wellbeing O&S	Kevin Deanus [#] Jenny Else Mary Foryszewski Val Henry	Sally Dickson Kika Mirylees*	Jacquie Keen John Robini		George Wilson	0	9
	<u>Substitutes</u> Chris Howard Trevor Sadler	<u>Substitute</u> Jerry Hyman	<u>Substitute</u> Joan Heagin				

Committee	Conservative	Farnham Residents	Liberal Democrat	Green Party	Labour	Independent	Total seats
Environment O&S	Carole Cockburn [#] Jenny Else John Gray	Brian Edmonds Michaela Martin	Ruth Reed Paul Rivers	Martin D'Arcy*		Maxine Gale	9
	<u>Substitutes</u> Chris Howard Peter Isherwood	<u>Substitute</u> Jerry Hyman	<u>Substitute</u> Joan Heagin				
Housing O&S	Patricia Ellis Michael Goodridge Anna James Richard Seaborne [#]	Michaela Gray Peter Marriott*	Christine Baker Richard Cole Jacquie Keen	0	0		9
	<u>Substitutes</u> Jenny Else Carole Cockburn	<u>Substitute</u> Jerry Hyman	<u>Substitute</u> Joan Heagin				
<u>Licensing and Regulatory Committee</u>	Patricia Ellis Michael Goodridge Anna James Robert Knowles [#]	Roger Blishen Peter Clark* Michaela Martin	Jacquie Keen Ruth Reed Jerome Davidson	Martin D'Arcy	0	Maxine Gale	12
	<u>Substitutes</u> Peter Isherwood Jenny Else	<u>Substitute</u> Jerry Hyman	<u>Substitute</u> Joan Heagin				

Committee	Conservative	Farnham Residents	Liberal Democrat	Green Party	Labour	Independent	Total seats
Audit Committee	Simon Dear Jan Floyd-Douglass Richard Seaborne	Michaela Gray Peter Marriott [#]	Jerome Davidson* Richard Cole	0	George Wilson	0	8
Standards Committee	Brian Adams Michael Goodridge* John Gray Robert Knowles	Jerry Hyman Penny Marriott Peter Marriott	Paul Follows John Robini [#]	0	0	0	9

Appeals Panel	Steve Cosser Michael Goodridge Val Henry Christine Howard	Roger Blishen Michaela Gray Kika Mirylees	Paul Follows Jacquie Keen Mark Merryweather	Steve Williams	George Wilson	0	12
SCC Local Committee (operates under SCC Standing Orders)	Carole Cockburn Steve Cosser John Gray Trevor Sadler	Peter Clark Jerry Hyman	Christine Baker Mark Merryweather	0	George Wilson	0	9

Committee	Conservative	Farnham Residents	Liberal Democrat	Green Party	Labour	Independent	Total seats
Joint Planning Committee	Brian Adams Carole Cockburn Steve Cosser Kevin Deanus David Else John Gray Val Henry Peter Isherwood Anna James	David Beaman* Peter Clark Sally Dickson Brian Edmonds George Hesse John Neale	Richard Cole# Paul Follows Dan Hunt Jacquie Keen Peter Nicholson	Martin D'Arcy	George Wilson	Liz Townsend	23
<u>Substitutes</u>							
Eastern	Patricia Ellis Mary Forszewski Michael Goodridge Christine Howard Richard Seaborne	0	Ruth Reed				
Central	Jan Floyd-Douglass Peter Martin Trevor Sadler	0	Christine Baker Joan Heagin Paul Rivers Penny Rivers				
Southern	Simon Dear Robert Knowles Stephen Mulliner	0	Jerome Davidson John Robini				
Western	0	Roger Blishen Michaela Gray Michaela Martin Kika Mirylees John Ward	0				

Committee	Conservative	Farnham Residents	Liberal Democrat	Green Party	Labour	Independent	Total seats
Eastern Area Planning (+ Vice-Chairman from Central)	Kevin Deanus Patricia Ellis Mary Forszewski Michael Goodridge John Gray Val Henry Chris Howard Richard Seaborne	0	Richard Cole [#] Ruth Reed	Martin D'Arcy	0	Liz Townsend	12
Central Area Planning (+ Chairman from Eastern)	Steve Cosser David Else* Jan Floyd-Douglass Peter Martin Trevor Sadler	0	Christine Baker Paul Follows Joan Heagin Paul Rivers Penny Rivers	Steve Williams	George Wilson	Maxine Gale	13
Southern Area Planning (+ Chairman of Western)	Anna James Brian Adams Simon Dear Robert Knowles Stephen Mulliner Peter Isherwood	0	Jerome Davidson Jacquie Keen Peter Nicholson John Robini*	0	0	0	10
Western Area Planning (+ Vice-Chairman of Southern)	Carole Cockburn	David Beaman [#] Roger Blishen Peter Clark Sally Dickson Brian Edmonds Michaela Gray George Hesse Michaela Martin Kika Mirylees John Neale John Ward	Dan Hunt	0	0	0	13

NEW TEMPORARY PLANNING COMMITTEES (2020/21) – subject to the arrangements being agreed by Full Council

Committee	Conservative	Farnham Residents	Liberal Democrat	Green Party	Labour	Independent	Total seats
EASTERN PLANNING COMMITTEE	<p>David Else (Vice Chairman) Steve Cosser Trevor Sadler Kevin Deanus John Gray Richard Seaborne Patricia Ellis Michael Goodridge</p> <p>[Val Henry] [Christine Howard] [Jan Floyd-Douglass] [Mary Foryszewski]</p>	0	<p>Richard Cole (Chairman) Paul Follows Ruth Reed Joan Heagin</p> <p>[Christine Baker] [Paul Rivers]</p>	<p>Martin D’Arcy</p> <p>[Steve Williams]</p>	<p>George Wilson</p> <p>[Nick Palmer]</p>	<p>Liz Townsend</p> <p>[Maxine Gale]</p>	<p>15 plus</p> <p>9 subs</p>
WESTERN PLANNING COMMITTEE	<p>Carole Cockburn Brian Adams Peter Isherwood Simon Dear</p> <p>[Anna James] [Stephen Mulliner]</p>	<p>David Beaman (Chairman) Peter Clark Sally Dickson Brian Edmonds George Hesse Michaela Martin Kika Mirylees John Neale</p> <p>[Roger Blishen] [Michaela Gray] [Jerry Hyman] [John Ward]</p>	<p>Cllr John Robini (Vice-Chairman) Cllr Dan Hunt Cllr Jacquie Keen</p> <p>[Peter Nicholson] [Jerome Davidson]</p>	0	0	0	<p>15 plus</p> <p>8 subs</p>

WAVERLEY BOROUGH COUNCIL

MINUTES OF THE EXECUTIVE - 3 MARCH 2020

SUBMITTED TO THE COUNCIL MEETING – 9 JUNE 2020

(To be read in conjunction with the Agenda for the Meeting)

Present

Cllr John Ward (Chairman)
Cllr Paul Follows (Vice Chairman)
Cllr David Beaman
Cllr Peter Clark
Cllr Andy MacLeod

Cllr Mark Merryweather
Cllr Nick Palmer
Cllr Anne-Marie Rosoman
Cllr Liz Townsend
Cllr Steve Williams

Also Present

Councillor Julia Potts, Councillor Christine Baker, Councillor Martin D'Arcy,
Councillor Jenny Else and Councillor Jerry Hyman

EXE 66/19 MINUTES (Agenda item 1)

The Minutes of the Meeting held on 4 February 2020 were confirmed and signed as a correct record.

EXE 67/19 DECLARATIONS OF INTERESTS (Agenda item 3)

In relation to Item 8. Leisure Centre Investment, Farnham, Cllr David Beaman declared a non-pecuniary interest as he was a Member of the Farnham Leisure Centre.

EXE 68/19 QUESTIONS FROM MEMBERS OF THE PUBLIC (Agenda item 4)

The Executive received the following question in accordance with Procedure Rule 10:

From Fiona Scimone-Paterson of Frensham:

“What initiative or plans is Waverley Borough Council putting forward to encourage biodiversity in the borough? For example,

- Is Waverley adopting a pollination action plan in line with government guidelines?
- Will this be an integral part of a changing policy on pesticides and herbicides?
- How does Waverley plan to address the loss of hedgerows, to replace the many kilometres that have been lost to close board fencing?

We need joined up policy looking at the whole issue across all departments- planning, green spaces, school grounds etc.”

Response from the Portfolio Holder, Cllr Steve Williams:

“As part of our adopted service plans the Council will be preparing numerous documents and action plans to help encourage biodiversity in the borough and put it on the centre stage of our greenspaces service. We have already prepared a draft pesticide policy and action plan which will be scrutinised at the Environment Overview & Scrutiny Committee in March before being taken to the Executive for adoption. Our intention is that we shall eliminate pesticide use in all but exceptional and defined circumstances within a period of three years. We have already begun dialogue with our contractors in order to secure this aim and will enter a dialogue with Surrey County Council in order to try to ensure that the work that we do on behalf of Surrey County Council conforms with our stated intention.

In addition to the pesticide policy, over the coming months and years the Council has committed to the creation of further key documents such as a biodiversity policy and action plan; and a tree/vegetation policy and action plan. In addition there will be an overarching Greenspaces Strategy which aims to be a supplementary document in the planning process, the scope of which is currently being debated by a sub-group of the Environment Overview & Scrutiny Committee. We intend that it will cover all publicly accessible greenspace estate across the borough.

These policies and action plans and the strategy will be inter-related and interdependent.

With regard to the specific question on the loss of hedgerows, Waverley will do all in its power to increase the amount of hedges available through both planting policies and using the sometimes limited planning powers we have available as far as we are able.”

EXE 69/19 QUESTIONS FROM MEMBERS OF THE COUNCIL (Agenda item 5)

There were no questions from Members of the Council.

EXE 70/19 LEADER'S AND PORTFOLIO HOLDERS' UPDATES (Agenda item 6)

70.1 The Leader welcomed Cllrs Peter Clark and Liz Townsend to the Executive.

70.2 Cllr Mark Merryweather, Portfolio Holder for Finance, Assets and Commercial, provided a clarification on the scope of the Options Appraisal that the Executive had agreed to in January 2020:

The Options Appraisal would follow up on an outline evaluation of options undertaken in 2018 that had scored a broad range of concept possibilities. The Council was now advancing the highest scoring concepts identified within the context of the corporate strategy and funding landscape.

What was being considered was providing much needed new open market residential rental homes and apartments to deliver much needed revenue income to the Council. It was to better utilise the current Council HQ site including the car park and the Wharf car park, which would have the added benefits of providing more modern and more efficient office space for the Council's HQ. It was to retain the Crown Court car park as a car park, and potentially to increase the amount of town centre car parking, on top of accommodating car parking to support the new homes. And finally, it was to maintain or improve the accommodation of current tenants in the Council's office building.

The Burys Field was not in the scope of the project; nor was the library site, which belonged to Surrey County Council. Nor was there any intention to relocate: the Council was committed to Godalming and recognised the contribution of council staff to the footfall in the high street. The project was not primarily driven by business transformation or the state of the council offices, although the status quo was not an option. The office accommodation was already tired, out of date and inefficiently configured, which was why downsizing would release land for new homes. Paying to retain the current state of the building would not be good value for money and would not extend the life of the building beyond 10 years, at which point further capital expenditure would be inevitable. Refurbishment of the building would also not be good value for money. All property and capital investment decisions had to be considered in the context of the Council's climate emergency declaration.

The project would primarily be a Waverley Borough Council residential development, providing a good opportunity for the Council to make a contribution to meeting the area's housing target by delivering the homes needed, where they were needed, and to standards, environmental and otherwise, that a private sector commercial developer might not.

Whilst the initiative was driven by the corporate strategy and financial prospects, all within the Council's very tightly regulated powers, it was equally important to remember that it was strongly endorsed by residents in the budget priorities survey last year.

PART I - RECOMMENDATIONS TO THE COUNCIL

There were no matters falling within this category.

PART II - MATTERS OF REPORT

The background papers relating to the following items are as specified in the reports included in the original agenda papers.

EXE 71/19 CLIMATE CHANGE AND SUSTAINABILITY STRATEGY AND CLIMATE EMERGENCY ACTION PLAN (Agenda item 7)

- 71.1 Cllr Steve Williams, Portfolio Holder for Environment & Sustainability presented the Climate Change & Sustainability Strategy and the Climate Emergency Action Plan to the Executive:
- 71.2 The Climate Change & Sustainability Strategy reaffirmed the Council's commitment to becoming carbon neutral by 2030, and a commitment to building resilience to the impacts of climate change. But, unless others across the world took the climate emergency seriously, then the most robust resilience measures taken by Waverley would be ineffective. Currently, 287 out of 408 UK district, county, unitary and metropolitan authorities had declared a climate emergency, and most – like Waverley – had set 2030 as the target date to achieve net zero carbon emissions in recognition of the urgency of the task.
- 71.3 The Council had never before declared an emergency, and the commitment to becoming carbon neutral would affect everything that the Council would do. It was not just about the £300,000 that had been allocated for direct expenditure to deal with the climate emergency and the action plan; it was that in every action and decision going forward, the carbon footprint as well as the financial impact would have to be taken into account.
- 71.4 The Climate Emergency Action Plan was not just focussed on the Council getting its own house in order: it also looked at how the Council could encourage the wider community to consider how they might become more carbon conscious in their daily activities. The target was ambitious, and could be impossible without securing necessary support from Surrey County Council and central government. Surrey County Council had commissioned the University of Leeds to develop targets and strategies that would be shared with Surrey districts and would help refine the work that Waverley had done so far.
- 71.5 Whilst additional targeted financial support would be needed from central government to support climate emergency actions, the work of the University of Leeds indicated that the one-third of actions to be taken to reduce the carbon footprint could be achieved through cost effective efficiencies; one third of actions would require investment but the benefits would be wider than just carbon reduction, for example the public health benefits arising from increasing cycling over car use. The final third of actions would need significant investment but improvements in technology over time would make this more affordable and government policy would change as action on climate change was increasingly seen as urgent.
- 71.6 In concluding his presentation of the Climate Change & Sustainability Strategy and the Climate Emergency Action Plan, Cllr Williams highlighted how social inequality and climate change could be tackled by investing in the local green economy in a 'green new deal' for Waverley. He commended the Strategy and Action Plan to the Executive.

- 71.7 Cllr Jerry Hyman spoke to welcome the Strategy and Action Plan, and recognised the role of residents in demanding actions from local authorities. He was particularly concerned that the links to air quality and biodiversity were developed fully. He looked forward to the opportunity at Environment Overview & Scrutiny Committee to scrutinise the Strategy and Action Plan in more detail.
- 71.8 Cllr Paul Follows thanked officers from across the Council for their immense hard work in bringing the Action Plan forward in such a short time, and responding to the challenge set by Council. All the political groups in the Executive had campaigned last May to a greater or lesser extent on action on climate change, and were in a good position to lobby government across political parties for action. The Action Plan was now in the public domain and he encouraged residents to take the opportunity to provide feedback to the Council on the proposals. It was a living document and would evolve and develop with the benefit of input from a wide range of interests.
- 71.9 Cllr Mark Merryweather echoed the support for the Action Plan, both as a councillor and also a resident. Whilst he appreciated the focus on encouraging more cycle use, this was not an option for everyone, and he was keen to promote more use of public transport and especially the introduction of electric buses.
- 71.10 In his closing comments Cllr Williams confirmed that following the Environment Overview & Scrutiny Committee there would be a formal public consultation, and more details of this would be provided in due course.
- 71.11 The Executive RESOLVED to
- a. Note the draft Climate Change and Sustainability Strategy 2020-2030 at Annexe 1 to the agenda report.
 - b. Welcome the work carried out so far on the development of the Climate Emergency Action Plan and note its content, attached at Annexe 2 to the agenda report.
 - c. Recognise the need for further work to define SMART targets that will be measurable and tangible and requested that officers present those in September 2020.
 - d. Invite the Environment O&S Committee to contribute to the further development of the draft Strategy and the draft Action Plan.

Reason: to note the progress made on the development of the Climate Emergency Action Plan following the Council's declaration of a climate emergency on 18 September 2019.

EXE 72/19 LEISURE CENTRE INVESTMENT, FARNHAM (Agenda item 8)

- 72.1 Cllr David Beaman introduced the report setting out the proposed changes to the specification of the improvements to be made to Farnham Leisure Centre within the scope of the £1.5m capital budget approved in July 2018. The original specification

had included a children's indoor climbing facility, but the specialist operator had now decided to open in Alton and Fleet and so this was no longer available for Farnham. Waverley's leisure centre contractor, Places Leisure, considered that it was now no longer financially viable to include a climbing facility within the proposed improvements due to the level of provision locally.

- 72.2 Opportunities for alternative improvements to the Leisure Centre had been explored with Places Leisure, and proposals now included extending the adventure play area and connected seating whilst still retaining the increased café area of the original proposals. Options were also being explored to make the leisure centre more energy efficient, with the aim of reducing energy consumption and carbon emissions.
- 72.3 As part of the proposals Places Leisure had recommended closure of the crèche facility, which would enable the new facility mix to be provided. The crèche was typically operating at only 15% of capacity (average attendance of 4 children per day over the last quarter) and an Equality Impact Assessment had concluded that there would be minimal impact only on those parents or carers with no alternative childcare arrangements.
- 72.4 In conclusion, Cllr Beaman endorsed the recommendations to the Executive, in order to progress the investment in facilities at Farnham Leisure Centre whilst taking account of developments since the original approval of the facility mix and budget.
- 72.5 Cllr Jerry Hyman asked whether, now that the climbing facility was not an option, the Council was just looking for ways to spend the agreed budget of £1.5m. He pointed out that the skate park next to the Leisure Centre had potential for improvements including installation of lighting posts that would enable it to be used for longer in the winter, a larger landing area on the north-east side, and a new round grind bar. These improvements had been costed at around £15k in 206/17 but so far funding from the Countryside budget had not been available. He asked whether these might now be funded from the Leisure Centre improvement budget.
- 72.6 Cllr Beaman thanked Cllr Hyman for his constructive suggestion about improving the skate park, which he assured Cllr Hyman he would look into further. However, Cllr Beaman also assured Cllr Hyman that the proposed improvements to the Leisure Centre were not just for the sake of spending the agreed budget. They were linked to significant improvements in the management fee payable by the contractor to Waverley, and given the very competitive operating environment in Farnham, it was important to maximise revenue benefits of the facility.
- 72.7 The Executive RESOLVED to:
1. Agree the revised facility mix for Farnham Leisure Centre, including the closure of the crèche, reflecting the extremely low usage and the minimal impact identified in the Equality Impact Assessment;
 2. Give officers delegated authority to deliver the development project, including the procurement of the contractor;
 3. Agree that energy efficiency, carbon reduction opportunities are explored and, where possible and subject to being within budget, are embedded within the project, as part of the Council's Climate Emergency Action Plan.

Reason: To progress the investment in facilities at Farnham Leisure Centre taking account of developments since the original approval of the facility mix and budget.

The meeting commenced at 6.00 pm and concluded at 7.10 pm

Chairman

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WAVERLEY BOROUGH COUNCIL

MINUTES OF THE EXECUTIVE - 12 MAY 2020

SUBMITTED TO THE COUNCIL MEETING – 9 JUNE 2020

(To be read in conjunction with the Agenda for the Meeting)

Present

Cllr John Ward (Chairman)
Cllr Paul Follows (Vice Chairman)
Cllr David Beaman
Cllr Peter Clark
Cllr Andy MacLeod

Cllr Mark Merryweather
Cllr Nick Palmer
Cllr Anne-Marie Rosoman
Cllr Liz Townsend
Cllr Steve Williams

Also Present

Councillor Julia Potts, Councillor Kevin Deanus, Councillor Simon Dear, Councillor Sally Dickson, Councillor Jenny Else, Councillor Jan Floyd-Douglass, Councillor Michael Goodridge MBE, Councillor John Gray, Councillor Joan Heagin, Councillor Jerry Hyman, Councillor Peter Isherwood, Councillor Anna James, Councillor Stephen Mulliner, Councillor Peter Nicholson and Councillor Richard Seaborne

EXE 73/19 WELCOME, INTRODUCTIONS AND PROCEDURAL INFORMATION (Agenda item 1)

The Leader welcomed Executive Members, councillors, and members of the public watching online, to the Council's first virtual meeting, held under the provisions of The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020.

The Leader confirmed that the meeting was being streamed to the Council's YouTube channel to meet the public access requirements of the Regulations, and asked Members and Officers participating and supporting the meeting to introduce themselves for the benefit of those watching on line.

The Leader then confirmed the procedural arrangements being used for the meeting, including those in the event of any Member losing their internet connection, or the live YouTube stream being interrupted.

EXE 74/19 MINUTES (Agenda item 2)

The Minutes of the Meeting held on 3 March 2020 were confirmed as a correct record of the meeting. These would be signed at a later date.

EXE 75/19 DECLARATIONS OF INTERESTS (Agenda item 4)

There were no interests declared in relation to items on the agenda.

EXE 76/19 QUESTIONS FROM MEMBERS OF THE PUBLIC (Agenda item 5)

There were no questions from members of the public.

EXE 77/19 QUESTIONS FROM MEMBERS OF THE COUNCIL (Agenda item 6)

There were no questions from Members of the Council.

EXE 78/19 LEADER'S UPDATE (Agenda item 7)

- 78.1 The Leader referred to the joint statement from the leaders of the political groups at Waverley which had been circulated with the agenda, and reiterated the thanks to Waverley staff and councillors for the way in which they had responded to the pandemic emergency, adapting to the very strange circumstances and different ways of working, and making huge efforts to support residents and businesses. The statement also highlighted to the public the actions that Waverley was taking, and the partnership work the county council, health services, town and parish councils, and voluntary sector.
- 78.2 The Leader reported that from his discussions with the leaders of other councils in Surrey and across the country, it was clear that all were concerned about the financial impact on council finances. In addition to the unexpected costs of responding to the Covid-19 emergency, councils had seen severe reductions in their usual income streams including investment income, car parking income and leisure centre income. Waverley was less severely impacted than some, but the loss of income was a serious matter.
- 78.3 The Leader commended the work of contractors who had managed to maintain services to Waverley residents and communities despite staff shortages, in particular the refuse and recycling collection contractor and the grounds maintenance contractor. Concluding, the Leader reiterated how proud he was of what the council had achieved in responding to the Covid-19 emergency.

PART I - RECOMMENDATIONS TO THE COUNCIL

Background Papers

Unless specified under an individual item, there are no background papers (as defined by Section 100D(5) of the Local Government Act 1972) relating to the reports in Part I of these minutes.

EXE 79/19 TEMPORARY GOVERNANCE ARRANGEMENTS (Agenda item 9)

- 79.1 The Leader introduced the report setting out proposed temporary governance arrangements that reflected the provisions of the Local Authorities (Coronavirus)

(Flexibility of Local Authority Meetings) (England) Regulations 2020 (the Regulations) that enabled remote attendance at council meetings by Members, and waived the requirement to have an Annual Council meeting before 7 May 2021. Besides holding virtual council meetings, the most significant change in governance arrangements proposed was a temporary stream-lining of the planning committee structure, moving from five committees to two committees. The proposals had cross-party support in principle, but in the interests of transparency the Standards Committee was being asked to review the proposed arrangements and make recommendations to Council.

- 79.2 Cllr Julia Potts, Leader of the Principal Opposition Group, thanked the Leader for the opportunity to contribute to the discussions about implementing virtual meetings and developing the proposals for temporary planning committee arrangements.
- 79.3 Cllr Hyman noted that the government had already indicated its likely approach of helping the country build its way out of recession, and he highlighted the pressure this would put on the council's environmental and climate change agendas. It was therefore all the more important to ensure that decision-making was robust and subject to scrutiny. He was looking for assurances that the involvement of the Standards Committee was not tokenism and there would be a genuine opportunity for scrutiny of the proposals.
- 79.4 Cllr John Gray assured Cllr Hyman that the proposals for the planning committees had been considered very carefully by the Conservative Group and the consensus had been that this was a good compromise to enable the council to continue taking planning decisions during the current crisis. He was pleased that the Standards Committee would be able to assure itself the proper procedures were being followed and the arrangements were sound. Cllr Gray advised that he had had confirmation that the Audit Committee would be meeting in July, and he felt that it would be helpful for all Members to have a briefing on the impact of the crisis on the Medium Term Financial Plan.
- 79.5 Cllr Jenny Else asked that Members be kept informed about what decisions had been dealt with by officers under delegations rather than being brought to committees, if this was the case.
- 79.6 Cllr Follows reminded Members of the Executive's commitment to openness and transparency, and recognised that in an emergency situation there was potential for abuse of authority. That was why the Executive was seeking the input of the Standards Committee and allowing them to make recommendations to Council. In addition, the report made it clear that Overview and Scrutiny was not being overlooked, and temporary arrangements would be subject to review and sunset clauses to ensure that normal arrangements were resumed as soon as Council felt it was appropriate. Cllr Merryweather endorsed the importance of scrutiny, and confirmed that he was discussing with officers the best time to hold a Member briefing on the financial situation of the Council.
- 79.7 In summing up, the Leader emphasised that the proposals were not a way of rushing through procedural changes at the expense of scrutiny; the proposals had been consulted on across political groups for a number of weeks, agreement had been reached on the principles, and he was not willing to consider changes to these until hearing the recommendations of the Standards Committee.

The Executive RESOLVED to recommend to Full Council:

- 1. That in principle, remote meetings, at least for the time being, be used sparingly, and that only matters considered to be critical to the Council's**

business be dealt with by way of remote meetings. Non-critical, 'business as usual' items and items that can be delegated to officers (either through existing or new delegations), delayed or cancelled are not dealt with by remote meetings. All time-limited emergency provisions to be reviewed at the July Council meeting and at any further Full Council meetings beyond that as required.

- 2. That the Annual Meeting of Council for 2020 be postponed until such date to be agreed by the Leader of the Council, the Mayor, and the Chief Executive.**
- 3. That the Mayor and Deputy Mayor remain in their current roles until an Annual Meeting of the Council is held.**
- 4. That the committee memberships for 2019/20 continue for 2020/21, subject to any adjustments required to satisfy political proportionality following the January 2020 by-election; and that existing committee chairmen and vice-chairmen continue for 2020/21 unless there is a need to appoint a new chairman and/or vice-chairman due to any other reason.**
- 5. That the revised schedule of committee meetings outlined for Phases 1, 2 and 3 in paragraph 4.8 below, is agreed; a detailed calendar of meetings will be provided to Members as soon as possible.**

RESOLVED to recommend that the Standards Committee:

- 6. Considers and makes recommendations to Full Council on the adoption of revised Procedure Rules in relation to virtual meetings, and remote attendance at meetings, including a delegation to the Monitoring Officer in consultation with the Mayor, the Leader and the Chair of the Standards Committee to make minor amendments as need is identified in the light of experience.**
- 7. Considers and makes recommendations to Full Council on the Terms of Reference of the proposed two new temporary EASTERN and WESTERN planning committees, on the basis of agreement between Group Leaders and Independent Members, together with recommendations on appropriate sunset clauses for these committees.**
- 8. Considers and makes recommendations to Full Council on any other revisions to the Scheme of Delegation that officers propose in response to the Coronavirus Act 2020, or to facilitate the Council's response to the COVID-19 emergency.**

Reason: to implement the provisions of the Coronavirus Act 2020 and the Local Authorities (Coronavirus) (Flexibility of Local Authority Meetings (England)) Regulations 2020 allowing remote attendance at council meetings by Members, and enable essential decision-making, whilst recognising that current circumstances constrain the ability to support the planned calendar of council meetings on the basis of 'business as usual'.

EXE 80/19 SAFEGUARDING POLICY FOR CHILDREN AND ADULTS AT RISK (Agenda item 11)

- 80.1 Cllr David Beaman, Portfolio Holder for Culture, Health and Wellbeing, introduced the report and revised Safeguarding Policy. The revisions to the Safeguarding Policy were not related to the current emergency, but reflected changes in Surrey County Council's structures and arrangements for Children's Services in response to their 2018 OFSTED inspection report on services for children in need of help and protection.
- 80.2 The principles set out in the policy were unchanged, but the revised policy included Surrey County Council's new multi-agency approach, *Effective Family Resilience*, and expanded on Contextual Safeguarding including Modern Day Slavery, Child Exploitation, online bullying and grooming, and anti-Semitism and hate crime. Cllr Beaman endorsed the revised Safeguarding Policy for Children and Adults at Risk, and the recommendation that it be submitted to Full Council for adoption.
- 80.3 Cllr Jerry Hyman spoke to endorse the revised Policy, and drew attention to an editing error in Appendix 5 that would need to be corrected before it was put to Full Council for approval.
- 80.4 Cllr Jenny Else commended the revised Policy but noted that she would have liked to see a clearer statement of councillors' responsibilities in relation to safeguarding and how councillors should respond when they had safeguarding concerns about children or adults. Cllr Else also had some concerns about how information sharing was covered in relation to someone without mental capacity; and, how the safeguarding approach included care homes and domiciliary care organisations.
- 80.5 Cllr Paul Follows noted that he shared concerns that the council might assume too much of the county council's responsibilities under the revised Policy, as this would not be funded. However, he recognised the importance of the Policy and recommended it to Council for adoption.

The Executive RESOLVED to recommend to Council that the Safeguarding Policy for Children and Adults at Risk be adopted.

Reason: It is a statutory responsibility for local authorities to have in place effective safeguarding arrangements.

PART II - MATTERS OF REPORT

The background papers relating to the following items are as set out in the reports included in the original agenda papers.

EXE 81/19 WAVERLEY BOROUGH COUNCIL'S RESPONSE TO CORONAVIRUS TO DATE
(Agenda item 8)

- 81.1 The Leader introduced the Chief Executive's report which provided an account, for the record, of Waverley Borough Council's response to the unprecedented medical and social crisis of coronavirus as at the end of April 2020. The Leader reiterated his thanks to all staff for their response, and took the opportunity to commend Waverley's Senior Management Team and in particular the Chief Executive, Tom Horwood, and Strategic Directors Annie Righton and Graeme Clark, for their magnificent contribution.
- 81.2 Mr Tom Horwood, Chief Executive, outlined the scale of the response by the community and by council officers and Members to the unprecedented circumstances and the challenges that it presented. The council had supported health and social care services, but had also provided direct support to vulnerable people and to businesses in the borough. These services were continuing, even as the community and the council organisation began to move into the recovery phase. There were clear risks relating to the length of time the crisis would last, and there were financial risks to the council which would require further reporting to the Executive and possibly Full Council in the coming months.
- 81.3 Cllr Julia Potts, Leader of the Principal Opposition Group, endorsed the report which showed the tremendous effort from everyone at the council and the many community volunteers who had worked with the council in different ways. Everyone should be proud of the way in which Waverley had delivered. Cllr Potts passed on the positive feedback of businesses who had received government grants via Waverley and had commended the professional and efficient way in which these had been administered. Cllr Potts thanked the Executive for the collaborative cross-party approach they had taken, enabling her to participate in the weekly briefings and get a good understanding of what was happening behind the scenes. Cllr Potts extended the thanks of the Conservative Group to staff for their hard work, and asked if update reports could be made to future meetings so that all Members and residents were able to understand the scale of the council's work in responding to this crisis.
- 81.4 Cllr Jerry Hyman echoed the thanks to staff, noted the financial uncertainty for the council and implications for future service delivery. He asked for more detailed information in relation to the number of Covid-19 cases and deaths in Waverley, the testing and tracing arrangements, and what the council could be doing to accelerate this activity.
- 81.5 Cllr Jenny Else echoed the points made by Cllr Potts, and added that she was pleased to have received very few complaints about services such as refuse collection and grass-cutting, which indicated what a great job the council's contractors were doing in maintaining normal services in very difficult circumstances. Cllr Else went to highlight the community meals service that had expanded its capacity almost overnight to help vulnerable residents, and the phone calls to vulnerable and shielding residents and financial support provided to small businesses. Cllr Else raised a matter that was causing some confusion among vulnerable residents who had been

given food boxes but who didn't need them: there seemed to be some confusion about cancelling the food boxes might affect supermarket priority delivery slots. Cllr Ward thanked Cllr Else for raising that last point which he would look into.

- 81.6 Cllr John Gray commended the interesting and informative report, and the tremendous achievement by Waverley in what had been accomplished in just 8 weeks. The speed with which new arrangements had been developed and implemented was unprecedented, and would set the standard and expectations for the future. Cllr Gray noted that the financial impact had been referred to and asked when it would be possible to get a better understanding of the impact on the Medium Term Finance Plan, as these clearly would be felt next year, and the year after.
- 81.7 Executive Members Cllrs Follows, Williams, Palmer, Merryweather and Townsend all spoke in support of the work of the council and community in responding to the crisis, and also the town and parish councils. Additional points were raised in relation to the uncertainty about government funding to support council finances and enable services to be maintained; the need to learn lessons about doing things differently so that communities did not just recover, but were able to 'build back better'; the positive cross-party working, and partnership working between all levels of local authorities to a common goal; the extent of the uncertainty around the council's finances in the short and medium term; and the work of the Economic Development team in supporting businesses during this difficult time, and the Parks and Countryside teams in safely managing open spaces as lockdown orders were gradually relaxed.
- 81.8 In concluding the discussion, the Leader noted that the latest government announcements had not changed the way in which Waverley was working for the time being; the physical and mental wellbeing of staff was a priority concern when thinking about how to transition back to the offices, and this would be done only after careful consideration of the health and safety implications.

The Executive RESOLVED to note the report.

Reason: The report provides an account, for the record, of Waverley Borough Council's response to the unprecedented medical and social crisis of coronavirus as at the end of April 2020. It includes early notice of potential financial risks facing the Council.

EXE 82/19 AMENDMENT TO THE SCHEME OF DELEGATION - HEALTH PROTECTION (CORONAVIRUS, RESTRICTIONS) (ENGLAND) REGULATIONS 2020 PUBLIC HEALTH (CONTROL OF DISEASES) ACT 1984 (Agenda item 10)

- 82.1 Cllr Nick Palmer, Portfolio Holder for Operational and Enforcement Services, introduced the report that set out the proposed amendment to the delegation of Executive functions to officers. This delegation would authorise officers to act in respect of new legislation introduced by the government for the purpose of reducing public health risks posed by the incidence and spread of COVID-19. Specifically, delegation was in relation to new public protection

regulations on business closures under the Public Health (Control of Disease) Act 1984 on which local authorities were expected to lead. Cllr Palmer endorsed the recommendation, which would enable the council to act swiftly and efficiently in its health protection enforcement role for the benefit of the Waverley community.

- 82.1 Cllr Julia Potts, Leader of the Principal Opposition Group, hoped that the measures would not need to be used, but agreed that it was crucial that the council should be able to respond swiftly and legally should the need arise in order to protect the health and safety of residents and businesses in these unusual times.
- 82.3 Cllr Jerry Hyman had some concern that the delegation proposed was not just to the named Heads of Services but also to a wide range of unspecified officers across a number of services which he felt was not sufficiently specific.
- 82.4 Cllr Jenny Else asked whether the Environmental Health Officers were inspecting the kitchens of food businesses that had moved to offering a takeaway service, and whether Regulations 4 and 5 which were within the council's remit covered these operations. Cllr Rosoman assured Cllr Else that Environmental Health Officers were still inspecting takeaway businesses and supporting other businesses who were now providing takeaway services to ensure they were doing so safely. The new delegations were to take action when businesses that were supposed to be closed under the regulations were open and trading.
- 82.5 Daniel Bainbridge, Borough Solicitor, assured Members that the proposed delegation to specific Heads of Service who would authorise officers within the specified teams to act on their behalf was normal practice and avoided the Scheme of Delegation becoming unwieldy.

The Executive RESOLVED

(1) to amend the Scheme of Delegation to include:

- **the Head of Environmental and Regulatory Services,**
- **the Head of Housing Delivery and Communities,**
- **the Head of Housing Operations, and,**
- **the Head of Planning and Economic Development**

as authorised persons under the Public Health (Control of Diseases) Act 1984 and the related public health protection regulations, including the Health Protection (Coronavirus, Business Closure) (England) Regulations 2020 ('the Business Closure Regulations') and the Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 ('the Restriction Regulations') and any updating and or amending legislation; and,

- (2) the designation is also extended to officers employed within specified service teams of the Council, namely environmental health, environmental protection, environmental enforcement, licensing,**

housing management operations, private sector housing and planning enforcement.

Reason: To enable officers to enforce the Regulations effectively and efficiently where appropriate.

EXE 83/19 FUTURE DELIVERY OF HOUSING RESPONSIVE REPAIRS, VOID REFURBISHMENT AND DISABLED ADAPTATION CONTRACT (Agenda item 12)

- 83.1 Cllr Anne-Marie Rosoman, Portfolio Holder for Housing and Community Safety, introduced the report setting out the proposed approach to procuring a new contract for the provision of responsive repairs, void property refurbishments, and disabled adaptations to Waverley housing tenants in fulfilment of the council's landlord responsibilities. The need to procure a new contract followed the early termination of the contract with MPS by the contractor which had been reported to the Executive on 7 January 2020.
- 83.2 In response to receiving the notice of termination of the MPS contract the council had appointed an interim contractor on a fixed term contract to November 2021 in order to maintain services to tenants. That contract had commenced in early March, although in the current circumstances the extent of the works that could be carried out safely was limited to emergency works. The procurement of a new contracts was a complex process and it was important that the work commenced promptly, and Cllr Rosoman commended the recommended approach to the Executive.
- 83.3 Cllr Richard Seaborne, Chairman of the Housing Overview & Scrutiny Committee, reported that the Committee had scrutinised this matter in March with the benefit of an in depth briefing from officers prior to the committee meeting. The Housing Overview & Scrutiny Committee had endorsed the proposed procurement approach and welcomed the opportunity to be involved in the exploration of alternative delivery mechanisms as well as understanding the lessons learned from the previous procurement. This work would be carried out via remote meetings and was already being planned with officers in order to meet key milestones in the procurement timeline.
- 83.4 Cllr Jerry Hyman echoed the importance of learning lessons from the previous procurement exercise. He also queried whether recommendation 3.2 was procedurally correct, and it was clarified that the delegation to officers was to procure tenders from contractors to deliver the services and to make recommendations to the Executive on the award of the contract.
- 83.5 Cllr Rosoman thanked Cllr Seaborne for his positive comments and the constructive approach of the Housing Overview & Scrutiny Committee to ensuring that the proposals were robust and options were fully explored.

The Executive RESOLVED to:

- 1. agree the recommended approach to procuring a conventional JCT schedule of rates contractual arrangement to deliver the Housing Maintenance Responsive Repairs, Improvements, Voids Refurbishment and Disabled Adaptation services;**
- 2. agree to a concurrent project to explore alternative delivery methods; and**
- 3. delegate authority to the Head of Housing Operations in consultation with the Portfolio Holder for Housing, Strategic Director and Section 151 Officer to:**

- 3.1. appoint consultants to provide advice and undertake such work relevant to achieve the procurement; and**
- 3.2. procure and recommend to the Executive contractors to deliver Responsive Repairs, Improvements, Void Refurbishment and Disabled Adaptation works, within agreed budgets, in accordance with the Council's Contract Procurement Rules.**

Reason: to ensure that the Council is able to meet its statutory landlord obligations in relation to repairs and health and safety.

The meeting commenced at 6.00 pm and concluded at 8.00 pm

Chairman

WAVERLEY BOROUGH COUNCIL

COUNCIL

9 JUNE 2020

Title:

TEMPORARY GOVERNANCE ARRANGEMENTS

Portfolio Holders: Cllr John Ward, Leader of the Council

Cllr Peter Clark, Portfolio Holder for Business Transformation and IT

Heads of Service: Robin Taylor, Head of Policy & Governance and Monitoring Officer

David Allum, Head of Business Transformation

Key decision: Yes

Access: Public

1. Purpose and summary

- 1.1 This report proposes temporary changes to the Council's governance arrangements in response to the business imperative to prioritise urgent action to support the Waverley community during the Coronavirus emergency.
- 1.2 It summarises key changes in legislation (via the Coronavirus Act 2020) and Regulations (via the Local Authorities (Coronavirus) (Flexibility of Local Authority Meetings (England)) Regulations 2020) ("the Regulations") and makes recommendations on temporary arrangements for Council and committee meetings during the 6-month period from April to October 2020.
- 1.3 The Executive has asked the Standards Committee to review the proposals set out in this report for new temporary planning committees to streamline the planning committee arrangements, and recommendations to temporarily amend the Council's Constitution in this regard are brought to Council via the Standards Committee elsewhere on this meeting agenda.

2. Recommendations

The Executive recommends to Full Council:

- 2.1 That in principle, remote meetings, at least for the time being, be used sparingly, and that only matters considered to be critical to the Council's business be dealt with by way of remote meetings. Non-critical, 'business as usual' items and items that can be delegated to officers (either through existing or new delegations), delayed or cancelled are not dealt with by remote meetings. All time-limited

emergency provisions to be reviewed at the July Council meeting and at any further Full Council meetings beyond that as required.

2.5 That the revised schedule of committee meetings outlined for Phases 1, 2 and 3 in paragraph 4.8 below, is agreed; a detailed calendar of meetings will be provided to Members as soon as possible.

NB. The Executive's recommendations (below) in relation to the timing of Annual Council, the appointment of the Mayor and Deputy Mayor, and committee appointments have been superseded by the scheduling of Annual Council on 9 June 2020.

- That the Annual Meeting of Council for 2020 be postponed until such date to be agreed by the Leader of the Council, the Mayor, and the Chief Executive.
- That the Mayor and Deputy Mayor remain in their current roles until an Annual Meeting of the Council is held.
- That the committee memberships for 2019/20 continue for 2020/21, subject to any adjustments required to satisfy political proportionality following the January 2020 by-election; and that existing committee chairmen and vice-chairmen continue for 2020/21 unless there is a need to appoint a new chairman and/or vice-chairman due to any other reason.

3. Reason for the recommendations

To implement the provisions of the Coronavirus Act 2020 and the Local Authorities (Coronavirus) (Flexibility of Local Authority Meetings (England)) Regulations 2020 allowing remote attendance at council meetings by Members and enable essential decision-making, whilst recognising that current circumstances constrain the ability to support the planned calendar of council meetings on the basis of 'business as usual'.

4. Background

Meetings

- 4.1 The Coronavirus Act 2020, which came into force at the end of March, includes provisions under section 78 for Regulations to be issued that allow far greater flexibility around requirements for local authority meetings than are set out in the Local Government Act 1972 and Local Government Act 2000. The Local Authorities (Coronavirus) (Flexibility of Local Authority Meetings (England)) Regulations 2020 came into effect on 4 April 2020.
- 4.2 The Regulations allow for some or all Members of a council committee (Full Council, a committee, or the Executive) to remotely access and attend a formal council meeting, and to take part in any vote and decision. The Regulations apply to all local authority meetings held before 7 May 2021, the date of the next local authority elections, and are not a permanent change to meeting arrangements.

- 4.3 The requirements are that those Members attending remotely must be able to hear (and see, where practicable) the contributions of all other Members of the committee, whether they are physically present in the meeting or also attending remotely. Those attending physically must be able to hear (and see, where practicable) those who are attending remotely. Proceedings must also be broadcast, so that the public may also hear (and see, where practicable) the proceedings and the contributions of all attendees.
- 4.4 The Regulations waive the statutory requirement for the Council to hold an Annual Meeting before the end of May in 2020. The Annual Meeting of Full Council conducts the business of electing a Mayor and Deputy Mayor for the forthcoming Civic year, and agreeing committee memberships, in line with political proportionality, for the 2020/21 civic year.
- 4.5 The Regulations override any Standing Orders (Procedure Rules) that are incompatible with the Regulations and also allow new or revised Standing Orders to be adopted that cover, amongst other matters, voting, Member and public access to documents, and remote access to meetings by press and public to accommodate new ways of working.
- 4.6 As Members will be able to attend meetings remotely, this should avoid the circumstance where a Member risks being disqualified for non-attendance of a meeting for 6 months, under s. 85 of the 1972 Act.

Implementation of arrangements for remote meeting attendance

- 4.7 The Council (in a joint statement by Group Leaders) has suspended all council meetings until 30 June 2020. Whilst the Regulations facilitate holding meetings where some or all of Members are in remote attendance, the Council's agreed and clear corporate focus is on responding to the Coronavirus pandemic and supporting our local community. Therefore, the new ability to hold council meetings remotely means that the meeting calendar should not resume in a way that reflect 'business as usual'.
- 4.8 It is therefore proposed that arrangements are agreed for the short-term, with an opportunity to review and for the Council to adopt revised arrangements e.g. at the July Full Council meeting, for the autumn and winter cycle of meetings depending on the prevailing circumstances.

Phase 1 – May 2020 – July 2020

Remote meeting arrangements should reflect that the Council is responding to the Coronavirus pandemic, and should be used for essential business only. During Phase 1, all meetings to be entirely remote, even if orders around social distancing have been relaxed, and some Members or officers decide to 'attend remotely' from the council offices.

In order to streamline the operations of the planning committees, Group Leaders have agreed in principle to replace the suspended Joint Planning Committee and four Area Planning Committees with two new temporary planning committees – WESTERN and EASTERN - which will consider all applications requiring determination by a planning committee under the Scheme of Delegation that are located in their geographical area. The new temporary planning committees will each have 15 Members, and membership will be politically proportional.

Priority meetings (in order of priority)

1. Executive Committee – to undertake any urgent items of business and to formally make proposals for debate by the Standards Committee.
2. Standards Committee – to review proposed arrangements. There has been consultation with Group Leaders on the proposed arrangements, with broad agreement on the principles. Standards Committee will be asked to review the details of the proposals which will be temporary changes to the Constitution.
3. Extraordinary Council – to agree:
 - all required delegations to officers of powers and duties under the Coronavirus Act 2020
 - any other emergency powers of delegation to enable the Council's efficient response to the pandemic;
 - to formally agree to implement the directions of the government in responding;
 - new meeting arrangements;
 - new temporary arrangements for planning decision-making, including planning committees, delegations and member call-in to committee;
4. Proposed new planning committees to be diarised as required to meet the demands of the Planning Service to have planning applications determined.
5. Potential limited cycle of Overview and Scrutiny meetings – to be discussed by the Overview & Scrutiny Co-ordinating Board. It is expected that the focus of these meetings would be on the response to the COVID-19 emergency by the council and partners, and looking forward to what 'recovery' means for the community and the council.
6. Audit Committee – probably as scheduled, although the deadline for signing off the annual accounts is now 30 November 2020.

Phase 2 August 2020 – October 2020

There will be an opportunity for arrangements to be reviewed in July, and for Full Council to agree the approach to be taken for the next cycle of meetings. This will depend on the extent to which social distancing orders have been relaxed and the Council's focus has moved to recovery. A further opportunity for review will be at October 2020 Full Council meeting.

Phase 3 November 2020 – April 2021

The working assumption is that the normal committee calendar will resume (if it hasn't already), but with the facility for remote attendance by some or all Members. Meetings would have a physical location specified, as well as the means of joining remotely.

Provisions for remote attendance will end 7 May 2021, unless they are subsequently extended or otherwise enacted to update LGA1972.

5. Relationship to the Corporate Strategy and Service Plan

- 5.1 Ensuring that the Council is still able to take essential decisions during the

Coronavirus emergency that support Waverley's residents, businesses and communities is fundamental to the purpose of the Council.

- 5.2 Implementation of Regulations to enable remote attendance at formal council meetings by Members supports open, democratic and participative governance at a time when Members are unable to travel to the Council offices to take part in meetings in person.

6. Implications of decision

6.1 Resource (Finance, procurement, staffing, IT)

Comments from IT

The Council has chosen Zoom video-conferencing platform to enable holding remote meetings, as this has an excellent reputation for being easy for users to operate. Zoom has addressed security concerns regarding access to meetings, and we are confident that there are sufficient controls available to ensure that participation in meetings is by invitation, and access is controlled by the meeting 'host'.

Industry best practice strongly suggests that hardware is required for optimum functionality and that we should not rely on software only. This will offer us more control and is required in any case if we are to link to other functionality such as web-casting etc. Committee Room 1 facilities have been upgraded to form the base for our initial video conferencing facility. Testing of equipment and software, and training of officers and Members has been carried out during April.

Finance – Committee Room 1 facilities have been upgraded at a cost of £16,000. There is a small ongoing revenue cost of the Zoom video-conferencing platform. These costs have currently been met from previously approved budgets. Waverley has received funds to help with the impact of COVID-19 which can be used towards these costs.

Staffing – officer support for council meetings held with some or all Members attending remotely will be met from within existing budgets. Remote meetings may require additional support (two DSOs, IT) at least initially, in order to support the chairman and monitor the IT and broadcast.

6.2 Risk management

Not making arrangements to enable essential decisions to be taken at this time will hamper the Council's ability to meet its legal responsibilities, particularly in relation to determining planning applications.

IT failure – in the event that IT fails, and a significant number of Members are not able to join a meeting remotely; or broadcasting fails so that the public are unable to hear (and see, if video is available) the meeting proceedings, protocols will require the Chairman to adjourn the meeting and reconvene at a later time, or date.

6.3 Legal

To allow local authorities to manage their resources, the Regulations allow local authorities to determine not to hold their annual meeting. Where meetings are held, the Regulations provide that local authorities have the flexibility to hold meetings at any time of day and on any day, to alter how frequently meetings can be held and to move or cancel meetings without requiring further notice. This will ensure that local authorities can divert resources to other efforts and have the flexibility to reallocate officers and members.

As local authorities are not required to hold annual meetings under the Regulations, current appointments will continue until the next annual meeting of the authority or when the Council determines. This provides, in the absence of an annual meeting, continuity of membership.

Being able to hold all meetings flexibly, including annual meetings, executive meetings, and committee meetings, allows Council business to continue while adhering to official public health guidance. It also allows the public the same flexibility to attend whilst adhering to the guidance. The Regulations provide for meetings to be held remotely. For the purposes of any statutory requirement, members of the local authority will be considered as attending a meeting if they can hear, and where practicable see, and be heard and, where practicable, be seen by other members and the public. This allows for meetings to be held by remote means including via telephone conferencing, video conferencing, live web chat and live streaming.

The Regulations also provide for local authorities to make standing orders about remote attendance at meetings in relation to voting; members and public access to documents; and what facilities are to be employed to allow the meeting to be held remotely to suit their own circumstances. These arrangements can be made by the local authority without any restrictions contained in any standing order or any other rules of the local authority governing the meeting. This gives the local authority flexibility to arrange and hold such meetings regardless of such existing restrictions.

By virtue of the Regulations the “place” at which a local authority meeting is held is not confined to the council building. The “place” may be where the instigator or arranger of the meeting is, or electronic, digital or virtual locations such as internet locations, web addresses or conference call telephone numbers. By virtue of these Regulations, a person is attending a meeting in a specific place if they are attending at different types of location, including physical, electronic, digital or virtual locations. These Regulations also provide for requirements for a meeting being “open to the public” to be satisfied by a local authority holding the meeting remotely. This provides the local authority with the flexibility to facilitate remote meetings outside of the council offices and to hold meetings entirely by remote means. It also provides for members of the public to attend remotely rather than in person which may breach the Government’s public health advice.

Where it is stipulated that documents are “open to inspection”, the Regulations provide that this requirement is satisfied by the documents being published on the council’s website. Documents include notices, agendas, reports, background papers minutes etc. The publication, posting or making available of documents at council offices includes publication on the website of the council, or in the case of a parish council, on their principal council’s website. This provides for local authority members and officers, and the public, to have access to documents without

attending council buildings and therefore without breaching the government's public health advice.

6.4 Equality, diversity and inclusion

The ability for members of the public to 'attend' and participate in council meetings by remote means is embedded with the Regulations. Waverley has webcast its principal committee meetings for a number of years, and the public are familiar with viewing meetings online, either live or after the event.

There are no other direct equality, diversity or inclusion implications in this report. Equality impact assessments are carried out when necessary across the council to ensure service delivery meets the requirements of the Public Sector Equality Duty under the Equality Act 2010.

6.5 Climate emergency declaration

The ability for Members to attend council meetings remotely will reduce the number of car journeys that need to be made to the Council offices and make an immediate contribution to reducing the Council's carbon footprint. Whilst the Regulations are time-limited (local authority meetings held up to 7 May 2021) it might be expected that this will bring closer the time when these arrangements are enabled permanently.

7. Consultation and engagement

- 7.1 The proposal set out in this report have been discussed with the Executive, Group Leaders and Independent Members and reflects the feedback they have provided.

8. Other options considered

- 8.1 The other main option is to not hold any fully or partially remote meetings during this time. However, now that the Regulations have been passed to enable remote attendance at meetings, there is scope to enable Members to fulfil their democratic responsibilities in a way that is proportionate to the current emergency.

9. Governance journey

- 9.1 The proposals in the this report have been discussed informally by the Executive Members meeting with the Leader of the Principal Opposition Group and Independent Members. Subject to the agreement of the Executive, the recommendations will be considered at Full Council.
- 9.2 Recommendations from the Standards Committee on temporary changes to the Constitution will be considered at Full Council, including dates for reviewing arrangements and *sunset clauses*.

Annexes:

None

Background Papers

There are no background papers, as defined by Section 100D(5) of the Local Government Act 1972).

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WAVERLEY BOROUGH COUNCIL

COUNCIL

9 JUNE 2020

Title:

**Safeguarding Policy for
Children and Adults at Risk**

Portfolio Holder: Cllr David Beaman, Health, Wellbeing and Culture

Head of Service: Andrew Smith, Head of Housing Delivery and Communities

Key decision: No

Access: Public

1. Purpose and summary

1.1 This report proposes changes to the Council's Safeguarding Policy of 2017 and reflects changes within Surrey County Council Children's Services following the Ofsted re-inspection of services for children in need of help and protection in May 2018 where they found Surrey County Council's Children Services inadequate in relation to: *Children who need help and protection and Leadership, management and governance*.

1.2 The body of the Policy remains the same and is governed by a set of key principles and themes designed to ensure that people who are at risk experience the process in such a way that it is sensitive to individual circumstances, is person-centred and is outcome-focused. The areas of the Policy that have been updated are in relation to:

- the new agreed multi-agency approach called **Effective Family Resilience** (Annexe 1, Appendix 5) and the subsequent change to Council's own structure that reflects this new approach (Annexe 1, Appendix 3 & 4); and
- the increased profile of Contextual Safeguarding as an approach to understanding, and responding to, young people and vulnerable adults' experiences of significant harm beyond their families. The Policy has been updated to ensure it reflects this area (Annexe 1, Appendices 6, 7 & 8).

2. Recommendation

The Executive recommends to Council that the updated Safeguarding Policy for Children and Adults at Risk is adopted.

3. Reason for the recommendation

It is a statutory responsibility for local authorities to have in place effective safeguarding arrangements.

4. Background

4.1 On 14 August 2017 the Council adopted the Safeguarding Policy for Children and Adults at Risk which merged the previously separate Safeguarding Children and Adult Policies (2014) in accordance with Surrey County Council's recommended format, to ensure a consistent Safeguarding Policy was adopted by Districts and Boroughs throughout the County.

4.2 The Safeguarding Policy for Children and Adults at Risk sets out how the Council will meet its obligations to safeguard children and adults at risk. It applies to staff, agency workers, volunteers and contractors employed by the Council. It is also applicable to Councillors undertaking official duties on behalf of the Council. The policy complements and supports the agreed multi-agency procedures set down by the Surrey Safeguarding Children Partnership and Surrey Safeguarding Adults Partnership.

4.3 Since the adoption of the Safeguarding Policy for Children and Adults at Risk in 2017 there have been changes within Surrey County Council Children's Services which has necessitated reviewing and updating the Policy. This follows the Ofsted re-inspection of services for children in need of help and protection in May 2018 where they found Surrey County Council's Children Services inadequate in relation to: *Children who need help and protection* and *Leadership, management and governance*.

4.4 The body of the Policy remains the same as it is governed by a set of key principles and themes, designed to ensure that people who are at risk experience the process in such a way that it is sensitive to individual circumstances, is person-centred and is outcome-focused. The areas of the Policy that have been updated are in relation to the new agreed multi-agency approach called **Effective Family Resilience** (Annexe 1, Appendix 5) and the subsequent change to Council's own structure that reflects this new approach (Annexe 1, Appendix 3 & 4).

4.5 One area of safeguarding that has increased in profile is **Contextual Safeguarding**. Contextual Safeguarding is an approach to understanding, and responding to, young people and vulnerable adults' experiences of significant harm beyond their families. Contextual safeguarding includes:

- a. Modern Day Slavery
- b. Child Exploitation (including sexual exploitation and serious Organised Crime)
- c. Online bullying and grooming
- d. Radicalisation and prevent
- e. Anti-Semitism and Hate Crime

The Policy has been updated to ensure it reflects this area (Annexe 1, Appendices 6, 7 & 8).

4.6 The essential elements of the Policy remain the same: awareness of the Council's responsibilities for safeguarding; how to raise a concern, make a referral if required, and record and monitor all concerns.

4.7 In line with the new multi-agency Effective Family Resilience approach it is vital for successful safeguarding that the procedures in this Policy are understood and applied consistently at an individual, managerial, and organisational level. With this in mind a Safeguarding programme is being developed to encourage officers to look at the whole family context when considering safeguarding and to gain confidence in the assessment of whether thresholds for referral have been met or whether support is more appropriate. This will be delivered to all appropriate staff.

5. Relationship to the Corporate Strategy and Service Plan

The objective of safeguarding is to prevent and reduce the risk of harm to adults and children from abuse or other types of exploitation and impairment of development, while supporting individuals to maintain control over their lives and enabling them to make informed decisions without coercion.

The vision within the Corporate Strategy states that Waverley Borough Council is an authority which promotes and sustains the *value and worth of all residents, regardless of income, wealth, age, disability, race, religion, gender or sexual orientation*, the very essence of safeguarding.

6. Implications of decision

6.1 Resource (Finance, procurement, staffing, IT)

All financial resource implications will be contained within existing budgets. Where new resources requirement arise, the business case will be brought to the Executive for decision.

6.2 Risk management

Risk is managed through the Council's Safeguarding Board.

6.3 Legal

It is a statutory responsibility for local authorities to have effective safeguarding arrangements, identified in the Children's Act 1989 and 2004 and more recently in the Care Act 2014.

6.4 Equality, diversity and inclusion

Whilst there are no direct equality, diversity or inclusion implications in this report a life that is free from harm, abuse, and neglect is a basic right of every person. The objective of safeguarding is to prevent and reduce the risk of harm to adults and children from abuse or other types of exploitation and impairment of development, while supporting individuals to maintain control over their lives and enabling them to make informed decisions without coercion regardless of race, religion, gender etc.

6.5 Climate emergency declaration

There are no environmental and sustainability objectives associated with this Policy.

7. Consultation and engagement

- 7.1 Waverley's Safeguarding Policy sits within the context of the Surrey County Council overarching Safeguarding Policy. It is not subject to public consultation.

8. Other options considered

- 8.1 It is a statutory responsibility for local authorities to have effective safeguarding arrangements, identified in the Children's Act 1989 and 2004 and more recently in the Care Act 2014.

9. Governance journey

- 9.1 The Safeguarding Policy forms part of the Council's Policy Framework and is for approval by Full Council.

Annexes:

Annexe 1 – Safeguarding Policy for Children and Adults at Risk

Background Papers

There are no background papers, as defined by Section 100D (5) of the Local Government Act 1972).

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Safeguarding Policy for Children and Adults at Risk

V1 Approved by Council	14 August 2017
Policy Reviewed	January 2020
V2 Approved by Council	
Date for Review	January 2022

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1. Foreword

A life that is free from harm, abuse, and neglect is a basic right of every person. The objective of safeguarding is to prevent and reduce the risk of harm to adults and children from abuse or other types of exploitation and impairment of development, while supporting individuals to maintain control over their lives and enabling them to make informed decisions without coercion. Although safeguarding is recognised as a key responsibility of local authorities, safeguarding is still everybody's business, and as neighbours, citizens, and community members we need to be alert to neglect and abuse, and be committed to reporting our concerns.

This policy sets out how the Council will meet its obligations to safeguard children and adults at risk. It applies to staff, agency workers, volunteers and contractors employed by the Council. It is also applicable to Councillors undertaking official duties on behalf of the Council. The policy complements and supports the agreed multi-agency procedures set down by the Surrey Safeguarding Children Partnership and Surrey Safeguarding Adults Board. (See *Appendix 1: Surrey Safeguarding Boards*) The policy is governed by a set of key principles and themes, designed to ensure that people who are at risk experience the process in such a way that it is sensitive to individual circumstances, is person-centred and is outcome-focused. It is vital for successful safeguarding that the procedures in this policy are understood and applied consistently at an individual, managerial, and organisational level.

The aims of safeguarding are to:

- Prevent harm and reduce the risk of abuse or neglect.
- Stop abuse or neglect wherever possible.
- Prevent impairment of development and enable individuals to have the best outcomes.
- Safeguard individuals in such a way that supports them in making choices and having control over how they want to live.
- Promote an approach that concentrates on improving life for the individual.
- Raise public awareness so that communities as a whole, alongside professionals, play their part in preventing, identifying and responding to abuse and neglect.
- Provide accessible information and support to help people understand what constitutes abuse and neglect, and how to respond.
- Address what has caused the abuse or neglect.

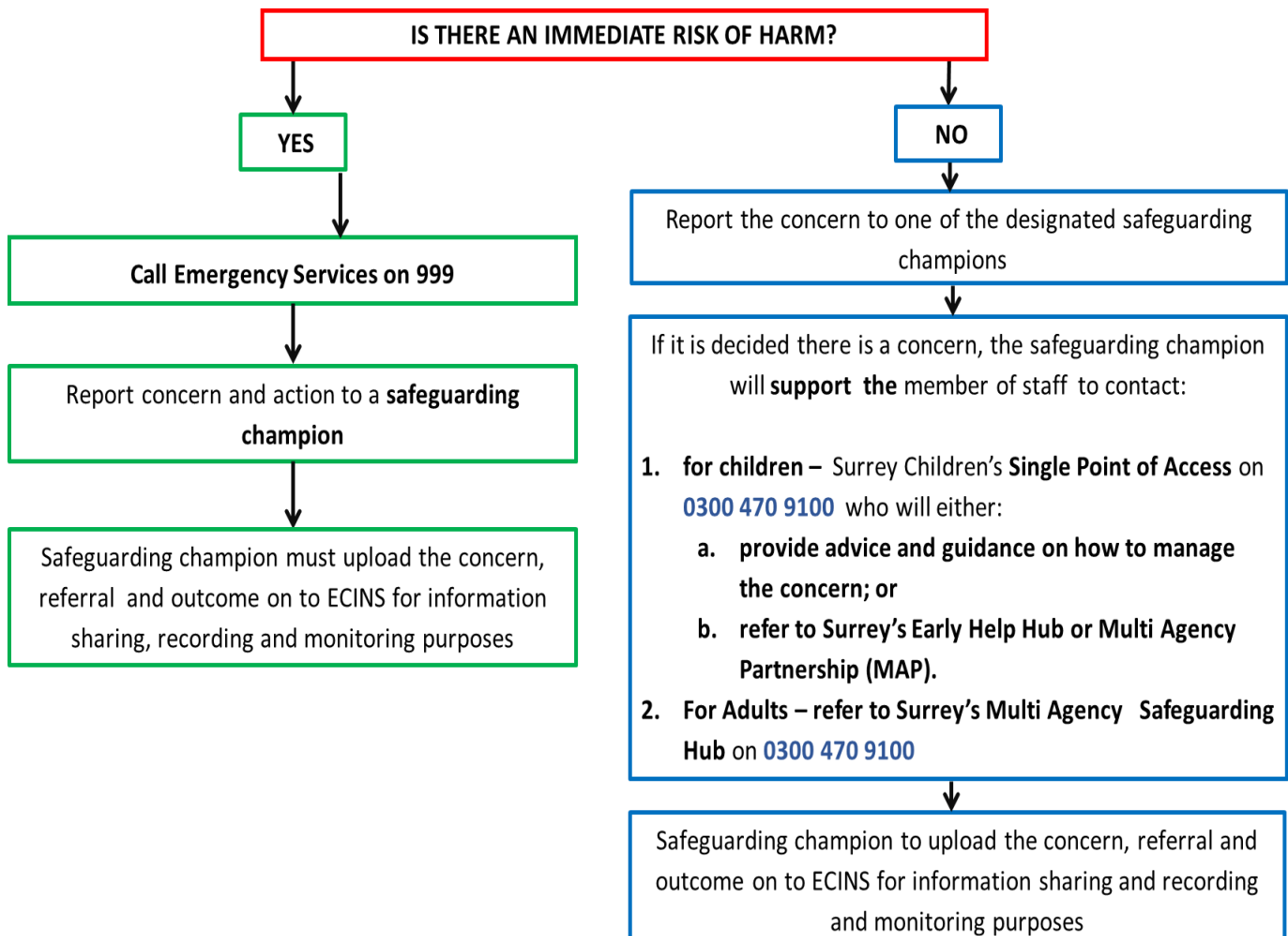
Safeguarding of children and adults at risk is governed by separate Government legislation and separate Surrey County Council Safeguarding Boards. Therefore the policy considers the safeguarding of children and adults at risk independently, before addressing where there is overlap between the two safeguarding areas.

Author and feedback

The Council welcomes comments and feedback on its policies and procedures. Please contact the Lead Safeguarding Officer, Andrew Smith, if you have any comments.

2. Do you have a safeguarding concern?

This could be a suspicion, an allegation, an observation or a disclosure of abuse or risk of abuse - if YES please follow the flow chart below.



Child Sexual Exploitation, Modern Slavery and Prevent referrals should be made to Surrey Police on **101** unless it is an emergency in which case call **999**

3. Safeguarding children

Introduction

Waverley Borough Council has a legal duty to work together with other statutory and voluntary agencies to safeguard and promote the welfare of children. For the purposes of this document children are considered as between 0 -18 years of age.

Safeguarding and promoting the welfare of children is defined as:

- protecting children from maltreatment
- preventing impairment of children's health or development
- ensuring that children grow up in circumstances consistent with the provision of safe and effective care
- taking action to enable all children to have the best outcomes

Children need to be loved and valued and be supported by a network of reliable and affectionate relationships. If children are denied this, they are at an increased risk of an impoverished childhood, and at an increased risk of disadvantage and social exclusion in adulthood. Abuse and neglect pose particular problems.

When safeguarding children, *Working Together to Safeguard Children (See Appendix 2 Legal Framework)* requires that the focus should be to promote children's wellbeing and welfare through supporting families. It recommends that safeguarding must address the needs of a child as much as the risk to a child in order to give children and families positive outcomes.

The Waverley Borough Council Safeguarding Policy for Children and Adults at Risk has been developed in accordance with Surrey County Council guidance regarding:

- a clear safeguarding staff structure, roles and responsibilities (*See Appendix 3: Safeguarding Staff Structure*).
- the safeguarding induction and training programme.
- recruitment procedures that will safeguard children and promote welfare – for example: Disclosure and Barring checks for specified employees and thorough selection procedures.
- the introduction of the designated safeguarding champions.
- the procedures that staff must follow if they believe a child or young person may be at risk (*See Appendix 4: Safeguarding Champions*).

It is a statutory duty under the Children Act 2004 (See Appendix 2: Legal Framework) for each local authority to have a Safeguarding Board. Government guidance: *Working Together to Safeguard Children* (see page 8) added further duties. The Surrey Safeguarding Children Board is led by Surrey County Council. All Borough Councils are partner agencies of the Board along with other statutory and voluntary agencies.

The new Effective Support Windscreen (see Appendix 5: Effective Family Resilience Surrey) and model are the key component of the [Effective Family Resilience Guidance](#) which provides a consistent approach across all partners, organisations and services across Surrey. **Effective Family Resilience** responds to the requirement of children and families across four levels of need, **Universal, Early Help, Targeted Help, and Specialist**. Key principles

Effective safeguarding arrangements in every local area must be underpinned by two key principles:

- Safeguarding is everyone's responsibility: for services to be effective each professional and organisation must play its full part.
- A child-centred approach: for services to be effective they must be based on a clear understanding of the needs and views of children.

Safeguarding is everyone's responsibility

'Safeguarding is everyone's responsibility' is the founding principle of safeguarding children. It asserts that everybody has a role to play in protecting children from harm and keeping them safe. If a person comes into contact with a child whom he or she has concerns about, he or she must take action to safeguard the child. It is unlikely that a single individual's insight into a child's situation will form a complete picture and by raising concerns, however small, and sharing information, it will allow for more informed decision making and decisive action to be taken.

A Child Centred Approach

Effective safeguarding of children can only be achieved by putting children at the centre of the system, and by every individual and agency playing their full part, working together to meet the needs of vulnerable children.

Children have clearly expressed what they want from the safeguarding process:

Vigilance

To have adults notice when things are troubling them.

Understanding and action

To understand what is happening; to be heard and understood; and to have that understanding acted upon.

Stability

To be able to develop an on-going stable relationship of trust with those helping them.

Respect

To be treated with the expectation that they are competent rather than not.

Information and engagement

To be informed about and involved in procedures, decisions, concerns and plans.

Explanation

To be informed of the outcome of assessments and decisions and reasons when their views have not met with a positive response.

Support

To be provided with support in their own right as well as a member of their family.

Advocacy

To be provided with advocacy to assist them in putting forward their views.

Good Practice when working with children

When working with children it is important to follow the good practice outlined below:

- Adults should not behave in a manner which would lead any reasonable person to question their suitability to work with children, or act as a role model.
- Adults must not work on their own with children. If a situation occurs when this arises, due to sickness or an emergency, always inform colleagues or parents/carers to ensure that someone can be present or nearby.
- It is inappropriate to offer lifts to a child or young person. There may be occasions where the child or young person requires transport in an emergency situation or where not to do so may place a child at risk. If circumstances permit, the parent/carer or line manager should be informed before the lift is provided.

- The event must always be recorded and reported to a senior manager and parents/carers.
- Physical contact is discouraged and should take place only when it is absolutely necessary and in a safe and open environment i.e. one easily observed by others.
- Always report any accidents/incidents or situations where a child becomes distressed or angry to a senior colleague.

What to do if a child or third party makes an allegation

If a child or third party makes an allegation or discloses information which raises concern about significant harm, the initial response should be to listen carefully to what the child or third party says so as to:

- clarify the concerns,
- offer reassurance about how the child will be kept safe; and
- explain that what they say cannot be kept in confidence and will be discussed with one of the Council's safeguarding leads or safeguarding champions to consider how to manage the concern and if appropriate contact Surrey Children's Single Point of Access for advice and guidance, or refer to Surrey Early Help Hub (*See page 5*).

If the allegation is raised by a child, the child must not be pressed for information, led or cross examined or given false assurances of absolute confidentiality. Such well intentioned actions could prejudice police investigations, especially in cases of sexual abuse. An interpreter should be used if necessary.

If the child can understand the significance and consequences of making a referral to Surrey Children's Single Point of Access, he or she should be asked his or her view by the referring professional. Although the child's view should be considered, it remains the responsibility of the professional to take whatever action is required to ensure the safety of that child and any other children.

Professionals should generally seek to discuss any concerns with the family and where possible, seek their agreement to discuss with one of the Council's safeguarding leads or safeguarding champions and/or if appropriate contact Surrey Children's Single Point of Access for advice and guidance or refer to Surrey Early Help Hub, but there will be some circumstances where professionals should not seek consent if it could:

- place a child at increased risk of significant harm
- place an adult at risk of serious harm
- prejudice the prevention or detection of a serious crime
- lead to unjustified delay in making enquiries about allegations of Significant Harm

Professionals should record in writing, whether they have discussed the concern and or referral with the family. They should also record the reasons if they decide not to inform the family of these matters.

The procedure below is designed to help professionals to understand what to do if they have concerns about a child who has additional needs and what to do if a child has been or is likely to be significantly harmed.

When to raise a concern

It is important that employees raise their concern with one of the Council's safeguarding leads or safeguarding champions if it is believed or suspected that:

- A child is suffering or likely to suffer significant harm (*see Appendix 6: Safeguarding children from abuse*) or
- A child's health or development may be impaired without the provision of services or
- With the agreement of the person with parental responsibility, a child would be likely to benefit from family support services

There are a number of categories of abuse that could be defined as significant harm and they are set out in *Appendix 6*.

Allegations against staff, councillors and/or volunteers

An investigation is required if there is an allegation or concern that any person who works with children, in connection with his or her employment or voluntary activity, has:

- behaved in a way that has harmed a child, or may have harmed a child

- possibly committed a criminal offence against or related to a child
- behaved towards a child or children in a way that indicates s/he is unsuitable to work with children

Although some behaviours may not constitute a criminal offence, consideration will need to be given as to whether they may indicate unsuitability to work with children. These include concerns relating to inappropriate relationships between members of staff and children such as:

- having a sexual relationship with a child under 18 in a position of trust in respect of that child, even if consensual
- 'grooming' i.e. meeting a child under 16 with intent to commit a relevant offence
- other 'grooming' behaviour giving rise to concerns of a broader child protection nature - for example: inappropriate text/email messages or images, gifts, socialising etc.
- possession of indecent photographs/pseudo-photographs of children

Staff and volunteers

Any allegations or concerns about a member of staff or volunteer should immediately be referred to either the Head of Policy and Governance or the HR Manager/HR Business Partner who should act in accordance with the Council's Safeguarding Policy and relevant HR Policies.

Councillors

Any allegations or concerns about a councillor, should be immediately referred to either the Head of Policy and Governance or the Deputy Monitoring Officer.

N.B. It is the responsibility of the individual political parties to have processes and procedures in place to check the suitability of any proposed councillor to carry out their duties.

Note - If the alleged behaviour harmed a child, is a possible criminal offence or the behaviour indicates that they are unsuitable to work with children, the **Local Authority Designated Officer (LADO)** at Surrey County Council must be informed within one working day of the allegation. The Local Authority Designated Officer is responsible for advising on and monitoring such allegations and can be contacted on 0300 123 1650 (option 3) or LADO@surreycc.gov.uk.

If allegations are made directly to the police and if an organisation removes an individual including staff, councillor or volunteer from work such as looking after children (or would have, had the person not left first) because the person poses a risk of harm to children, the organisation must make a referral to the Disclosure and Barring Service. It is an offence to fail to make a referral without good reason.

The actual process for raising a concern and/or making a referral relating to children or adults at risk is set out under - *Do you have a safeguarding concern?* (Page 5)

4. Safeguarding Adults at Risk

Introduction

Waverley Borough Council has a legal duty to work together with other statutory and voluntary agencies to safeguard and promote the welfare of adults at risk and treat them with dignity and respect. At the same time the Council will protect its staff and elected members from the risk of unfounded allegations. We will seek to ensure that any adult at risk receiving services from the Council can access council services in safety without fear of abuse.

This policy is designed to work in conjunction with Surrey Multi-Agency Adult Protection Procedures which is available on Surrey County Council's website: [Surrey Multi-Agency Adult Protection Procedures](#)

The Council will seek to implement its policy on the protection of adults at risk by:

- ensuring that all staff who have regular, direct and unsupervised contact with adults at risk are carefully selected. They must provide two written references. Staff and appropriate elected members should complete a Disclosure and Barring check. Staff and appropriate elected members will receive basic training, accredited where necessary. All elected members must understand the adult protection process.
- ensuring that all Council contractors who have regular, direct and unsupervised contact with adult at risks have effective policies and procedures in place.
- ensuring that organisations that apply for grant aid for programmes that include adults at risk (funding or premises) have effective policies and procedures in place.
- giving all the parties involved and the general public information about what they can expect from the council in relation to protecting and safeguarding adults at risk.

- ensuring that there is a clear complaint procedure in place that can be used if there are any concerns.
- sharing information about concerns with appropriate agencies and involving adults at risk and their carers as appropriate.

Who is an adult at risk?

The term adult at risk refers to anyone aged 18 and over who:

- is or may be in need of Community Care Services by reason of mental or other disability, age or illness; and
- is or may be unable to take care of himself or herself, and/or:
- is unable to protect themselves against significant harm or exploitation.

Whether or not a person is vulnerable in these cases will depend upon surrounding circumstances, environment and each case must be judged on its own merits.

Key principles

The Care Act 2014 (*See Appendix 2: legal Framework*) introduced six principles of safeguarding which are listed below.

Empowerment

Presumption of person-led decision making and informed consent

Prevention

Take action before harm occurs

Proportionality

Take the least intrusive response appropriate to the risk presented

Protection

Provide support and representation for those in the greatest need

Partnership

Local solutions through services working with their communities

Accountability

Ensure there is accountability and transparency in safeguarding practices

In view of the above, the following principles have been adopted by all agencies and professionals working together to protect adults at risk.

- All adults at risk have a right to be protected and their decisions respected even if that decision involves risk.
- The prime concern at all stages will be the interests and safety of the adult at risk.
- The aim will be to give a professional service to support and minimise the distress of any adult at risk.
- Everyone will be treated sensitively at all stages of the investigation.
- The importance of professionals working in partnership with the adult at risk and others involved will be recognised throughout the process.
- All services will be provided in a manner that respects the rights, dignity, privacy and beliefs of all the individuals concerned and does not discriminate on the basis of race, culture, religion, language, gender, disability, age or sexual orientation.
- Adults who have been abused need the same care and sensitivity whoever the alleged abuser.
- The responsibility to refer the adult at risk rests with the person who has the concern.
- All agencies receiving confidential information in the context of an adult at risk investigation will make decisions about sharing this information in appropriate circumstances.
- Procedures provide a framework to ensure that agencies work together for the protection of the adult at risk. They are not a substitute for professional judgement and sensitivity.
- Adults at risk have the right to have an independent advocate if they wish, at any stage in the process.

Making Safeguarding Personal

Making Safeguarding Personal (MSP) is a shift in culture and practice in response to what we now know about the effectiveness of safeguarding from the perspective of the person being safeguarded.

MSP promotes conversations about how we might respond in safeguarding situations in a way that enhances involvement, choice and control as well as improving quality of life, wellbeing and safety, and seeing people as experts in their own lives and working alongside them. It is a shift from a process supported by conversations to a series of conversations supported by a process.

The key focus is on developing a real understanding of what adults at risk wish to achieve and agreeing, negotiating and recording their desired outcomes, working out with them (and their representatives or advocates if they lack capacity) how best those outcomes might be realised and then seeing, at the end, the extent to which desired outcomes have been realised.

The Wellbeing Principle

The Care Act 2014 introduces a duty to promote wellbeing when carrying out any care and support functions in respect of a person. This is sometimes referred to as *The Wellbeing Principle* because wellbeing is put at the heart of care and support.

The wellbeing principle applies in all cases where care and support is being carried out, or decisions are made, or safeguarding is exercised. When safeguarding adults it applies equally to adults with care and support needs and their carers.

Promoting wellbeing means actively seeking improvements at every stage in relation to the individual, and where applicable their carer. It is a shift from providing services to the concept of meeting needs. In promoting wellbeing it should be assumed that individuals are best placed to judge their own wellbeing. Their individual views, beliefs, feelings and wishes are paramount and individuals should be empowered to participate as fully as possible.

What is abuse?

Abuse is a violation of an individual's human and civil rights by any other person or persons or organisation. Abuse may consist of a single act or repeated acts. It may be physical, verbal or psychological, it may be an act of neglect or omission to act or it may occur where a vulnerable person is persuaded to enter into a financial or sexual transaction to which he or she has not consented, or cannot consent.

Any act of abuse, repeated or singular, is a violation of the adult at risk's human and civil rights.

Context

Abuse of adults at risk can occur in any setting or any situation and can be a complex area. Abuse may occur in:

Domestic settings: including the adult at risk's own home, or another person's

Institutional settings: including day care, residential care, nursing homes and hospitals

Public settings: including in the street, any public area or social or work environment

Abuse of adults at risk occurs in all cultures, all religions and at all levels of society.

The abuser may be anyone, including a member of the family, friend, neighbour, partner, carer, stranger, care worker, manager, volunteer, another service user or any other person who comes into contact with the adult at risk.

Good Practice when working with Adults at Risk

To help prevent abuse occurring and false allegations arising, the following basic guidelines will help safeguard both the adult at risk and members of staff.

You must:

- treat all service users with dignity and respect.
- provide an example of good conduct you wish others to follow.
- Challenge unacceptable behaviour - e.g. bullying, and report all allegations/suspicions of abuse.
- Be identifiable and wear a name badge at all times.

You must not:

- have unwarranted contact with an adult at risk.
- make any comments which may have a sexual connotation..

There may be exceptional circumstances where it is necessary to restrain the adult at risk to prevent him or her from damaging himself or herself or others. Only the minimum reasonable force necessary may be used. All incidents of physical restraint must be recorded on an incident form and be submitted to a nominated officer and the Health and Safety Officer.

When to be concerned about possible abuse

It is not the role of Waverley Borough Council to decide if an adult at risk is being abused or not, but it is our job to pass on any concerns. *Appendix 7: Adults at Risk:*

forms of abuse and indicators of abuse provides a list of types of abuse and examples of behaviours associated with each type of abuse. This list is not exhaustive, and there may be other indicators.

Responding to a person who discloses a concern of abuse

- In an emergency ring 999.
- Do ensure the safety of the individual and others if in immediate danger, and contact the relevant emergency service.
- Do not be judgemental or jump to conclusions.
- Do listen carefully.
- Do provide support and information to meet the individual's specific communication needs.
- Do use open questions.
- Do tell them that the individual did a good or right thing in telling you.
- Do tell the individual you are treating the information seriously.
- Do tell them it was not their fault.
- Do ask them what they need to keep themselves safe.
- Do not make promises you cannot keep.
- Do not promise to keep secrets.
- Do seek consent to share the information with your lead for safeguarding; however, lack of consent should not prevent you from reporting your concerns.
- Do explain that you have a duty to tell your lead for safeguarding.
- Do not confront the person alleged to have caused the harm as this could place you at risk, or provide an opportunity to destroy evidence, or intimidate the person alleged to have been harmed or any witnesses.
- Do explain that you will try to take steps to protect them from further abuse or neglect.

- Do support and reassure the person.
- Do preserve any forensic or other evidence.

Action after the concern of abuse has been recognised:

To be taken as soon as possible or within 4 hours

- Discuss your concerns with one of the Council's Safeguarding Champions (for details, see page 6) who will support you to manage the concern, record the details and if appropriate make a referral to the Multi Agency Safeguarding Hub (MASH).
- Record your concerns and how they came to light, any information given by the person, information about any witnesses, the individual's wishes, actions taken, who was present at the time, dates and times of incident(s).
- Record details of the person alleged to have caused harm.
- Do record any concerns about the person's capacity to make any decisions and the reasons for the concerns.
- Do record whether the person is aware that the concerns have been reported.
- Do record their perspective.
- Do record any previous concerns about the person.
- Do not breach confidentiality for example by telling friends or other work colleagues.
- Do use Whistleblowing Procedures –if you feel that you will not be believed, taken seriously or believe that your manager or lead for safeguarding may be causing the risks of abuse to the adult or child.

The actual process for raising a concern and/or making a referral relating to children or adults at risk is set out under - *Do you have a safeguarding concern?* (Page 5)

5. The Council's roles and responsibilities in safeguarding children and adults at risk

The policy has considered children and adults at risk independently as they are the subject of different legislation. However, there are areas where safeguarding children and adults at risk overlap, and these are set out below:

The Council as an Organisation

The Council is committed at senior officer and member level to safeguarding children and adults at risk. The Council recognises its responsibilities under the Care Act 2014, The Children Act 2004, and Working Together to Safeguard Children 2015.

Safeguarding is a Council priority and this is clearly demonstrated by:

- representation at the Surrey Safeguarding Adults Board and the completion of standard returns for this board.
- representation at the Surrey Safeguarding Children Partnership and the completion of Section 11 returns for this board.
- appointment of a Lead Waverley Borough Council Member for Safeguarding Children and Adults at Risk.
- appointment of Safeguarding Champions across the Council to support frontline officers to manage concerns and/or make a referral if appropriate.
- sign up to protocols and policies.

The Council as an Employer

In its role as an employer the Council incorporates safeguarding measures in its recruitment procedure and provides mandatory safeguarding training for all employees.

Recruitment Procedures

Waverley Borough Council is committed to safer recruitment. All new members of staff are required to undergo a Disclosure and Barring Service (DBS) check to obtain a Basic Disclosure Scotland certificate. Basic disclosures verify identity and show details of all convictions considered to be unspent under the Rehabilitation of Offenders Act 1974 or state that there are no such convictions. New employees who are taking up a position which involves working closely with children or adults at risk (in a voluntary or paid capacity) will be required to acquire an Enhanced DBS Disclosure. Enhanced

DBS Disclosures provide additional detail about unspent and spent convictions, cautions, reprimands, final warnings plus any additional information held by the police.

Training

All employees will be required to undertake safeguarding training and become familiar with the Safeguarding Policy as part of their induction. Training will be provided at three levels:

Level 1: This training is designed for all members of staff to give them an awareness of what safeguarding is, forms of abuse, and how to report any concerns they may have.

Level 2: This training is aimed at those employees who have a role that involves direct contact with children and adults at risk.

Level 3: The Lead and deputy lead for safeguarding and Safeguarding Champions, will undertake additional training as organised and recommended by the Surrey Safeguarding Adults Board and Surrey Safeguarding Children Partnership to ensure their knowledge is up to date and is reflected in Waverley's policies and procedures.

The Council as a Licensing Authority

The Council is a licensing authority for services such as taxi drivers, public events, alcohol and entertainment, charity collections, gambling, animal licensing, boot fairs, Sunday and street trading and other licences such as fireworks.

The Council needs to ensure that all relevant checks are carried out prior to issuing licences and if a safeguarding concern is raised at any time during the process, the

Council's safeguarding policy and procedure must be followed, including the notification of other government or national bodies.

Contracts

Safeguarding is referenced in the general conditions of contact for suppliers. If a supplier breaches the contract, the legal team will follow its processes in addition to following the Council's Safeguarding Policy for Children and Adults at Risk.

Recording and Monitoring

Good record-keeping is an essential part of the accountability of organisations to those who use their services. Maintaining proper records is vital to individuals' care and safety. If records are inaccurate, future decisions may be wrong and harm may be

caused to the individual. Where an allegation of abuse is made, all agencies have a responsibility to keep clear and accurate records. It is fundamental to ensure that evidence is protected and to show what action has been taken, what decisions have been made and why.

A guide to making a record

As soon as possible on the same day, a written record should be made of what has been seen, been said and any other concerns. It is important to make sure anyone else who saw or heard anything relating to the concern also makes a written report.

All safeguarding concerns and referrals must be recorded on **E-CINS** a multi-agency cloud based case management system. **E-CINS** is used by Waverley to monitor and manage all concerns and referrals for adults and children safeguarding. The by safeguarding champion will record all details/information on **E-CINS** on the member of staff, councillor and/or volunteers behalf.

The information recorded will aid in the relaying of information to the Multi Agency Safeguarding Hub (MASH), and other organisations such as the police if and when required.

Information sharing

Information sharing is vital to safeguarding and promoting the welfare of children and adults at risk. A key factor in many cases where children and adults have been harmed has been the failure to record information, to share it, to understand the significance of the information shared and to take appropriate action. Often it is only when information from a number of sources has been shared that it becomes clear that a child or adult at risk might be suffering harm.

Professionals who have contact with children, families and adults at risk discussed with one of the Council's safeguarding leads or safeguarding champions to consider how to manage the concern and if appropriate share the concern with the Multi-Agency Safeguarding Hub (MASH), see page 5.

All information sharing should be in line with the agreed set of principles about sharing personal or confidential information in the [Surrey Multi-Agency Information Sharing Protocol \(MAISP\)](#). The MAISP has been developed in partnership with Surrey County Council, all the borough and districts as well as the health services and Surrey Police.

SURREY SAFEGUARDING PARTNERSHIPS

In Surrey, the statutory Safeguarding Children Partnership and Safeguarding Adults Partnership are responsible for providing local agencies with guidance and holding agencies to account for their actions.

Representation on Safeguarding Partnerships

The Children Act 2004 and Care Act 2014 together with associated statutory guidance sets out which organisations are required to sit on both boards and comprises all relevant statutory and key voluntary agencies.

The 11 Surrey Borough and District Councils have a single representative nominated by the Surrey Chief Executives Group to represent them on each board. Other borough and district council officers may attend the boards or the various sub groups that deal with the operational arrangements and ensure effective practice throughout the County.

Performance and Quality Assurance

Organisations on the boards are responsible for ensuring that they provide any data that is required by the boards for their respective Performance and Quality Assurance Frameworks. Likewise, they are expected to complete any returns and comply with any audit requirements.

Surrey Safeguarding Children Partnership (SSCP)

The overall role of the SSCP is to coordinate local work to safeguard and promote the welfare of children and to ensure the effectiveness of what the member organisations do individually and together by developing interagency policies and procedures for safeguarding and promoting the welfare of children, including:

- the action to be taken where there are concerns about a child's safety or welfare
- training of those working with children and/or families or in services affecting the safety and welfare of children
- investigation of allegations concerning persons working with children

It is very important that local safeguarding arrangements are strongly led and promoted at a local level, specifically by:

- a strong lead from local authority members, and the commitment of chief officers in all agencies, in particular the Director of Children's Services and Lead Member for Children's Services at Surrey County Council; and

- effective local coordination and challenge by the Local Safeguarding Children's Partnership.

Borough and District Councils have a crucial role to play in the safeguarding of children in their areas. The Surrey Safeguarding Partnership Procedures Manual specifically refers to the duty of housing authorities to share information that is relevant to safeguarding. They should promote the welfare of children and the duties of leisure services departments and leisure contractors to ensure that their leisure facilities safeguard children. All casual and temporary members of staff must be aware of safeguarding children issues and know how to report concerns.

Section 11 of the Children Act 2004 places duties on a range of organisations and individuals to ensure their functions, and any services that they contract out to others, are discharged having regard to the need to safeguard and promote the welfare of children.

Each Surrey Borough and District Council completes Section 11 forms to be returned to the Surrey Safeguarding Children Partnership by the Lead Safeguarding Officer.

The Surrey Safeguarding Children Partnership has five core objectives to enable it to deliver its responsibilities as set out in *Working Together 2015*. These are:

- to optimise the effectiveness of arrangements to safeguard and protect children and young people
- to ensure clear governance arrangements are in place for safeguarding children and young people
- to oversee Serious Case Reviews (SCRs), Partnership Reviews and Child Death (CDOP) processes and ensure learning and actions are implemented as a result
- to ensure a safe workforce and that single-agency and multi-agency training is effective and disseminate good practice
- to raise awareness of the roles and responsibilities of agency and community roles and responsibilities in relation to safeguarding children and young people
In addition, the Partnership:
- coordinates what is done by each person or body represented on the Board for the purposes of safeguarding and promoting the welfare of children in the area
- ensures the effectiveness of what is done by each such person or body for those purposes

The functions that support these objectives are to:

- develop policies and procedures

- communicate and raise awareness
- monitor and evaluate the effectiveness of partners individually and collectively
- participate in the planning of services
- undertake reviews of all child deaths and serious case reviews and disseminate the learning
- commissioning and delivery of multi-agency training
- evaluate of single agency and multi-agency training

Additional Priorities

In addition to the delivery of core business the SSCP has identified four targeted priorities on which to focus:

- To monitor and challenge the effectiveness of the *new* Effective Family Resilience Model and to ensure that the voice of children and young people is heard
- To ensure professionals and the current child protection processes effectively protect those children identified as in need of protection and who are looked after
- To ensure children and young people at risk of Child Exploitation (CE) are protected
- To monitor and challenge the effectiveness and impact of the Domestic Abuse Services in reducing the incidences of Domestic Abuse and protecting children and young people from harm

Surrey Safeguarding Adults Partnership (SSAP)

The Surrey Safeguarding Adults Partnership (SSAP) helps and protects adults in Surrey who have care and support needs and who are experiencing, or are at risk of, abuse or neglect.

Representatives from carers' groups, disability groups and older people's groups are members of the board.

The Partnership ensures the voices of adults at risk, their families and their carers are heard and guarantees there are effective processes in place to prevent and respond to abuse and neglect. The board also raises awareness of the importance of safeguarding through publicity campaigns and has a multi-agency training programme in place to give staff the right skills to safeguard adults.

The SSAP has three core duties:

- to publish a strategic plan that sets out how it will meet its main objective and what the members will do to achieve this
- to publish an annual report detailing what the SSAP has done during the year to achieve its main objective and implement its strategic plan
- to conduct any safeguarding adults reviews in accordance with the Care Act 2014

The functions that support its objectives and duties are to:

- develop a framework of multi-agency policies , protocols and procedures
- require member agencies to provide assurance on their safeguarding activities
- quality assure the safeguarding of member agencies
- implement a multi-agency Competency Framework and training programme
- undertaking Safeguarding Adults Reviews and learning lessons from them
- learn lessons from other reviews including Domestic Homicide Reviews
- undertake activities to raise awareness of safeguarding and to support the prevention of abuse and neglect

LEGAL FRAMEWORK

This Safeguarding policy is underpinned by a range of legislation including, but not limited to:

The Children Acts 1989 and 2004

The *Children Act 1989* and *Children Act 2004* along with the statutory guidance, *Working Together to Safeguard Children 2015* provide the current framework for safeguarding children.

This legislation places an overarching responsibility on Surrey County Council, as the lead authority for children, for safeguarding and promoting the welfare of all children in their area, but makes clear that other agencies also have a role to play.

Section 11 of the Children Act 2004 places a statutory duty on various agencies, including districts and borough councils, to make arrangements to ensure that their functions are discharged taking account of the need to safeguard and promote the welfare of children. This includes any services or function they contract out.

This Act led to the establishment of the Surrey Safeguarding Children Partnership and required Surrey County Council to secure the co-operation of partners in setting up arrangements to improve the well-being of children in Surrey.

Working Together to Safeguard Children

This replaced the Area Child Protection Committee and sets out how organisations and individuals should work together to achieve this using the key principles: Safeguarding is everyone's responsibility: for services to be effective each professional and organisation should play their full part.

The approach must be child-centred: in order to be effective, there needs to be a clear understanding of the needs of the child.

Guidance: [Working together to safeguard children: A guide to inter-agency working to safeguard and promote the welfare of children](#)

The Care Act 2014

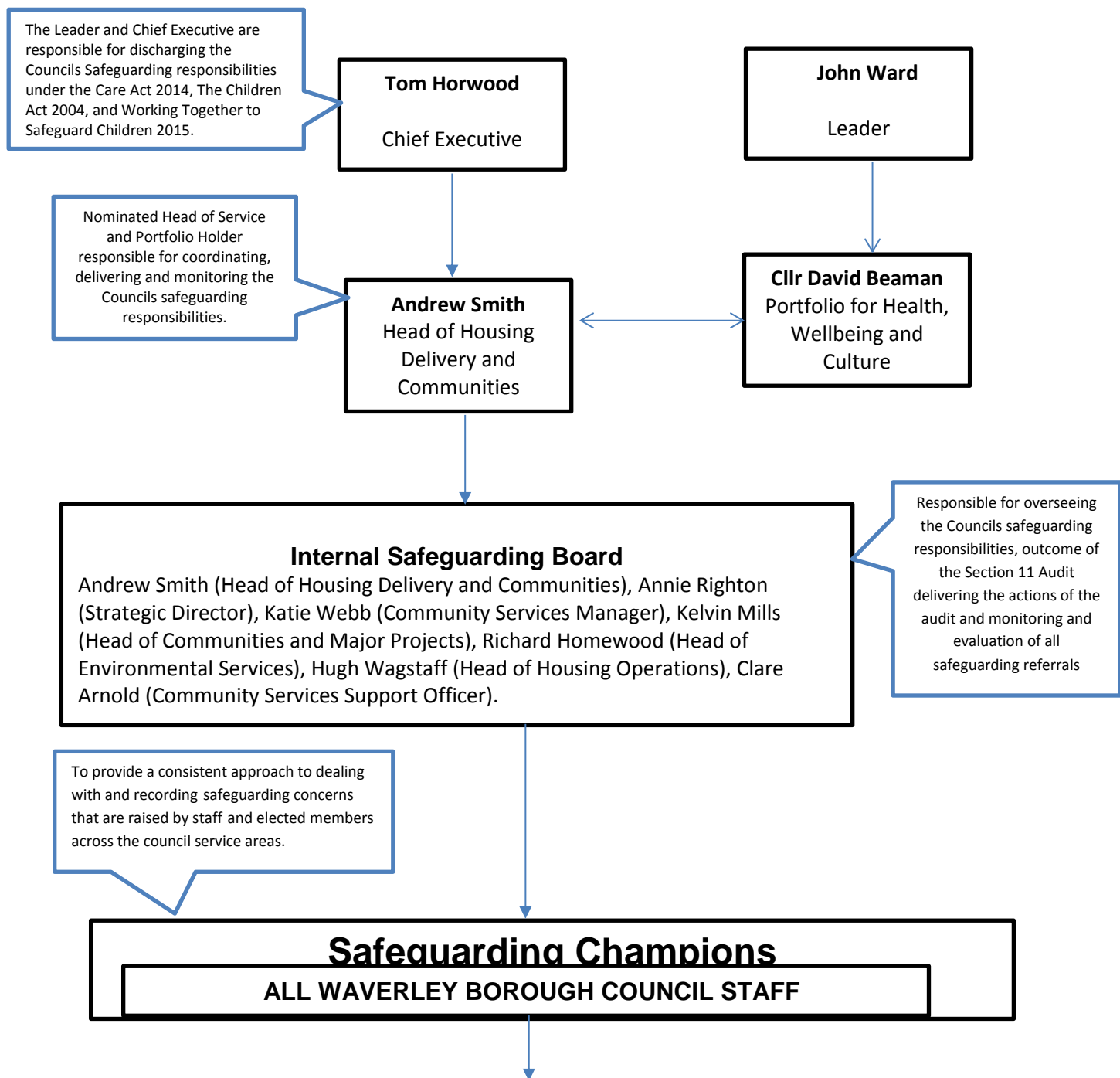
The Care Act 2014 sets out the legal framework for how local authorities and other statutory agencies, including district and borough councils, should protect adults with care and support needs who are at risk of abuse or neglect. It consolidates existing law and puts similar arrangements in place to those safeguarding children.

The Act required Surrey County Council, as the lead authority for vulnerable adults, to establish a Safeguarding Adults Board to bring together the key local partners to focus on safeguarding strategy and practice. The Act also places a duty on Surrey County Council to carry out safeguarding enquiries where it is suspected that someone is suffering or at risk of abuse or neglect conducting Safeguarding Adults Reviews (SARs) where there is a cause for concern about a particular case, to learn lessons for the future.

All these initiatives are designed to ensure greater multi-agency collaboration as a means of transforming adult social care.

This guidance is updated from time to time; therefore the most up to date guidance will apply in relation to the operation of this policy.

WAVERLEY BOROUGH COUNCIL - SAFEGUARDING STAFF STRUCTURE - ROLES AND RESPONSIBILITIES



Safeguarding Champions

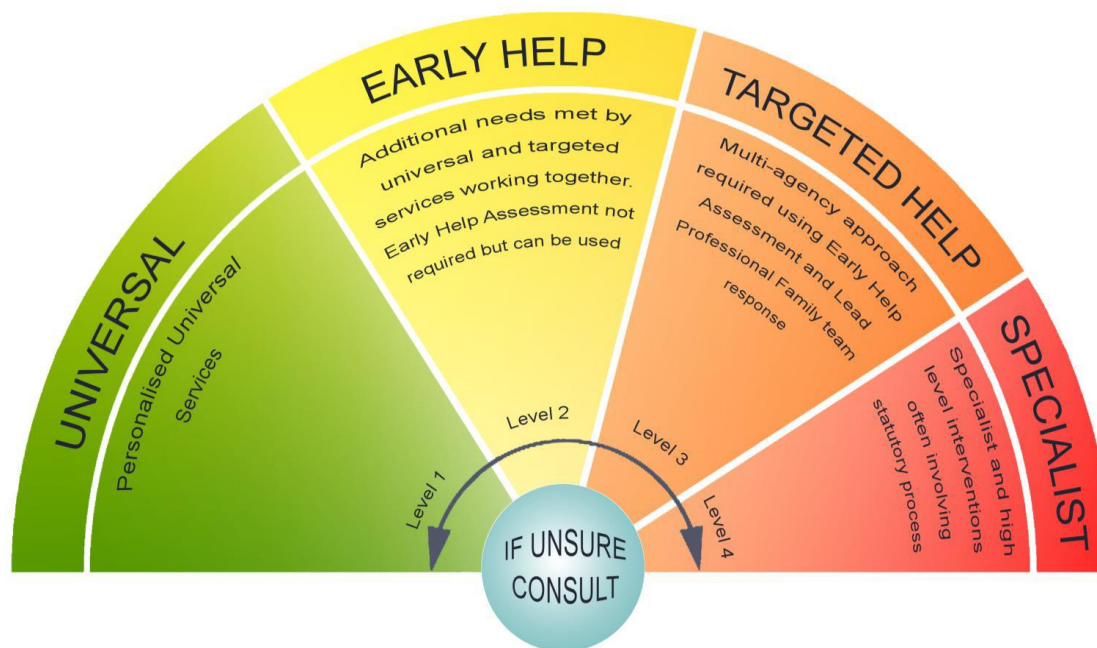
To provide a consistent approach to dealing with and recording safeguarding concerns that are raised by staff and elected members across the council service areas.

Safeguarding Champions

<p>Commercial Services: Tom Crowe (Assistant Leisure Development Officer) ext 3169 Susan Freke (Waverley Training Services) – Mobile 0798765 47102</p>	<p>Customer & Corporate Services: Helen Bower (Support Services Manager) ext 3220</p>
<p>Environment: Elizabeth Bance (Environmental Health Officer) ext 3572 Julie Sullivan (Customer Services Team Leader) ext 3463 Paul Hughes (Licensing Manager) ext 3189 Tinaz Erenler (Emergency Planning, Resilience & Safety Officer) ext 3061</p>	<p>Finance Sharon Civil (Benefits Team Leader) ext 3082</p>
<p>Housing and Communities: Chloe Whiteman (Housing Options Specialist Advisor) ext 3057 Julie Shaw (Family Support Team Manager) ext 3245; Laura Dillon (Tenancy and Estates Manager) ext 3194; David Brown (Senior Living and Careline Services) ext 3358 Katrina Burns (Community Safety Officer) ext 3156 Eve Budd (Community Safety Officer) ext 3513</p>	
<p>Planning: Victoria Choularton (Enforcement Team Leader) ext 3008</p>	<p>Policy and Governance: Kate Ferguson (Training and Development Officer) ext 3278</p>

SURREY EFFECTIVE FAMILY RESILIENCE and CHILDREN'S SINGLE POINT of ACCESS (C-SPA)

The Surrey Effective Support Windscreen



In May 2019 Surrey Safeguarding Board launched the new The Early Help approach '**Effective Family Resilience**' and the Social Work practice model '**Family Safeguarding**'.

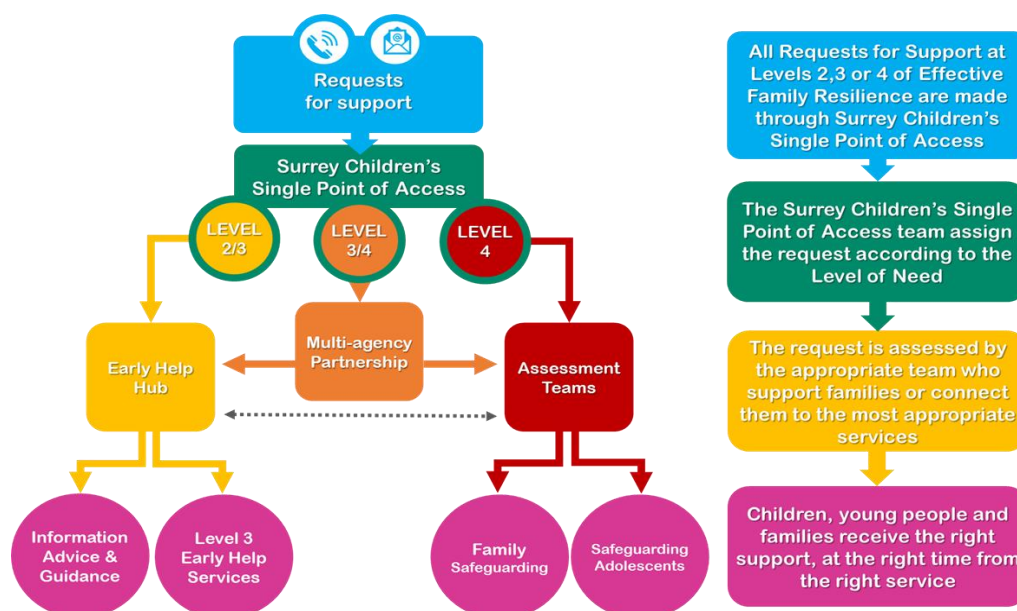
Within this, four levels of need have been identified: **Universal, Early Help, Targeted Help, and Specialist.**

The purpose of this new model is to provide a consistent approach to safeguarding across **all organisations**; including voluntary and charitable organisations who come into contact with and support children and their families. It focusses on the need to work together in an open way with the child and their family to gain their confidence, identify strengths and needs, to find practical and achievable solutions, and to provide the right amount of information, advice and support.

Link to [Effective Family Resilience Guidance](#)

Children's Single Point of Access (C-SPA)

The Children's Single Point of Access is the umbrella term used to describe the front door to Surrey County Council services for children. Parents, carers and practitioners can phone in to access support, information and advice for families and those who work with children in Surrey.



Your contact will be answered by the Children's Request for Support Team. They may be able to answer your query directly, or when a response is required from a specific team they will send the service request to the appropriate team to respond to you.

Requests for support up to Level 3 of Effective Family Resilience will be directed to the Early Help Hub. Families meeting the threshold for Level 4 of Effective Family Resilience will be sent straight to the Quadrant Assessment Teams (Children's Social Care). If you are concerned about the safety of a child or young person you contact the Surrey Children's Single Point of Access (SPA), which has replaced the MASH service.

Who to contact

Telephone

0300 470 9100

01483 517898 (out of hours hosted by the emergency duty team)

E-mail - csmash@surreycc.gov.uk

Website - <https://www.surreycc.gov.uk/.../contact-childrens-services>

CHILDREN AT RISK: forms of abuse and indicators of abuse

Physical abuse

This is a form of significant harm which may include hitting, shaking, throwing, poisoning, burning or scalding, drowning, suffocating or otherwise causing physical harm to a child. Physical harm may also be caused when a parent or carer fabricates the symptoms of, or deliberately induces, illness in a child.

The following are often regarded as indications of concern:

- An explanation which is inconsistent with an injury
- Several different explanations provided for an injury
- Unexplained delay in seeking treatment
- The parents/carers are uninterested or undisturbed by an accident or injury
- Reluctance to give information or mention previous injuries.

If you notice that a child or young person has injuries such as bruising, bite marks, burns and scalds, or scars and are concerned about the cause, it should be reported using the procedures set out in *Do You Have a Safeguarding Concern?* (page 5)

Emotional Abuse

Emotional abuse is a form of significant harm which involves the persistent emotional maltreatment of a child such as to cause severe and persistent adverse effects on the child's emotional development.

It may involve conveying to children that they are worthless or unloved, inadequate or valued. It may include not giving the child opportunities to express their views, deliberately silencing them or 'making fun' of what they say or how they communicate. It may also feature age or developmentally inappropriate expectations being imposed on children.

These may include interactions that are beyond the child's developmental capabilities, as well as overprotection and limitation of exploration and learning, or preventing the child participating in normal social interaction. It may involve seeing or hearing the ill-treatment of another, serious bullying (including cyber bullying), causing children frequently to feel frightened or in danger, or the exploitation or corruption of children.

Staff must also be aware to raise concerns relating to a child witnessing or are a potential victim domestic abuse. In 2013, the Home Office announced changes to the definition of domestic abuse with age range extended down to 16:

.....Any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over who are or have been intimate partners or family member regardless of gender or sexuality. This can encompass, but is not limited to the following types of abuse:

- *Psychological*
- *Physical*
- *Sexual*
- *Financial*
- *Emotional*

Controlling behaviour is: a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour.

*Coercive behaviour is: an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim.” **

This definition, which is not a legal definition, includes so called ‘honour’ based violence, female genital mutilation (FGM) and forced marriage, and is clear that victims are not confined to one gender or ethnic group.

Sexual Abuse

Sexual abuse is a form of significant harm which involves forcing or enticing a child or young person to take part in sexual activities, not necessarily involving a high level of violence, whether or not the child is aware of what is happening. The activities may involve physical contact, including assault by penetration or non-penetrative acts such as masturbation, kissing, rubbing and touching outside of clothing. They may also include non-contact activities such as involving children in looking at, or in the production of, sexual activities, encouraging children to behave in a sexually inappropriate ways or grooming a child in preparation for abuse (including via the internet). Sexual abuse is not solely perpetrated by adult males. Women can also commit acts of sexual abuse, as can other children.

Staff must also be aware of **Child Sexual Exploitation** as an emerging, high priority concern. CSE is defined as:

...involving exploitative situations, contexts and relationships where young people (or a third person or persons) receive ‘something’ (e.g. food, accommodation, drugs, alcohol,

cigarettes, affection, gifts, money) as a result of their performing, and/or another or others performing on them, sexual activities. It can occur through the use of technology without the child's immediate recognition; e.g. being persuaded to post sexual images on the internet/mobile phones without immediate payment or gain. In all cases, those exploiting the child have power over them by virtue of their age, gender, intellect, physical strength and/or economic or other resources. Violence, coercion and intimidation are common, involvement in exploitative relationships being characterised in the main by the child's limited availability of choice resulting from their social/economic and/or emotional vulnerability.

Sexual exploitation can have a serious long term impact upon every aspect of a child or young person's life, health and education. It also damages the lives of families and carers and can lead to families breaking up.

It is a multi-agency responsibility of partner agencies to identify those children and young people at risk of exploitation, to protect them and safeguard them from further risk of harm and to prevent children from becoming victims of this form of abuse.

County Lines

County Lines refers to urban gangs supplying drugs to suburban areas and market and coastal towns using dedicated mobile phone lines or *deal lines*. This criminal activity often involves child criminal exploitation (CCE) as gangs use children and vulnerable people to move drugs and money.

New guidance has been developed by the Home Office to support frontline staff – particularly those who work with children, young people and potentially vulnerable adults – in identifying potential victims of this type of criminal exploitation. It sets out the signs to look for in potential victims, and what action staff should take so that potential victims get the support and help they need. The document supplements an organisation's existing safeguarding policies.

Any practitioner working with a vulnerable person who they think may be at risk of county lines exploitation should follow their local safeguarding guidance and share this information with local authority social care services.

If you believe a person is in immediate risk of harm, you should contact the police.

Guidance: [Criminal exploitation of children and vulnerable adults: county lines](#)

Neglect

Neglect is a form of significant harm which involves the persistent failure to meet a child's basic physical and/or psychological needs, likely to result in the serious impairment of the child's health or development.

Neglect may involve a parent or carer failing to:

- Provide adequate food, clothing and shelter (including exclusion from home or abandonment)
- Protect a child from physical and emotional harm or danger
- Ensure adequate supervision (including the use of inadequate care-givers)
- Ensure access to appropriate medical care or treatment
- It may also include neglect of, or unresponsiveness to, a child's basic emotional needs.

If physical, emotional, sexual or neglect significant harm is suspected, or you have any other concerns regarding significant harm, discuss your concern with a safeguarding champion and if appropriate or make a referral immediately using the referral method on Page 5 of this Policy. A piece of information, no matter how small, could mean that a child at risk is identified. Several small pieces of information from different agencies have in the past identified horrific cases of abuse that would not have been identified by one single agency.

ADULTS AT RISK: forms of abuse and indicators of abuse

Physical abuse

Physical abuse includes assault, hitting, slapping, pushing, kicking, misuse of medication, being locked in a room, inappropriate sanctions or force-feeding, inappropriate methods of restraint, and unlawfully depriving a person of their liberty.

Possible indicators

- Unexplained or inappropriately explained injuries
- Exhibiting untypical self-harm
- Unexplained cuts or scratches to mouth, lips, gums, eyes or external genitalia
- Unexplained bruising to the face, torso, arms, back, buttocks, thighs, in various stages of healing. Collections of bruises that form regular patterns which correspond to the shape of an object or which appear on several areas of the body
- Unexplained burns on unlikely areas of the body (e.g. soles of the feet, palms of the hands, back), immersion burns (from scalding in hot water/liquid), rope burns, burns from an electrical appliance
- Unexplained or inappropriately explained fractures at various stages of healing to any part of the body
- Medical problems that go unattended
- Sudden and unexplained urinary and/or faecal incontinence. Evidence of over/under-medication
- Flinches at physical contact
- Appears frightened or subdued in the presence of particular people
- Asks not to be hurt
- May repeat what the person causing harm has said (e.g. 'Shut up or I'll hit you')
- Reluctance to undress or uncover parts of the body
- Wears clothes that cover all parts of their body or specific parts of their body
- An adult with capacity not being allowed to go out of a care home when they ask to
- An adult without capacity not being allowed to be discharged at the request of an unpaid carer/family member

Note: The NHS defines capacity as *the ability to use and understand information to make a decision, and communicate any decision made. A person lacks capacity if their mind is impaired or disturbed in some way and this means the person is unable to make a decision at that time.*

NHS definition: [What is capacity?](#)

Domestic abuse

Domestic abuse includes psychological, physical, sexual, financial, emotional abuse, and so called 'honour' based violence.

In 2013, the Home Office announced changes to the definition of domestic abuse:

.....Any incident or pattern of incidents of controlling, coercive or threatening behaviour, violence or abuse between those aged 16 or over who are or have been intimate partners or family member regardless of gender or sexuality. This can encompass, but is not limited to the following types of abuse:

- *Psychological*
- *Physical*
- *Sexual*
- *Financial*
- *Emotional*

Controlling behaviour is: a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape and regulating their everyday behaviour.

*Coercive behaviour is: an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish, or frighten their victim.” **

This definition, which is not a legal definition, includes so called 'honour' based violence, female genital mutilation (FGM) and forced marriage, and is clear that victims are not confined to one gender or ethnic group.

Many people think that domestic abuse relates to intimate partners, but it is clear that other family members are included and that much safeguarding work that occurs at home is, in fact is connected with domestic abuse. This confirms that domestic abuse approaches can be considered safeguarding responses in appropriate cases.

Family members are defined as: mother, father, son, daughter, brother, sister and grandparents, whether directly related, in-laws or step-family.

Forced marriage is a term used to describe a marriage in which one or both of the parties are married without their consent or against their will. A forced marriage differs from an arranged marriage, in which both parties consent to the assistance of their parents or a third party in identifying a spouse.

In a situation where there is concern that an adult with care and support needs is being forced into a marriage they do not or cannot consent to, there will be an overlap between action taken under the forced marriage provisions and the adult safeguarding process. In this case action will be co-ordinated with the police and other relevant

organisations. The police must always be contacted in such cases as urgent action may need to be taken.

The Anti-social Behaviour, Crime and Policing Act 2014 means it is now a criminal offence to force someone to marry. In addition, the Forced Marriage (Civil Protection) Act 2007 may be used to obtain a Forced Marriage Protection Order as a civil remedy.

Honour-based violence is a crime, and referring to the police must always be considered. It has or may have been committed when families feel that dishonour has been brought to them. Women are predominantly (but not exclusively) the victims and the violence is often committed with a degree of collusion from family members and/or the community. Many of these victims will contact the police or other organisations. However, many others are so isolated and controlled that they are unable to seek help.

Safeguarding concerns that may indicate honour-based violence include domestic violence, concerns about forced marriage, enforced house arrest and missing person's reports. If a safeguarding concern is raised, and there is a suspicion that the adult is the victim of honour-based violence, the matter should be referred to the police as they have the necessary expertise to manage the risk.

Female genital mutilation (FGM) involves procedures that intentionally alter or injure female genital organs for non-medical reasons. The procedure has no health benefits for girls and women. The Female Genital Mutilation Act (FGMA) was introduced in 2003 and came into effect in March 2004. The Act makes it illegal to practise FGM in the UK or to take girls who are British nationals or permanent residents of the UK abroad for FGM whether or not it is lawful in another country. It also makes it illegal to aid, abet, counsel or procure the carrying out of FGM abroad.

Sexual abuse

Sexual abuse includes rape, indecent exposure, sexual harassment, inappropriate looking or touching, sexual teasing or innuendo, sexual photography, subjection to pornography or witnessing sexual acts, indecent exposure and sexual assault or sexual acts to which the adult has not consented or was pressured into consenting.

It includes penetration of any sort, incest and situations where the person causing harm touches the abused person's body (e.g. breasts, buttocks, genital area), exposes his or her genitals (possibly encouraging the abused person to touch them) or coerces the abused person into participating in or looking at pornographic videos or photographs. Denial of a sexual life to consenting adults is also considered abusive practice.

Any sexual relationship that develops where one person is in a position of trust, power or authority in relation to the other (e.g. day centre worker/social worker/residential worker/health worker) may also constitute sexual abuse (see section on Position of Trust pg 51).

Possible indicators

- Urinary tract infections, vaginal infections or sexually transmitted diseases that are not otherwise explained
- Appears unusually subdued, withdrawn or has poor concentration
- Exhibits significant changes in sexual behaviour or outlook
- Experiences pain, itching or bleeding in the genital/anal area
- Underclothing is torn, stained or bloody
- A child or a woman who lacks the mental capacity to consent to sexual intercourse becomes pregnant

Sexual exploitation

The sexual exploitation of adults with care and support needs involves exploitative situations, contexts and relationships where adults with care and support needs (or a third person or persons) receive 'something' (e.g. food, accommodation, drugs, alcohol, cigarettes, affection, gifts, money) as a result of performing sexual activities, and/or others performing sexual activities on them.

Sexual exploitation can occur through the use of technology without the person's immediate recognition. This can include being persuaded to post sexual images or videos on the internet or a mobile phone with no immediate payment or gain, or being sent such an image by the person alleged to be causing harm. In all cases those exploiting the individual have power over them by virtue of their age, gender, intellect, physical strength, and/or economic or other resources.

Psychological abuse

Psychological abuse includes 'emotional abuse' and takes the form of threats of harm or abandonment, deprivation of contact, humiliation, rejection, blaming, controlling, intimidation, coercion, indifference, harassment, verbal abuse (including shouting or swearing), cyber bullying, isolation or withdrawal from services or support networks.

Psychological abuse is the denial of a person's human and civil rights including choice and opinion, privacy and dignity and being able to follow one's own spiritual and cultural beliefs or sexual orientation.

It includes preventing a person from using services that would otherwise support them and enhance their lives. It also includes the intentional and/or unintentional withholding of information (e.g. information not being available in different formats/languages etc).

Possible indicators

- Untypical ambivalence, deference, passivity, resignation
- Appears anxious or withdrawn, especially in the presence of the alleged abuser

- Exhibits low self-esteem
- Untypical changes in behaviour (e.g. continence problems, sleep disturbance)
- Not allowed visitors/phone calls
- Locked in a room/in their home
- Denied access to aids or equipment (e.g. glasses, dentures, hearing aid, crutches etc.)
- Access to personal hygiene and toilet is restricted
- Movement is restricted by use of furniture or other equipment
- Bullying via social networking internet sites and persistent texting

Financial or material abuse

This includes theft, fraud, internet scamming, coercion in relation to an adult's financial affairs or arrangements, including in connection with wills, property, inheritance or financial transactions, or the misuse or misappropriation of property, possessions or benefits.

Possible indicators

- Lack of heating, clothing or food
- Inability to pay bills/unexplained shortage of money
- Lack of money, especially after collecting benefits
- Inadequately explained withdrawals from accounts
- Unexplained loss/misplacement of financial documents
- The recent addition of authorised signatories on accounts or cards
- Disparity between assets/income and living conditions
- Power of attorney obtained when the adult lacks the capacity to make this decision
- Recent changes of deeds/title of house or will
- Recent acquaintances expressing sudden or disproportionate interest in the person and their money
- Service user not in control of their direct payment or individualised budget
- Miss-selling/selling by door-to-door traders/cold calling
- Illegal money-lending.

Modern slavery

Modern Slavery encompasses slavery, human trafficking, forced and compulsory labour and domestic servitude. Traffickers and slave masters use whatever means they have at their disposal to coerce, deceive and force individuals into a life of abuse, servitude and inhumane treatment.

A large number of active organised crime groups are involved in modern slavery. But it is also committed by individual opportunistic perpetrators.

There are many different characteristics that distinguish slavery from other human rights violations – however, only one needs to be present for slavery to exist.

Contemporary slavery takes various forms and affects people of all ages, gender and races. Someone is in slavery if they are:

- forced to work by mental or physical threat
- owned or controlled by an 'employer', usually through mental or physical abuse or the threat of abuse
- dehumanised, treated as a commodity or bought and sold as 'property' physically constrained or has restrictions placed on his/her freedom of movement

Human trafficking involves an act of recruiting, transporting, transferring, harbouring or receiving a person through a use of force, coercion or other means, for the purpose of exploiting that person.

Possible Indicators

Signs of various types of slavery and exploitation are often hidden, making it hard to recognise potential victims. Victims can be any age, gender or ethnicity or nationality. Although by no means exhaustive, some common signs follow.

Persons may:

- not be in possession of legal documents (passport, identification and bank account details) and they are being held by someone else
- have old or serious untreated injuries and they are vague, reluctant or inconsistent in explaining how the injury occurred
- look malnourished, unkempt, or appears withdrawn
- have few personal possessions and often wear the same clothes
- what clothes they wear may not be suitable for their work
- be withdrawn or appear frightened, unable to answer questions directed at them or speak for themselves and/or an accompanying third party speaks for them. If they do speak, they are inconsistent in the information they provide, including basic facts such as the address where they live
- appear under the control/influence of others, rarely interact or appear unfamiliar with their neighbourhood or where they work. Many victims will not be able to speak English
- exhibit fear of the authorities
- perceive themselves to be in debt to someone else or in a situation of dependence

Environmental indicators

- **Outside the property:** there are bars covering the windows of the property or they are permanently covered on the inside. Curtains are always drawn.

Windows have reflective film or coatings applied to them. The entrance to the property has CCTV cameras installed. The letterbox is sealed to prevent use.

There are signs the electricity may have been connected from neighbouring properties or directly from power lines.

- **Inside the property:** access to the back rooms of the property is restricted or doors are locked. The property is overcrowded and in poor repair.

Discriminatory abuse

This includes discrimination on the grounds of race, faith or religion, age, disability, gender, sexual orientation and political views, along with racist, sexist, homophobic or ageist comments or jokes, or comments and jokes based on a person's disability or any other form of harassment, slur or similar treatment. **Hate crime** can be viewed as a form of discriminatory abuse, although will often involve other types of abuse as well. It also includes not responding to dietary needs and not providing appropriate spiritual support. Excluding a person from activities on the basis they are 'not liked' is also discriminatory abuse.

The government has recently published a four year plan for tackling hate crime: *Action Against Hate*. Guidance: [Action against hate: the UK government's plan for tackling hate crime](#)

Antisemitism. With evidence that antisemitism is once again on the rise, The International Holocaust Remembrance Alliance (IHRA) are taking a leading role in combatting it. IHRA experts determined that in order to begin to address the problem of antisemitism, there must be clarity about what antisemitism is and have therefore agreed the following definition.

"Antisemitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of antisemitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities".

<https://www.holocaustremembrance.com/working-definition-antisemitism>

Possible Indicators

Indicators for discriminatory abuse may not always be obvious and may also be linked to acts of physical abuse and assault, sexual abuse and assault, financial abuse, neglect, psychological abuse and harassment, so all the indicators listed above may apply to discriminatory abuse.

A person may reject his or her own cultural background and/or racial origin or other personal beliefs, sexual practices or lifestyle choices, or make complaints about the service not meeting his or her needs.

Organisational abuse

Organisational abuse is the mistreatment, abuse or neglect of person by a regime or individuals in a setting or service where the person lives or that they use. Such abuse violates the person's dignity and represents a lack of respect for their human rights. Organisational abuse occurs when the routines, systems and regimes of an institution result in poor or inadequate standards of care and poor practice which affect the whole setting and deny, restrict or curtail the dignity, privacy, choice, independence or fulfilment of the individuals.

It can include neglect and poor care practice within an institution or specific care setting such as a hospital or care home, or where care is provided within a person's own home. This may range from one off incidents to on-going ill-treatment. It can be through neglect or poor professional practice as a result of the structure, policies, processes and practices within an organisation.

Organisational abuse can occur in any setting providing health or social care. A number of inquiries into care in residential settings have highlighted that organisational abuse is most likely to occur when staff:

- receive little support from management
- are inadequately trained
- are poorly supervised and poorly supported in their work
- receive inadequate guidance Or where there is:
- unnecessary or inappropriate rules and regulations
- lack of stimulation or the development of individual interests
- inappropriate staff behaviour, such as the development of factions, misuse of drugs or alcohol, failure to respond to leadership
- restriction of external contacts or opportunities to socialise

Neglect and acts of omission

These include ignoring medical, emotional or physical care needs, failure to provide access to appropriate health, social care or educational services, and the withholding of the necessities of life such as medication, adequate nutrition and heating. Neglect also includes a failure to intervene in situations that are dangerous to the person concerned or to others, particularly when the person lacks the mental capacity to assess risk for themselves.

Neglect and poor professional practice may take the form of isolated incidents or pervasive ill treatment and gross misconduct. Neglect of this type may happen within a person's own home or in an institution. Repeated instances of poor care may be an indication of more serious problems. Neglect can be intentional or unintentional.

Possible indicators

- Inadequate heating and/or lighting
- Physical condition/appearance is poor (e.g. ulcers, pressure sores, soiled or wet clothing)
- Malnourished, has sudden or continuous weight loss and/or is dehydrated
- Cannot access appropriate medication or medical care
- Not afforded appropriate privacy or dignity
- Has inconsistent or reluctant contact with health and social services
- Callers/visitors are refused access to the person
- Person is exposed to unacceptable risk

Self-neglect

Self-neglect covers a wide range of behaviour, neglecting to care for one's personal hygiene, health or surroundings including behaviour such as hoarding. Self-neglect is also defined as the inability (intentional or non-intentional) to maintain a socially and culturally accepted standard of self-care with the potential for serious consequences to the health and well-being of the individual and sometimes to his or her community.

Possible indicators

- Living in very unclean, sometimes verminous, circumstances
- Poor self-care leading to a decline in personal hygiene
- Poor nutrition
- Poor healing/sores
- Poorly maintained clothing
- Long toenails
- Isolation
- Failure to take medication
- Keeping large numbers of pets
- Neglecting household maintenance
- Portraying eccentric behaviour/lifestyles

NOTE: Poor environments and personal hygiene may be due to personal or lifestyle choice or other issues such as insufficient income.

Where does abuse take place?

Abuse can take place anywhere. For example:

- The person's own home, whether living alone, with relatives or others
- Day or residential centres
- Supported housing
- Work settings

- Educational establishments
- Care homes
- Clinics and hospitals
- Prisons
- Other places in the community

Who might abuse?

Abuse can occur in any relationship and may result in significant harm to, or exploitation of, the child or adult with care and support needs. A wide range of people may harm others. These include:

- a spouse/partner
- an adult with care and support needs
- other family members
- neighbours
- friends
- local residents
- people who deliberately exploit adults they perceive as vulnerable to abuse
- paid staff or professionals
- volunteers
- strangers
- gangs - small groups of people known to each other

WAVERLEY BOROUGH COUNCIL MODERN DAY SLAVERY STATEMENT

Introduction

Waverley Borough Council is committed to working in partnership with other agencies to address Modern Day Slavery (also referred to as 'Modern Slavery').

This statement sets out the approach the Council will take and provides advice and guidance on how to recognise victims of Modern Day Slavery and what to do if staff become concerned or aware. The principles and standards described apply to employees, temporary workers and contractors whilst working for, and on behalf of the Council.

This statement explains the national strategy and legislative context of Modern Day Slavery and the duty placed on the Council to notify the Secretary of State of any individual who they believe is a suspected victim of slavery or human trafficking.

What is Modern Day Slavery?

The Council recognises the damaging impact of Modern Day Slavery on individuals and the harm it causes to communities. In addition, the Council has a significant leadership role in raising awareness and having well informed managers and staff who are able to identify potential signs of Modern Day Slavery and understand their responsibility for reporting concerns. The Council is committed to:

- identifying a designated single point of contact to act as the named contact to comply with the "Duty to Notify" requirement.
- support and contribute to the development of the Surrey wide strategy.
- continue to lead the Safer Waverley Partnership and its overarching key priority of Serious Organised Crime, which includes Modern Day Slavery.
- continue to ensure partnership working with Surrey Police leads on Modern Day Slavery is proactive and aligns with the work of the council.
- highlight the problem of Modern Day Slavery across the borough.
- ensure our procurement and contracting procedures comply with guidance on prevention of Modern Day Slavery.
- raise awareness and train our staff to help identify, protect and support those who may be victims or at risk of becoming victims of Modern Day Slavery.

Procurement and Contracting

Waverley Borough Council strongly opposes slavery and human trafficking and never knowingly conduct business with partners, contractors, supply chain or employees involved in such practice. Any supplier wishing to conduct business with the council must fulfil any obligations placed upon them by The Modern Day Slavery Act 2015.

Our Commitment towards Fairness and Respect within the Workplace

All employees are expected to treat their colleagues with respect and dignity. Our commitment to respect in the workplace includes our full support to promote ethical principles and practices in relation to the prevention of the exploitation and abuse associated with Modern Day Slavery and human trafficking. The Council also expects commitment to these principles from all organisations with which we do business and will not support or do business knowingly with any organisations involved in slavery or human trafficking.

We will continue to work closely with our partners, contractors and the supply chain to ensure that 'slavery' and/or 'human trafficking' does not occur anywhere in the entirety of our operations.

Awareness Raising and Training

To ensure staff are aware and competent in responding to and/or identifying incidents of Modern Day Slavery it is good practise for managers and staff to undergo training / awareness raising. This includes:

- new and existing managers
- HR Staff
- new employees receiving information on Modern Day Slavery as part of the induction process in line with safeguarding
- staff that work directly with victims or perpetrators of Modern Day Slavery will undertake more specialist training relevant to their job in accordance with the council's safeguarding training programme.
- staff being encouraged to undertake Modern Day Slavery awareness training - access to relevant resources on the intranet.

Review

As awareness and understanding of Modern Day Slavery is still limited, strategies to address the issue are at a relatively early stage of development and advice and guidance from the government and enforcement agencies is likely to expand in future. The Council

will therefore keep this under review and refresh our approach in the light of emerging best practice both nationally and locally.

Reporting

If you have concerns and/or recognise potential signs of Modern Day Slavery you must report these to the council's Safeguarding Lead, Deputy Lead or the one of council's Community Safety Officers who will support you to report your concern to Surrey Police (see page 5).

If an identified victim of human trafficking is also an adult with care and support needs, the response will be co-ordinated under the adult safeguarding process. The police are the lead agency in managing responses to the victims of human trafficking. There is a national framework to assist in the formal identification and help to coordinate the referral of victims to appropriate services, known as the National Referral Mechanism.

Specific public authorities, including borough and districts have a duty to notify the Secretary of State of any person identified in England and Wales as a suspected victim of slavery or human trafficking. [Duty to notify guidance and form.](#)

RELEVANT POLICIES AND STRATEGIES

Waverley Borough Council 'PREVENT' Policy

The underpinning aim of the 'PREVENT' Policy is to determine how the Council works with organisations and the community to prevent extremism' and stop people becoming terrorists or supporting terrorism. It aims to identify individuals at risk of radicalisation and being drawn into extremist activity. The Surrey Community Safety Board has overall governance of the PREVENT agenda across for Surrey with a Multi-Agency Prevent Partnership Group established to review trends and developments as well as provide a 'quality assurance' overview around PREVENT delivery across Surrey.

The Surrey Community Safety Partnerships have identified Prevent as a priority and each District and Borough have developed a local PREVENT Policy and implementation Plan.

[Waverley Borough Council 'PREVENT' Policy](#)

Domestic Abuse

Domestic abuse can be any incident of threatening behaviour, violence or abuse between adults who are, or have been, intimate partners, family members or members of the same household regardless of gender or sexuality. Domestic abuse is not limited to violent abuse; it can be physical, psychological, sexual, emotional or financial. Children's health and wellbeing can be seriously affected by living in households where there is any form of domestic abuse. The county-wide Domestic Abuse Management Board has overall responsibility for the development and implementation of the Surrey Domestic Abuse Strategy. Waverley Borough Council is represented on this Board by the Community Safety Officer. More information including contacts for agencies that can offer support and practical advice can be found on the [Surrey Against Domestic Abuse website](#).

Child Sexual Exploitation

Child Sexual Exploitation (CSE) is the sexual abuse of a child or young person aged under 18 by an adult who involves them in inappropriate sexual activities either with themselves or another person. The activity often takes place in exchange for money, alcohol, drugs, food, accommodation or presents. Online grooming is a type of CSE that impacts both boys and girls across Surrey. This area of work is led by specialist police officers working

closely with partners such as local Councils, social services, youth services, housing providers and the voluntary sector.

A West Surrey meeting Mapping Offenders Location and Trends (MOLT) chaired by Surrey County Council's Child Exploitation, Missing and Hidden Crimes Coordinator meets monthly to discuss and agree actions to safeguard those young people identified as being at high/medium risk of Child Exploitation (CE). District/Borough officers also attend and participate in these meetings.

More information can be found on [Surrey Police's website](#).

Missing Persons Protocol

This is in place to ensure that there is a coordinated response from agencies when a vulnerable adult goes missing. This includes Surrey Police, Surrey & Borders Partnership Trust, and Surrey Care Association, Surrey County Council Adult social Care Services and Surrey Care providers and associated agencies. It provides guidelines to all parties as to what actions should be taken when a person receiving care goes missing. More information can be found on the Surrey Safeguarding Adults Board website.

People in a Position of Trust Protocol

The Care Act 2014 requires that Safeguarding Adults Boards should establish and agree a framework and process for any organisation to respond to allegation against anyone who works (in either a paid or unpaid capacity) with adults with care and support needs. The framework and process in the context is referred to as the *Protocol*. The Protocol applies to all partner agencies of Surrey Safeguarding Adults Board (SSAB) and organisations commissioned to provide services by them, so they respond appropriately to allegations against people who, whether an employee, volunteer or student, paid or unpaid, works with or cares for adults with care and support needs. These individuals are known as *People in a Position of Trust (PiPoT)*. SSAB also requires partner agencies and the service providers they commission to identify a designated PiPoT lead or contact to oversee the delivery of responsibilities in their organisation.

[Surrey Safeguarding Adults Board – Protocol for responding to concerns about a Person in a Position of Trust \(PiPoT\)](#)

WAVERLEY BOROUGH COUNCIL

MINUTES OF THE STANDARDS COMMITTEE - 21 MAY 2020

SUBMITTED TO THE COUNCIL MEETING – 9 JUNE 2020

(To be read in conjunction with the Agenda for the Meeting)

Present

Cllr John Robini (Chairman)	Cllr Jerry Hyman
Cllr Michael Goodridge (Vice Chairman)	Cllr Robert Knowles
Cllr Brian Adams	Cllr Penny Marriott
Cllr Paul Follows	Cllr Peter Marriott
Cllr John Gray	

Co-opted Members

Cllr Tom Hughes, Bramley Parish Council
Cllr Stefan Reynolds, Elstead Parish Council

Also Present

Councillor John Ward

STD 20/19 WELCOME, INTRODUCTIONS AND PROCEDURAL MATTERS

The Chairman welcomed Members and Officers to the first virtual meeting of the Standards Committee, which was being held under the provisions of The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020.

The Chairman welcomed Cllr Tom Hughes (Bramley Parish Council) and Cllr Stefan Reynolds (Elstead Parish Council) as co-opted Members of the Committee. They were attending for Item 6, the Code of Conduct, and would attend in future for all matters in relation to Ethical Standards. Waverley's Monitoring Officer was also Monitoring Officer for the Town and Parish Councils in Waverley, and the Town and Parish Councils' own councillors' code of conduct mirrored Waverley's.

The Chairman confirmed the procedures to be used for the virtual meeting, and that if the webcast stream failed the meeting would adjourn to allow the connection to be re-set.

STD 21/19 MINUTES (Agenda item 1.)

The Minutes of the meeting held on 13 January 2020 were confirmed. These would be signed at a later date.

STD 22/19 DISCLOSURES OF INTERESTS (Agenda item 3.)

There were no disclosures of interests in relation to items on the agenda.

STD 23/19 QUESTIONS BY MEMBERS OF THE PUBLIC (Agenda item 4.)

There were no questions.

STD 24/19 QUESTIONS FROM MEMBERS OF THE COUNCIL (Agenda item 5.)

There were no questions.

PART I - RECOMMENDATIONS TO COUNCIL

STD 25/19 WAVERLEY MEMBERS' CODE OF CONDUCT - PROPOSED REVISION (Agenda item 6.)

The Committee received a report proposing minor revisions to the Waverley Member's Code of Conduct to update the descriptions of the seven Nolan Principles to those now being used by the Committee on Standards in Public Life (CSPL). This would avoid there being any confusion about the expected standards in public life due to inconsistencies between versions.

Cllr Hyman was pleased to see the revisions being brought forward, but noted that the Standards Committee was still waiting for a report on proposals to address the best practice guidance set out in the CSPL's review of standards arrangements. He also asked what arrangements were in place to ensure that Members followed the Nolan Principles.

The Committee noted that the Local Government Association's work on the draft of the new Model Code of Conduct, responding to the CSPL recommendation, had been delayed due to their work supporting local authorities on the Covid-19 pandemic response. The draft would be brought to the Standards Committee for consideration when it was released.

The Committee, including the co-opted Members, felt the revisions were brief and concise and noted that these would be sent to Parishes following their adoption by the Council to consider.

The Standards Committee, accordingly RESOLVED to recommend to Council that the revised Waverley Member's Code of Conduct be adopted.

STD 26/19 REMOTE MEETINGS PROTOCOL AND PROCEDURE RULES (Agenda item 7.)

Robin Taylor, Monitoring Officer, introduced the report setting out Procedure Rules that would apply to virtual meetings. The current Covid-19 pandemic and related Government restrictions had impacted on local authorities' decision making processes and the ability for meetings of the full Council, its Committees and Executive to be held. The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings (England and Wales) Regulations 2020 (the Regulations) came into effect in early April 2020 and allowed local authorities to hold virtual meetings with remote attendance by Members.

The Regulations waived the requirement for local authorities to hold an Annual Meeting in 2020, and specified the requirements for a Member to be considered to be in 'remote attendance' at a meeting. Whilst the Regulations provided the legal framework for remote meetings, it was considered good practice to set out how these would be applied locally.

Members agreed that the adoption of the Remote meetings Protocol and Procedural Rules would provide clarity to Councillors and members of the public. To avoid any confusion, the Committee asked that in VMPR1, the reference to the Chairman be changed to the 'Mayor'. The Committee also asked that the document have version control added, and that it should be easily accessible on the Council's website.

The Committee asked how remote attendance by members of the public would work, and that public questions would still be possible. Officers confirmed that questions would still be accepted, although the arrangements were still being finalised. The requirements for remote attendance by the public were set out in VMPR 5. In drawing up the practical arrangements, Officers aimed to keep these as consistent and close to those that applied to physical meetings in the Council Chamber.

Officers confirmed that there was no intention to resume holding meetings in the Council Chamber until appropriate measures could be put in place to ensure, as far as possible, the health and safety of Members, Officers and members of the public attending.

The Standards Committee agreed that the Virtual Meeting Procedure Rules were a practical response to the Regulations to enable the Council's committee meetings to resume with Members, Officers and the public participating remotely.

Subject to the minor revision to VMPR1, the Standards Committee endorsed the Virtual Meeting Procedure Rules to Council for approval.

STD 27/19 NEW PLANNING COMMITTEES TEMPORARY ARRANGEMENTS FOR 2020/21
(Agenda item 8.)

The Committee received a report setting out the proposals for the establishment (on a temporary basis) of two new planning committees (Western and Eastern). These would temporarily replace the Council's five existing planning committees in order to streamline planning committee decision-making arrangements whilst resources were stretched due to the impact of the Covid-19 pandemic. It was proposed that the arrangements would continue until 7 May 2021, or until Council decided to revert to the current arrangements, whichever was sooner.

Cllr John Ward had registered to speak and commended the proposed arrangements. These recognised the importance of planning to Members and the public, and the imperative from the government to keep planning running during these unprecedented times. The arrangements had been developed in consultation with all Group Leaders and independent members, and had been agreed in principle. Cllr Ward noted that the arrangements did not include a proposal to exclude ward members from voting on applications within their own

ward. This had been discussed previously and would remove the possibility of a ward member having predetermined an application and would allow them to openly advocate for their ward residents.

The Committee discussed the role of ward members on the committees but felt that when discussed previously there had not been a consensus on whether to adopt this. Overall, it was felt that that should be addressed at another time, as the issues were not directly related to the current situation.

The Committee noted that there was now a backlog of planning applications to be considered, particularly for Western Area, and noted that initially the new committees would meet on an alternate weekly basis until the backlog had been addressed. In order to keep meeting agendas manageable, the number of planning applications on each would be limited to 3 – 4, and committee members would be strongly encouraged to follow up with the appropriate planning officers on any technical matters in advance of the meeting.

The Committee discussed when the arrangements should be reviewed, and agreed that Council should have the opportunity to decide in December 2020 whether to revert to the normal arrangements from January 2021. In addition, the Committee agreed that it should have an opportunity to review the agreed arrangements at its September meeting to consider whether any refinement was needed.

The Committee agreed that Recommendation 4 should include consultation with the Ward Member(s) as well as the relevant Planning Committee Chairman and Vice-Chairman.

The Standards Committee accordingly RESOLVED to recommend to Council for approval the following:

- i. that the arrangements set out in Section 4 are adopted as a temporary measure to facilitate decision-making by Planning Committees whilst the work of the Council is impacted by the effects of the Coronavirus pandemic;**
- ii. the Terms of Reference of the new temporary WESTERN and EASTERN planning committees as set out in Annexe 3 are incorporated into the Constitution and clearly identified as being temporary measures for a period to be agreed by Full Council;**
- iii. that the need for the new temporary WESTERN and EASTERN planning committees is kept under review by the Planning Committee Chairman in consultation with the Head of Planning & Economic Development, and should be reviewed by Full Council in December 2020; and,**
- iv. that where an application could be decided under delegated authority were it not for there being a connection with a Member or Officer, then these applications may be delegated to the Head of Planning & Economic Development in consultation with the relevant Planning Committee Chairman and Vice-Chairman, and Ward Member, such**

special delegation expiring with the temporary planning committee arrangements.

The Standards Committee further RESOLVED that it would review the agreed arrangements for the temporary planning committees at its meeting in September 2020.

PART II - MATTERS OF REPORT

There were no matters of report.

The meeting commenced at 5.00 pm and concluded at 7.30 pm

Chairman

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WAVERLEY BOROUGH COUNCIL

COUNCIL

9 JUNE 2020

Title:

Waverley Members' Code of Conduct
- Proposed revision

Head of Service: Robin Taylor, Head of Policy & Governance and
Monitoring Officer

Key decision: No

Access: Public

1. Purpose and summary

- 1.1 This report proposes a minor revision to the Waverley Member's Code of Conduct, to update the descriptions of the seven Nolan Principles to those now being used by the Committee on Standards in Public Life. The revised version of the Waverley Members' Code of Conduct showing the new text as tracked changes is attached at Annexe 1.
- 1.2 The LGA's work on the new Model Code of Conduct has been delayed due to their work supporting local authorities on the Covid-19 pandemic response. The draft will be brought to the Standards Committee for consideration when it is released.

2. Recommendation

The Standards Committees recommends to Full Council that the revised Waverley Members' Code of Conduct be adopted.

3. Reason for the recommendation

To ensure that the Waverley Members' Code of Conduct is consistent with the updated statement of the Nolan Principles.

4. Relationship to the Corporate Strategy and Service Plan

- 4.1 This report supports the Council's Corporate Strategy priority of 'Open, democratic and participative governance'.

5. Implications of decision

5.1 Resource (Finance, procurement, staffing, IT)

There are no direct resource implications arising from this report.

5.2 Risk management

Updating the Waverley Members' Code of Conduct to be consistent with the current public descriptions of the Nolan Principles avoids there being any confusion about the expected standards in public life.

5.3 Legal

There are no direct legal implications arising from the proposed changes to the descriptions of the Nolan Principles within the Waverley Members' Code of Conduct.

5.4 Equality, diversity and inclusion

There is a general obligation in the Code of Conduct in which Members undertake to "not do anything which may cause the Council to breach any of the equality enactments (as defined in Section 33 of the Equality Act 2010)".

5.5 Climate emergency declaration

There are no direct climate emergency implications arising from this report.

6. Consultation and engagement

6.1 None.

7. Other options considered

7.1 The original descriptions of the Nolan Principles in the current Code of Conduct have been updated but not changed significantly in their meaning. However, updating them to reflect the current text avoids potential confusion for Members.

8. Governance journey

8.1 This report was considered by the Standards Committee on 21 May 2020.

Annexe:

Annexe 1 – Waverley Members' Code of Conduct – draft May 2020 revision (with tracked changes)

Background Papers

There are no background papers, as defined by Section 100D(5) of the Local Government Act 1972).

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The Waverley Members' Code of Conduct

The Waverley Members' Code of Conduct was adopted by Council on 17 July 2012, and subsequently amended by Council on 18 October 2016 and 19 March 2019.

Introduction and Interpretation

1. (1) This Code applies to you as a Member of Waverley Borough Council ("the Council") when you act in your role as a Member, including the use of email or social media platforms.
- (2) You are a representative of the Council and the public will view you as such. Your actions can impact on how the Council as a whole is viewed.
- (3) Waverley is under a duty to promote and maintain high standards of conduct by Members. This Code is based on and is consistent with the seven "Nolan principles" of public life set out in Section 28 of the Localism Act 2011 which Waverley endorses:
 - (a) **Selflessness.** Holders of public office should act solely in terms of the public interest. ~~They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.~~
 - (b) **Integrity.** Holders of public office ~~should not place~~ must avoid placing themselves under any ~~financial or other~~ obligation to ~~people outside individuals~~ or organisations that might ~~try inappropriately seek~~ to influence them in ~~their work the performance of their official duties.~~ They should not act or take decisions in order to gain financial or other material benefits for themselves, their families, or their friends. They must declare and resolve any interests and relationships.
 - (c) **Objectivity.** ~~Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias. In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.~~
 - (d) **Accountability.** Holders of public office are accountable to the public for their decisions and actions ~~to the public~~ and must submit themselves to ~~whatever the~~ scrutiny necessary to ensure this. ~~is appropriate to their office.~~
 - (e) **Openness.** Holders of public office should act and taken decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing. ~~be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.~~

(f) **Honesty.** Holders of public office should be truthful. ~~office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.~~

(g) **Leadership** Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support these principles and be willing to challenge poor behaviour wherever it occurs. ~~by leadership and example.~~

- (4) It is your responsibility to comply with the provisions of this Code when acting in your capacity as a Member.
- (5) In this Code:
- (i) “Member” includes elected councillors, and co-opted or appointed members.
 - (ii) A “Disclosable Pecuniary Interest” is an interest within the prescribed descriptions set out in Annexe 1 that you have personally, or that is an interest of your spouse or civil partner, a person with whom you are living as husband and wife, or a person with whom you are living as if you were civil partners, and you are aware that that person has the interest.
 - (ii) “meeting” means any meeting of
 - (a) the Council
 - (b) the Executive
 - (c) any of the Council’s committees, sub-committees, joint committees, joint sub-committees, area committees, working groups, panels or Boards.
- (6) If you are unsure about whether or not the code of conduct applies to a particular situation, you should consult the Monitoring Officer or Deputy Monitoring Officer.
- (7) A failure of a Member to comply with this Code of Conduct will be dealt with in accordance with the Arrangements approved by the Council under which allegations of such failure can be investigated and decisions on such allegations be made.
- (8) Failure to take appropriate action in respect of a Disclosable Pecuniary Interest may also result in a criminal conviction and a fine of up to £5,000 and/or disqualification from office for a period of up to five years.

General Obligations

2. (1) **You must** always treat others (including member colleagues, officers, other organisations and members of the public) with respect.
- (2) **You must not do** anything which may cause the Council to breach any of the equality enactments (as defined in section 33 of the Equality Act 2010).
- (3) **You must not** conduct yourself in a manner which is contrary to the Council's duty to promote and maintain high standards of conduct by Members.
- (4) **You must not** disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:
 - (i) you have the consent of a person authorised to give it;
 - (ii) you are required by law to do so;
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or
 - (iv) the disclosure is:
 - (aa) reasonable and in the public interest;
 - (bb) made in good faith and in compliance with the reasonable requirements of the Council; and
 - (cc) you have consulted the Monitoring Officer or taken other independent legal advice prior to its release.

This particularly includes Waverley Borough Council reports which are exempt, which remain confidential until released by a resolution of the Executive or Committee of the Council.

- (5) **You must not** prevent another person from gaining access to information to which that person is entitled by law.
- (6) **You must not** use or attempt to use your position as a Member improperly to confer on or secure for yourself or any other person an advantage or disadvantage.

- (7) **You must not** undertake any action that could be regarded as harassment, intimidation and/or bullying of member colleagues, officers, or members of the public.
 - (8) In addition to compliance with this Member Code of Conduct, you are expected to comply with the following codes:
 - (i) Planning Code of Best Practice
 - (ii) Member/Officer Protocol
3. When using or authorising the use by others of the resources of the Council:
- (1) **Do** act in accordance with the Council's reasonable requirements and policies;
 - (2) **Do** ensure that such resources are not used improperly for political purposes (including party political purposes); and
 - (3) **Do** have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

Gifts and Hospitality

4. (1) **Do** exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a Member.
- (2) **Do not** accept significant gifts or hospitality from persons seeking to acquire, develop or do business with the Council or from persons who may apply to the Council for any permission, licence or other significant advantage.
- (3) **Do** register with the Monitoring Officer any gift with an estimated value of at least £50 or hospitality with an estimated value of at least £100 within 28 days of its receipt.

Registration of Interests

5. (1) As a Member of the Council **you must** avoid participating in any decision where you could reasonably be seen as having an interest which compromises your honesty or objectivity. Equally, you should avoid any action which might reasonably lead others to conclude that you were not acting selflessly or with integrity. In order to assist with this and promote openness and accountability, the Monitoring Officer must, by law, establish and maintain a register of interests, open for inspection by the public at the Council's offices and publicly accessible on the Council's website.
- (2) **You must** notify the Monitoring Officer of your Disclosable Pecuniary Interests, or other interests which the Council has decided are appropriate for registration

(those listed in paragraph 5(4)). On election, you must do this within 28 days of being elected or appointed to office. Details of disclosable pecuniary interests are set out in the Annexe to this Code. You should give sufficient detail of the interests for a member of the public to understand where there might be a conflict of interest.

- (3) **Do** similarly notify the Monitoring Officer of any Disclosable Pecuniary Interest or other interests not already registered within 28 days of your re-election or re-appointment to office. If any of these change you should update your Register of Interests entry promptly.
- (4) **Do** be aware that Disclosable Pecuniary Interests include not only your interests but also the interests of your spouse or civil partner, a person with whom you are living as husband or wife or a person with whom you are living as if they were a civil partner, so far as you are aware of the interests of that person. They also apply to any past and reasonably expected future occupational pension, office, trade, profession or vocation as well as present ones.
- (5) **Do** be aware that the Council has decided that it is appropriate for you to register and disclose non-pecuniary interests that arise from your membership of or your occupation of a position of general control or management in the following bodies –
 - (i) bodies to which you have been appointed or nominated by the Council;
 - (ii) bodies exercising functions of a public nature;
 - (iii) bodies directed to charitable purposes;
 - (iv) bodies one of whose principal purposes include the influence of public opinion or policy.
- (6) **Sensitive Information** Where a Member of the council has an interest (whether or not a Disclosable Pecuniary Interest) and the nature of the interest is such that they, and the Monitoring Officer, consider that disclosure of the details of the interest could lead to the Member (or a person connected to them) being subject to violence or intimidation, then:
 - (a) if the interest is entered in the Register of Interests, copies of the register that are made available for inspection or published on the Council's website, must not include details of the interest (but may state that the Member has an interest the details of which are withheld under this provision of the Code).

- (b) where a disclosable pecuniary interest is not entered on the Register of Interests and would otherwise require disclosure at a meeting, the Member shall be entitled to merely disclose at the meeting the fact that they have such an interest in the matter concerned.
- (7) **Removal of entries in the register** An entry in the register of interests will be removed once the person concerned no longer has the interest or is neither a councillor nor a co-opted Member of the council (other than transitorily on re-election or re-appointment).

Disclosure of Interests and Participation

6. (1) **Do** disclose to a meeting at which you are present any disclosable pecuniary interest, or other interest which the Council has decided is appropriate for disclosure (see paragraph 5(4) above) as soon as you become aware of it.
- (2) **Do** notify the Monitoring Officer of any interest not already registered that is disclosed to a meeting under paragraph 6(1) above within 28 days of the disclosure.
- (3) **Do not** participate in any discussion, or vote, where you have a disclosable pecuniary interest in a matter. **Do** withdraw from the meeting during the consideration of the matter.
- (4) **Do** declare any other non-pecuniary interest(s) that you consider to have sufficient weight so as to undermine your ability to make an open-minded and objective decision. Where this is the case, **do** exclude yourself from consideration of the item by withdrawing from the chamber for the duration of it being discussed.

In making a judgement about whether a non-pecuniary interest is of sufficient weight as to undermine your objectivity, you should consider what an ordinary member of the public, with knowledge of the relevant facts, would think.

7. Notwithstanding the provisions of Paragraph 5 (1), **you may** participate in any business of the Council where that business relates to the Council's functions in respect of:
- (a) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
 - (b) agreeing an allowance, payment or indemnity given to councillors or co-opted members; and
 - (c) setting council tax or a precept under the Local Government Finance Act 1992.

Decision-making and Predetermination

8. (1) Where you have been involved in campaigning in your political role on an issue which does not impact on your personal and/or professional life, you should not be prohibited from participating in a decision in your political role as a Member.
- (2) However, **do not** place yourself under any financial or other obligation to outside individuals or organizations that might seek to influence you in the performance of your official duties.
- (3) When making a decision, **do** consider the matter with an open mind and on the facts before the meeting at which the decision is to be made, listening to the advice of relevant parties, including advice from officers, and taking all relevant information into consideration, remaining objective and making decisions on merit. Whilst this is particularly relevant for Planning and Licensing Committees, it also applies to other decision-making.

Dispensations

9. (1) A councillor or co-opted member with a disclosable pecuniary interest in a matter may submit a written request to the Monitoring Officer for the grant to a dispensation allowing that councillor or co-opted member to participate in any discussion and/or vote on that matter at a meeting.
- (2) The Monitoring Officer may, after having had regard to all relevant circumstances, grant a dispensation allowing that councillor or co-opted member only if they consider that without the dispensation:
 - (a) the number of persons prohibited from participating in any particular business in relation to the matter would be so great a proportion of the body transacting the business as to impede the transaction of that business, or
 - (b) each member of the Executive would be prohibited from participating in any particular business to be transacted by the Executive in relation to the matter.
 - (c) the representation of different political groups on the body transacting the particular business would be so upset as to alter the likely outcome of any vote relating to that business, or
 - (d) granting the dispensation is in the interests of persons living in the borough, or
 - (e) it is otherwise appropriate to grant the dispensation.
- (3) Any dispensation granted must specify the period for which it has effect, and the period specified may not exceed four years.

ANNEXE 1 – DISCLOSABLE PECUNIARY INTERESTS

1. Employment, office, trade, profession or vocation

Any employment, occupational pension, office, trade, profession or vocation carried on for profit or gain. If your employment relates to any Waverley service or function you should give full details, including any details of past, present or future contracts with an organisation seeking any permission or licence for Waverley.

2. Sponsorship

Any payment or provision of any other financial benefit (other than from the Council) made or provided within the period of 12 months ending with the day on which you give a notification for the purposes of section 30(1) or section 31(7) of the Localism Act 2011 in respect of any expenses incurred in carrying out your duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

3. Contracts

Any contract which is made between you (or a body in which you have a beneficial interest) and the Council-

- (a) under which goods or services are to be provided or works are to be executed; and
- (b) which has not been fully discharged.

4. Land and property

Any beneficial interest in land or property which is within the area of the Council. This includes your own home if you own it.

5. Licences or Tenancies

Any licence (alone or jointly with others) to occupy land in the area of the Council for a month or longer.

6. Corporate Tenancies

Any tenancy where (to your knowledge)-

- (a) the landlord is the Council; and
- (b) the tenant is a body in which you have a beneficial interest.

7. Securities and Shares

Any beneficial interest in securities of a body where-

- (a) that body (to your knowledge) has a place of business or land in the area of the Council; and
- (b) either-
 - (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

- (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you have a beneficial interest exceeds one hundredth of the total issued share capital of that class.

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WAVERLEY BOROUGH COUNCIL

COUNCIL

9 JUNE 2020

Title:

Remote meetings Protocol and Procedure Rules

Head of Service: Robin Taylor, Head of Policy & Governance

Key decision: No

Access: Public

1. Purpose and summary

1.1 The current Covid-19 pandemic and related Government restrictions have impacted on local authorities' decision making processes and the ability for meetings of the Full Council, its committees and Executive to be held. This is in large part due to the inability in previous legislation for members to vote at meetings remotely.

1.2 The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020 ('the Regulations') which came into effect in early April now provide the ability for remote meetings to be held. This report responds to the provisions in the Regulations and seeks to provide clarity around the necessary arrangements for remote meetings and attendance.

2. Recommendation

The Standards Committee recommends to Full Council that the 'Remote Meetings Protocol and Procedure Rules' as set out in Annexe 1 is recommended to Full Council for adoption.

3. Reason for the recommendation

The adoption of the Remote meetings Protocol and Procedure Rules will provide clarity to Councillors and the public in relation to the implementation of the Regulations at Waverley Borough Council.

4. Background

4.1 The current Covid-19 pandemic and related Government restrictions have impacted on local authorities' decision making processes and the ability for meetings of the Full Council, its committees and Executive to be held. This is in

large part due to the inability in previous legislation for members to vote at meetings remotely.

- 4.2 The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020 now enable meetings of Full Council, its committees, and the Executive to take place with some or all Members attending remotely.
- 4.3 The Regulations, made under section 78 of the Coronavirus Act 2020, apply notwithstanding any other legislation or current or pre-existing standing orders or any other rules of the Authority governing meetings and remain valid until 7th May 2021. This means that, wherever there is a conflict, the Remote Meetings Procedure Rules take precedence in relation to any remote meeting.
- 4.4 The effect of the Regulations on an Authority's Constitution is to insert what are, in effect, mandatory standing orders for those authorities that wish to hold meetings remotely, either wholly or partially. It is considered that the Regulations, and therefore the standing orders, have an automatic amending effect on an authority's existing rules and can be applied immediately in order to run meetings remotely. Nonetheless it is regarded as good practice, even with express mandatory standing orders, to have these adopted formally.
- 4.5 Accordingly, set out in Annexe 1 to this report is a proposed Protocol and Procedure Rules which provide guidance for the conduct of any remote meeting of the Council, and its various committees and the Executive held under the provisions of the Regulations, and clarity on which of the Council's Procedure Rules are directly impacted by the Regulations. This protocol and procedure rules should be read in conjunction with the Council's Procedure Rules within the Constitution.

5. Relationship to the Corporate Strategy and Service Plan

- 5.1 Ensuring that the Council is still able to take essential decisions during the Covid-19 emergency that support Waverley's residents, businesses and communities is fundamental to the purpose of the Council.
- 5.2 Implementation of Regulations to enable remote attendance at formal council meetings by Members supports open, democratic and participative governance at a time when Members and the public are unable to travel to the Council offices to take part in meetings in person.

6. Implications of decision

6.1 Resource (Finance, procurement, staffing, IT)

There are no direct financial or other resource implications arising from the recommendations in this report.

6.2 Risk management

Relevant risks and opportunities have been considered and reflected in the

report as appropriate.

6.3 Legal

The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020 No.392 which are made under The Coronavirus Act 2020 make provision for remote meetings and deferral of Annual Council Meetings. These Regulations remain valid until 7th May 2021.

6.4 Equality, diversity and inclusion

The ability for members of the public to 'attend' and participate in council meetings by remote means is embedded with the Regulations. Waverley has webcast its principal committee meetings for a number of years, and the public are familiar with viewing meetings online, either live or after the event.

There are no other direct equality, diversity or inclusion implications in this report. Equality impact assessments are carried out when necessary across the council to ensure service delivery meets the requirements of the Public Sector Equality Duty under the Equality Act 2010.

6.5 Climate emergency declaration

The ability for Members to attend council meetings remotely will reduce the number of car journeys that need to be made to the Council offices and make an immediate contribution to reducing the Council's carbon footprint. Whilst the Regulations are time-limited (local authority meetings held up to 7 May 2021) it might be expected that this will bring closer the time when these arrangements are enabled permanently.

7. Consultation and engagement

7.1 None.

8. Other options considered

8.1 The Regulations, and therefore the standing orders, have an automatic amending effect on an authority's existing rules and can be applied immediately in order to run committee and cabinet meetings remotely. Nonetheless it is good practice, even with express mandatory standing orders, to have these adopted formally by the full authority at the first opportunity to do so.

8.2 The other main option is to not hold any fully or partially remote meetings during this time. However, now that the Regulations have been passed to enable remote attendance at meetings, there is scope to enable Members to fulfil their democratic responsibilities in a way that is proportionate to the current emergency.

9. Governance journey

9.1 The report and annexe were considered by the Standards Committee on 21 May 2020.

Annexe:

Annexe 1 – Waverley Borough Council General Guidance Note and Procedure Rules for Virtual Meetings and Remote attendance at meetings

Background Papers

There are no background papers, as defined by Section 100D (5) of the Local Government Act 1972).

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WAVERLEY BOROUGH COUNCIL
VIRTUAL MEETINGS PROCEDURE RULES

These rules have been made in order to implement The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panels Meetings) (England and Wales) Regulations 2020 (the ‘Regulations’) and will remain in force until those Regulations are repealed.

Any Procedure Rules that have not been specifically referenced, but that are nonetheless inconsistent with the Regulations will be disappplied by virtue of Regulation 5(5).

VMPR 1 No Requirement to Hold an Annual Meeting

Amends Council PR1 (Annual Meeting)

The requirement to hold an Annual Meeting is to be disregarded and, prior to 7th May 2021, an Annual Meeting of Council may only take place:

- (a) where called by the Mayor in consultation with the Chief Executive and Group Leaders; or
- (b) following a resolution calling for an Annual Meeting being passed at an ordinary or extraordinary meeting of Council.

VMPR 2 Access to Information

*Amends Council PR 6 (notice and summons to meeting) and
Access to Information PR 5 (access to agenda and reports before the meeting), etc*

For all purposes of the Constitution, the terms “notice”, “summons”, “agenda”, “report”, “written record” and “background papers” when referred to as being a document that is:

- (i) “open to inspection” shall include for these and all other purposes as being published on the website of the council; and
- (ii) to be published, posted or made available at offices of the Authority shall include publication on the website of the Authority.

VMPR 3 Remote Access to Meetings

*Amends Council PR 6 (notice and summons to meeting) and
Access to Information Procedure Rule 3 (rights to attend meetings)*

- (a) For all purposes of the Constitution the term “meeting” is not limited in meaning to a meeting of persons all of whom, or any of whom, are present in the same place, for which purposes any reference to:
 - (i) “place” is to be interpreted as where a meeting is held, or to be held, includes reference to more than one place including electronic, digital or virtual locations such as internet locations, web addresses or conference call telephone numbers: and

- (ii) “open to the public” includes access to the meeting being through remote means including (but not limited to) video conferencing, live webcast, and live interactive streaming and where a meeting is accessible to the public through such remote means the meeting is open to the public whether or not members of the public are able to attend the meeting in person; and
- (b) If the Chair is made aware that the meeting is not accessible to the public through remote means, due to any technological or other failure of provision, then the Chair shall adjourn the meeting immediately. If the provision of access through remote means cannot be restored within a reasonable period, then the remaining business will be considered at a time and date fixed by the Chair. If he or she does not fix a date, the remaining business will be considered at the next ordinary meeting.

VMPR 4 Members in Remote Attendance

Amends Council PR 8 (quorum)

- (a) A Member in remote attendance is present and attends the meeting, including for the purposes of the meeting’s quorum, if at any time all three of the following conditions are satisfied, those conditions being that the Member in remote attendance is able at that time:
 - (i) to hear, and where practicable see, and be so heard and, where practicable, be seen by, the other Members in attendance.
 - (ii) to hear, and where practicable see, and be so heard and, where practicable, be seen by, any members of the public entitled to attend the meeting in order to exercise a right to speak at the meeting; and
 - (iii) to be so heard and, where practicable, be seen by any other members of the public attending the meeting.
- (b) A Member in remote attendance will be deemed to have left the meeting where, at any point in time during the meeting, any of the conditions for remote attendance contained in (a) above are not met. In such circumstance the Chair may, as he or she deems appropriate:
 - (i) adjourn the meeting for a short period to permit the conditions for remote attendance of a Member contained in (a) above to be re-established;
 - (ii) count the number of Members in attendance for the purposes of the quorum;
 - or
 - (iii) continue to transact the remaining business of the meeting in the absence of the Member in remote attendance.

VMPR 5 Remote Attendance by Members of the Public

Amends Council PR10 (questions by the public),

Amends any scheme for public participation in respect of planning, licensing and other committees and Executive PR 2.9

- (a) A member of the public entitled to attend the meeting in order to exercise a right to speak at the meeting is in remote attendance at any time if all three of the following

conditions are satisfied, those conditions being that the member of the public in remote attendance is able at that time:

- (i) to hear, and where practicable see, and be so heard and, where practicable, be seen by, Members in attendance;
 - (ii) to hear, and where practicable see, and be so heard and, where practicable, be seen by, any other members of the public entitled to attend the meeting in order to exercise a right to speak at the meeting; and
 - (iii) to be so heard and, where practicable, be seen by any other members of the public attending the meeting.
- (b) A member of the public in remote attendance will be deemed to have left the meeting where, at any point in time during the meeting, any of the conditions for remote attendance contained in Standing Order 5A(a) above are not met. In such circumstance the Chair may, as he or she deems appropriate:
- (i) adjourn the meeting for a short period to permit the conditions for remote attendance contained in Standing Order 5A(a) above to be re-established;
 - (ii) suspend consideration of the item of business in relation to the member of public's attendance until such time as a following item of business on the agenda has been transacted and the conditions for the member of the public's remote attendance have been re-established or, on confirmation that this cannot be done, before the end of the meeting, whichever is the earliest; or
 - (iii) continue to transact the remaining business of the meeting in the absence of the member of the public in remote attendance.

VMPR 6 Remote Voting

Amends Council PR 17 (voting)

Unless a recorded vote is demanded, [which may be confirmed by the requisite number of Members confirming the demand verbally when requested by the Chair,] the Chair will take the vote

- (a) by use of the electronic polling system for Remote Voting, and electronic voting in the Chamber, or where an electronic voting system is not working correctly or unavailable,
- (b) by the affirmation of the meeting if there is no dissent [by assent]; or
- (c) the Chair will take the vote by roll-call and the number of votes for or against the motion or amendment or abstaining from voting will be recorded.

VMPR 7 Members excluded from the meeting

Amends Council PR 21 (Member Conduct)

Where a Member is required to leave the meeting, the means of remote attendance and access is to be severed whilst any discussion or vote takes place in respect of the item or items of business which the member or co-opted member may not participate.

VMPR 8. Exclusion of Public and Press

Amends Council PR 20 (Exclusion of public and press)

- 8.1 There are times when council meetings are not open to the public, when confidential, or “exempt” issues (as defined in Schedule 12A of the Local Government Act 1972) are under consideration. Where the technology is available, the Democratic Services Officer or meeting facilitator will ensure that there are no members of the public in remote attendance or remotely accessing the meeting and are able to hear or see the proceedings once the exclusion has been agreed by the meeting.
- 8.2 Any Member in remote attendance who fails to disclose that there are in fact persons present who are not so entitled will be in breach of their Members’ Code of Conduct responsibilities.

WAVERLEY BOROUGH COUNCIL

STANDARDS COMMITTEE

9 JUNE 2020

Title:

New Planning Committees
Temporary arrangements for 2020/21

Heads of Service: Robin Taylor, Head of Policy & Governance
Zac Ellwood, Head of Planning & Economic Development

Key decision: Yes

Access: Public

1. Purpose and summary

- 1.1 This report sets out proposals for the establishment, on a temporary basis, of two new planning committees (WESTERN and EASTERN) to replace the Council's five existing planning committees (Joint Planning Committee, and Southern, Western, Eastern and Central Area Planning Committees, in order to streamline planning committee decision-making arrangements whilst resources are stretched due to the impact of the Covid-19 pandemic.

2. Recommendation

The Standards Committee recommends to Full Council that:

- i. the arrangements set out in Section 4 of the report are adopted as a temporary measure to facilitate decision-making by Planning Committees whilst the work of the Council is impacted by the effects of the Coronavirus pandemic;
- ii. the Terms of Reference of the new temporary WESTERN and EASTERN planning committees as set out in Annexe 1 are incorporated into the Constitution and clearly identified as being temporary measures for a period to be agreed by Full Council;
- iii. the need for the new temporary WESTERN and EASTERN planning committees is kept under review by the Planning Committee Chairmen in consultation with the Head of Planning & Economic Development, and should be reviewed by Full Council in December 2020.
- iv. where an application could be decided under delegated authority were it not for there being a connection with a Member of Officer, then these applications may be delegated to the Head of Planning & Economic Development in consultation with the relevant Planning Committee Chairman and Vice-Chairman, and relevant Ward Member(s), such special delegation expiring with the temporary planning committee arrangements.

3. Reason for the recommendation

- 3.1 The temporary arrangements for planning committee decision-making will enable the Council to meet its obligations to determine planning applications in accordance with Members' desire for democratic involvement in this process, whilst also streamlining the process at a time when officers and Members are working remotely, and adopting new working practices including holding meetings with remote attendance.
- 3.2 It is proposed that the temporary arrangements operate whilst remote attendance at meetings is likely to be a significant factor in the management of the meetings, but will automatically expire on 7 May 2021, when the ability for Members to attend meetings remotely ceases, if Council has not taken a decision to revert to the existing structure before that date.

4. Background

- 4.1 Once the Government confirmed that it expected councils to continue to deliver a Planning service, the Council has worked with legal advisers on ensuring that a service could be provided, while still prioritising the safety of the public and of staff members. The Head of Planning and Economic Development issued detailed advice on what levels of service could be expected, including protocols for a temporary reconfiguring of Planning Committees.
- 4.2 The proposed arrangements for two temporary new planning committees, comprising a WESTERN committee (covering the existing Southern and Western Wards) and an EASTERN committee (covering the existing Eastern and Central wards) have cross-party support.
- 4.3 Whilst the temporary arrangements are not intended to be a model for a possible future structure for planning committees, we do need to ensure that decisions made by the new temporary committees are robust, and cannot be challenged on the basis that the committees are geographically unbalanced (eg. one bigger than the other), or are not politically proportional.
- 4.4 So, as a temporary arrangement, it has been agreed in principle that we have two new equal committees of 15 members each (substitutes allowed as shown in [..])

EASTERN (Chairman Cllr Richard Cole, Vice-Chairman Cllr David Else)

Conservatives	8 [4]
Farnham Residents	0
Liberal Democrats	4 [2]
Green	1 [1]
Labour	1 [1]
Independent	1 [1]
	15

WESTERN (Chairman Cllr Beaman, Vice-Chairman Cllr John Robini)

Conservatives	4 [2]
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Farnham Residents	8 [4]
Liberal Democrats	3 [2]
Green	0
Labour	0
Independent	0
	15

- 4.6 These new committees will – on a temporary basis – replace the existing Joint Planning Committee and four Area Planning Committees. Standards Committee recommends that the arrangements be reviewed by Council in December 2020.
- 4.7 Membership of the committees will be politically proportional, and nominated by the respective Group Leaders from the ward members in the respective geographical areas. Each Group will be able to nominate a number of substitute members from within the respective EASTERN and WESTERN areas so that as far as possible actual attendance is politically proportional.
- 4.8 The new WESTERN and EASTERN committees will deal with all applications, both large and small, that have to be decided by Committee and that are within their geographical area. Members will still be able to request that an application be called-in to committee; but, all requests for call-ins will be reviewed by the Chairman and Vice-Chairman of the relevant committee plus the Head of Planning & Economic Development to ensure that there are valid planning reasons.
- 4.9 There is no change proposed to Procedure Rule 23: All Members who are not members of a Planning Committee will still be able to register to speak at a meeting of a planning committee, and a councillor who is not a member of the planning committee also has a right to follow up on any points of clarification at the end of the committee’s debate on an application within their ward.
- 4.10 Meetings will be scheduled to meet the demand from Planning for applications to be determined. We are working with Planning colleagues to understand what that demand is, and how frequently the committees might need to meet. We are aware that holding planning committee meetings via Zoom will be a new challenge for Members and officers, and we will manage the agenda for each committee meeting to ensure as far as we can that they present a realistic workload for the committee at each meeting. This may mean that in the short term meetings are more frequent than has been usual.
- 4.11 Public speaking at planning committees can be accommodated by the Zoom meeting arrangements, and registered speakers will be provided with the opportunity to join a meeting in order to make their representations in person. We expect to have a back-up option to enable speakers to join the meeting by phone (audio) only. We will ask speakers to submit a copy of their statement in advance so that if there are any issues at the last minute that prevent them speaking in person, their statement can still be read out to the committee.
- 4.12 All meetings will be webcast to the Council’s YouTube channel, for the public to see and hear proceedings.
- 4.13 The only significant change to the Scheme of Delegation in in relation to planning applications where there is a connection to a Member or an Officer. Under the

current Scheme of Delegation, any such applications have to be determined by a planning committee. In order to relieve the pressure on the planning committee agendas, it is proposed that where an application could be decided under delegated authority were it not for the connection with a Member of Officer, then these applications may be delegated to the Head of Planning & Economic Development in consultation with the relevant Planning Committee Chairman and Vice-Chairman. The Standards Committee proposes that the relevant Ward Member(s) also be consulted.

- 4.14 For clarity, the Terms of Reference of the proposed temporary planning committees are set out in Annexe 1, which if agreed by Full Council, will replace the extant arrangements set out in the Constitution.
- 4.15 The Standards Committee has agreed to carry out an interim review of the arrangements that are agreed by Full Council at its meeting in September.

5. Relationship to the Corporate Strategy and Service Plan

- 5.1 Ensuring that the Council is still able to take essential decisions during the Coronavirus emergency that support Waverley's residents, businesses and communities is fundamental to the purpose of the Council.
- 5.2 Implementation of Regulations to enable remote attendance at formal council meetings by Members supports open, democratic and participative governance at a time when Members are unable to travel to the Council offices to take part in meetings in person.

6. Implications of decision

6.1 Resource (Finance, procurement, staffing, IT)

There are no direct finance implications of the proposed temporary change to the configuration of the planning committees. In the short- to medium-term, meetings will be held with some, if not all, Members and officers attending remotely and an IT solution has been put in place to enable that, and training provided to Members and officers.

There will be a requirement for additional staffing at remote meetings to manage the 'hosting' of the meeting, which will be met from existing resources.

6.2 Risk management

Not making arrangements to enable essential decisions to be taken at this time will hamper the Council's ability to meet its legal responsibilities, particularly in relation to determining planning applications.

In the event that IT fails, and a significant number of Members are not able to join a meeting remotely; or broadcasting fails so that the public are unable to hear (and see, if video is available) the meeting proceedings, protocols will require the Chairman to adjourn the meeting and reconvene at a later time, or date.

6.3 Legal

The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority Police and Crime Panel Meetings) (England and Wales) Regulations 2020 No.392, which are made under The Coronavirus Act 2020, make provision for remote meetings. These Regulations remain valid until 7th May 2021.

6.4 Equality, diversity and inclusion

The ability for members of the public to 'attend' and participate in council meetings by remote means is embedded with the Regulations. Waverley has webcast its principal committee meetings for a number of years, and the public are familiar with viewing meetings online, either live or after the event.

There are no other direct equality, diversity or inclusion implications in this report. Equality impact assessments are carried out when necessary across the council to ensure service delivery meets the requirements of the Public Sector Equality Duty under the Equality Act 2010.

6.5 Climate emergency declaration

The ability for Members to attend council meetings remotely will reduce the number of car journeys that need to be made to the Council offices and make an immediate contribution to reducing the Council's carbon footprint. Whilst the Regulations are time-limited (local authority meetings held up to 7 May 2021) it might be expected that this will bring closer the time when these arrangements are enabled permanently.

7. Consultation and engagement

- 7.1 The proposal set out in this report have been discussed with the Executive, Group Leaders and Independent Members and reflects the feedback they have provided.

8. Other options considered

- 8.1 No change the extant Planning Committee arrangements of four Area Planning Committees (Southern, Western, Eastern and Central) and Joint Planning Committee. This committee arrangement is very resource intensive for the committee Chairmen and Vice-Chairmen, and would be particularly challenging to operate at the current time when most officers are working from home, and meetings will be held with remote attendance by Members and officers.
- 8.2 Other options explored with Members include temporarily making the Joint Planning Committee the sole planning committee as a temporary measure; and splitting the current Joint Planning Committee members on geographical lines to establish Western and Eastern committees. The former option was not acceptable to Members, as it was not felt to provide enough local input to planning decisions. The latter of these options would give two geographically unbalanced committees which also would not be politically proportional.

9. Governance journey

- 9.1 The proposals in the this report have been discussed informally by the Executive Members meeting with the Leader of the Principal Opposition Group and Independent Members. They have been formally endorsed by the Executive.
- 9.2 The proposals were considered by the Standards Committee at its meeting on 21 May 2020.

Annexes:

Annexe 1 – WESTERN and EASTERN Planning Committee Terms of Reference (Draft)

Background Papers

There are no background papers, as defined by Section 100D(5) of the Local Government Act 1972).

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Waverley Borough Council

EASTERN and WESTERN Planning Committees - Terms of Reference

Temporary arrangements for 2020/21 (until a decision is taken by Full Council to revert to the substantive arrangement)

Where these Terms of Reference are silent on a matter of procedure, the current Procedure Rules as set out in the Waverley Borough Constitution take precedence.

Purpose of the Planning Committees

1. The key purpose of planning is to manage development in the public interest.
2. The purpose of the Planning Committees is to exercise the Council's functions relating to town and country planning and development control as specified in Schedule 1 to the Local Authorities (Functions and Responsibilities) (Amendment No 2) (England) Regulations 2004 (the Functions Regulations) [see Appendix 1], in so far as these are not delegated to the Head of Planning & Economic Development.
3. The EASTERN and WESTERN Planning Committees will assume the decision-making powers of the Joint Planning Committee and the four Area Planning Committees as they relate to planning applications within the Eastern and Central borough wards, and the Southern and Western borough wards, respectively.

Membership [PR4]

4. The EASTERN and WESTERN Planning Committees will each comprise 15 Members, appointed on a politically proportional basis as follows:

EASTERN = 15 Members out of 28 ward seats plus 9 substitute members

(Alford, Cranleigh Rural & Ellens Green; Blackheath & Wonersh; Bramley, Busbridge & Hascombe; Dunsfold*; Cranleigh East; Cranleigh West; Elstead & Thursley; Ewhurst; Godalming Binscombe; Godalming Central & Ockford; Godalming Charterhouse; Godalming Farncombe & Catteshall; Godalming Holloway; Milford' Shamley Green & Cranleigh North; Witley & Hambledon)

WESTERN = 15 Members out of 29 ward seats plus 8 substitute members

(Chiddingfold*; Farnham Bourne; Farnham Castle; Farnham Firgrove; Farnham Hale & Heath End; Farnham Moor Park; Farnham Shortheath & Boundstone; Farnham Upper Hale; Farnham Weybourne & Badshot Lea; Farnham Wrecclesham & Rowledge; Frensham, Dockenfield & Tilford; Haslemere Critchmere & Shottermill; Haslemere East & Grayswood; Hindhead)

*NB Dunsfold & Chiddingfold ward is split between the two areas.

5. Members and substitutes will be appointed by Council, with regard to the nominations of the political Group Leaders.
6. The Chairman and the Vice-Chairman of the Committees will be appointed by Council or elected by the committee as a vacancy arises.
7. Any Member of the Council may be a member or substitute member of a Planning Committee.

Substitute members

- 7.1 Substitute members will have all the powers and duties of any ordinary member of the committee but will not be able to exercise any special powers or duties exercisable by the person for whom they are substituting.
- 7.2 The following procedure will apply to the appointment of substitutes when members are not able to attend a meeting of a Committee, including in the case of a vacancy:
 - (a) The member unable to attend a Committee meeting will submit their apologies to the Head of Policy and Governance at least four clear working days in advance of the meeting to enable a substitute to be arranged, if applicable [eg. by the end of Wednesday for a meeting the next Wednesday].
 - (b) The Head of Policy and Governance will then approach substitutes from the appropriate political group in the order agreed by the Council or the parent Committee.
 - (c) Substitute members must be from the same political group as the member giving the apology, and in the event that no substitute is available, no substitute will be made for that member.
 - (d) The Head of Policy and Governance will notify the Committee of any substitutions at the start of the meeting.
 - (e) Substitutes shall exercise the full voting rights of a member of a Committee when attending a Committee meeting.
 - (f) Substitute members shall be eligible for payment of travelling and subsistence allowances.
 - (g) Members on substitute lists will be sent the full agenda for meetings.
8. All Members of the Committee and Councillors attending as Substitutes must have undertaken mandatory training in the relevant law and procedures which relate to the Committee's work; and, must undertake further mandatory training on an ad hoc basis and at least annually.

Time and Place of Meetings [PR 5, PR6]

9. The time and place of meetings will be determined by the Head of Policy & Governance and notified in the summons.
10. Planning committee meetings will take place in accordance with an agreed schedule. Extra meetings may be scheduled as required.
11. The Head of Policy & Governance will give notice to the public of the time and place of any meeting. At least five clear working days before a meeting, the Head of Policy & Governance will publish the agenda on the Council's website and send an electronic summons to every member of the Planning Committee. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are necessary. The agenda will also be published on the Modern.Gov app.
Public participation

Chairman of Meeting [PR7]

12. The Chairman presiding at the meeting may exercise any power or duty of the Mayor.

Quorum [PR8]

13. The quorum of a meeting will be one quarter of the whole number of members (ie four Members). During any meeting, if the Chairman counts the number of members present, whether in person or attending remotely, and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chairman. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

Members speaking [PR23]

14. Any Member of the Council who is not a Member of a Planning Committee shall be entitled to attend any meeting of that Committee, but not to vote, but shall be entitled to speak on any specific item for up to four minutes.
15. Any Member wishing to do this shall have to give notice specifying the item to the Head of Policy and Governance by noon on the day of the meeting if the meeting begins after 2pm or by 5pm on the previous working day if the meeting commences before 2pm. The Chairman may waive this rule.
16. Members may seek the consent of the Chairman to present documents or photographs in support of when they speak, but should give the Head of Policy and Governance forty-eight hours' notice, but where this has not been possible the Head of Policy and Governance and Chairman may waive the rule.

17. In the case of Planning Committee meetings, where a Member addresses the Committee on a matter affecting their ward, they shall have a right to speak again towards the end of the debate to clarify any matters.

Public Speaking Scheme for Planning Meetings

18. Waverley runs a public speaking scheme for the Planning Committees. It applies to planning applications scheduled to be determined by one of the planning committees and which have received five or more letters of support (from separate addresses) or five or more letters of objection (from separate addresses).
19. If a planning application is subject to public speaking at a planning committee, there will be three slots, each of four minutes, in which a representative of the objectors, the Town or Parish Council, and a supporter (usually the applicant or agent) may make a statement. Speakers may not present documents or photographs in support of their statement.

Appendix 1

Extract from Waverley Borough Council Constitution Part 3 Responsibility for Functions:

Council functions relating to town and country planning and development control as specified in Schedule 1 to the Local Authorities (Functions and Responsibilities) (Amendment No 2) (England) Regulations 2004 (the Functions Regulations)

Power

To make decisions on the administrative and procedural issues affecting the determination of applications.

Power to determine planning applications

Power to determine applications to develop land without compliance with conditions previously attached

Power to grant planning permission for development already carried out

Power to decline to determine planning applications for planning permission

Duties relating to the making of determinations of planning applications

Power to determine applications for planning permission made by the Council

Power to make determinations, give approvals and agree other matters relating to the exercise of permitted development rights, including Article 4 Directions removing such rights

Power to enter into or vary or discharge agreements relating to development or use of land, including the enforcement of a restriction or requirement imposed by an agreement.

Power to issue certificates of lawfulness of existing or proposed use or development

Power to serve a completion notice

Power to grant consent for the display of advertisements

Power to authorise entry onto land

Power to authorise applications for warrants to enter land

Power to require the discontinuance of a use of land

Power to require proper maintenance of land

Power to serve a Planning Contravention Notice, Breach of Condition Notice or Stop Notice (including temporary stop notice)

Power to issue an enforcement notice

Power to apply for an injunction restraining breach of planning control, or in relation to a listed building

Power to determine applications for hazardous substances consent and related powers

Power to determine applications for listed building consent and related powers and duties relating to applications for listed building consent

Power to determine applications for Conservation Area Consents and to issue an enforcement notice in relation to demolition of an unlisted building in a Conservation

Area

Power to serve a Building Preservation Notice and related powers including the power to execute urgent works

Powers relating to the preservation of trees and protection of important hedgerows

Appendix 2

Extract from Scheme of Delegation to Officers

M. HEAD OF PLANNING & ECONOMIC DEVELOPMENT

Development Control and Planning Policy

Authority	After Consultation with	Function
M.1 To determine major planning applications where these are resubmitted applications previously refused only for SPA reasons which are now resolved and where: (a) the application is not materially different from the original application; (b) the material considerations affecting the decision have not changed; (c) there is no request from a councillor to call in the application for determination by the Committee as set out in 3(b) below.	The Chairman of the relevant Joint Planning Committee and Ward Councillors	Non-executive
M.2 To agree variations to Section 106 legal agreements under the Town and Country Planning Act 1990 which relate to planning applications determined by the Area Planning Committees and Joint Planning Committee	The Chairman of the relevant Joint Planning Committee and Ward Councillors	Non-executive
Authority		Function
M.3 To make all decisions, take all actions and exercise all powers in respect of the Council's Development Management, Planning Policy and Planning Enforcement functions in accordance with any one or number of the following legislation (and any regulations and/or statutory instruments made thereunder) and/or any adopted policy(ies) of the Council and/or any other subsequent new or replacing legislation relating to the Council's Development Management, Planning Policy and Planning Enforcement functions: i. Caravan Sites and Control of Development Act 1960 ii. Countryside and Rights of Way Act 2000 iii. Enterprise and Regulatory Reform Act 2013 iv. Environment Act 1995 v. Environmental Protection Act 1990 vi. Growth and Infrastructure Act 2013 vii. Housing Act 1996 viii. Housing Act 2004 ix. Human Rights Act 1998 x. Infrastructure Act 2015 xi. Local Democracy, Economic Development and Construction Act 2009		Non-Executive /Executive

- xii. Local Government Act 2003
- xiii. Localism Act 2011
- xiv. Planning (Hazardous Substances) Act 1990
- xv. Planning (Listed Buildings and Conservation Areas) Act 1990
- xvi. Planning Act 2008
- xvii. Planning and Compensation Act 1991
- xviii. Planning and Compulsory Purchase Act 2004
- xix. Pollution Prevention and Control Act 1999
- xx. Town and Country Planning Act 1990
- xxi. Building Act 1984
- xxii. Self-build and Custom Housebuilding Act 2015
- xxiii. Neighbourhood Planning Act 2017
- xxiv. Anti-Social Behaviour Act 2003

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| M.4 | <ul style="list-style-type: none"> (A) to determine planning applications, applications for advertisement consent, non-material and minor material amendments applications, details to comply with conditions, variation/removal of condition applications, prior notifications/prior approval notices and certificates of lawfulness (after consultation with the Borough Solicitor for applications of certificates of lawfulness); (B) to determine applications for listed building consent and to take action in relation to listed buildings and Conservation Areas; (C) to respond to consultations and notifications from other local authorities, public bodies, etc.; (D) to determine the need for an Environmental Impact Assessment and/or a Strategic Environmental Assessment; (E) to take direct action/seek injunctions in relation to breaches of planning control, remove unauthorised signage/advertisements and remedying the condition of land; (F) to serve, amend, vary, withdraw, revoke any notices, permissions, certificates (as appropriate) (including but not limited to: enforcement notices, breaches of condition notices, temporary stop notices, stop notices, amenity notices, planning contravention notices, community infrastructure stop notices, certificates of lawfulness); (G) the making and/or adoption of any plan for the purposes of neighbourhood planning | Non-executive |
|-----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|

except:

(a) planning applications that must be referred to the **Joint** Planning Committee in accordance with Part 3 of the Constitution and as set out below:

- (a.1) To review all housing schemes which propose a net increase of more than 25 dwellings, where the recommendation is for permission to be granted

(a.2) To consider applications defined as major, as defined by the Government (10 or more units of residential accommodation, more than 1,000 sqm commercial floor space and site area of more than 1 hectare) and which, in the judgement of the Chief Executive, after consultation with the Head of Planning & Economic Development and the appropriate Area Planning Committee Chairman, meet the following criteria

- i. have a significant planning impact beyond the Area in which they are situated, and/or
- ii. are of strategic importance, and/or
- iii. involve new planning issues for the Borough; or
- iv. is a revised application for parcel of land within a development with an extant planning permission previously determined by Joint Planning Committee, or an area planning committee, that increases the total number of dwellings on the total site; and/or
- v. where a revision to an extant planning permission brings the total number of dwellings on a site to 25 or more; or

(a.3) where within three weeks of the application appearing on the Waverley weekly list of planning applications, the Chairman and Vice-Chairman of the relevant Area Planning Committee and the ward member request that it be referred to the Joint Planning Committee and put forward relevant grounds as set out in (i) to (v) above, the Chief Executive and Head of Planning & Economic Development will normally submit the application to the Joint Planning Committee;

(b) any planning application where, within three weeks of the publication of the weekly list of planning applications, any councillor from the relevant Area Committee (for the Committee including all or part of the planning application site concerned) makes a request to the Head of Planning & Economic Development (or any officer(s) nominated by them), which may or may not be supported in writing by the relevant Town or Parish Council, putting forward matters that are relevant planning grounds, to refer an application to the next appropriate meeting of the Area or Joint Planning Committee for determination;

(For (b) above) Where the three-week call-in period has expired, but the Head of Planning & Economic Development is satisfied that there is sufficient justification on planning grounds

and the application has not been determined, they may, after consultation with the Chairman of the relevant Committee, arrange for that application to be referred to the Committee;

(c) any planning application submitted by or on behalf of a serving Councillor or employee of the Council, or the spouse or partner of any of the above persons;

(d) any planning application where an objection from a statutory consultee remains unresolved and the officer's recommendation is to approve the application;

(e) any planning application where the Council is the applicant;

(f) any planning application which is required to be referred to the Secretary of State;

(g) planning applications, which by the time of the expiry of the 21 day consultation period, have received 5 or more letters of objection or 5 or more letters of support (but not a combination of both, and not from the same individual or the same household) shall only be determined under delegated powers after the Head of Planning or Economic Development (or any officer nominated by them) has received written confirmation from the relevant ward members(s) that they do not wish the matter to be determined by the relevant Planning Committee.

WAVERLEY BOROUGH COUNCIL

MINUTES OF THE AUDIT COMMITTEE - 2 MARCH 2020

SUBMITTED TO THE COUNCIL MEETING – 9 JUNE 2020

(To be read in conjunction with the Agenda for the Meeting)

Present

Cllr Peter Marriott (Chairman)

Cllr Jerome Davidson (Vice Chairman)

Cllr Richard Cole

Cllr Simon Dear

Cllr Jan Floyd-Douglass

Cllr Richard Seaborne

Cllr George Wilson

Apologies

Cllr Michaela Gray

Also Present

Cllr Jerry Hyman

AUD 43/19 MINUTES (Agenda item 1.)

The Chairman asked the committee to agree the Minutes of the meeting held on 26 November 2019.

The committee **AGREED** the Minutes of the meeting however:

Cllr Seaborne advised that, although he did not disagree with the record of the meeting, he did question the clarity of what was agreed in AUD 33/19 as he felt it did not reflect the decision in the meeting. He felt that the committee had agreed to the Section 151 Officer being able to approve 'limited' tactical changes to fees and charges, whereas he felt the Minutes suggested 'carte blanche' to agreeing changes. He asked if Democratic Services could clarify.

He highlighted I.10 (ii), of the Constitution, which stated delegation to officers did not include 'The setting of off-street car parking charges' as this was reserved to Council. He felt it was not in the remit of Audit to recommend to the Council a change to the Constitution but could recommend to Standards who could then in turn recommend to Council.

Cllr Dear agreed with the comments made by Cllr Seaborne and felt that clarification was needed that the delegation to the Section 151 Officer 'throughout the year' for minor adjustments did not deny Council the ability to scrutinise. Cllr Floyd-Douglass also agreed.

Cllr Cole disagreed, and had understood in the meeting that delegated powers were to make any changes to the fees and charges as necessary and he objected to this issue being brought back to the Committee.

Graeme Clark advised he would get the details of the discussion of the meeting scrutinised to clarify the exact discussion. Tom Horwood advised he had, during the discussion, looked at the constitution and Audit Committee report directly to Council not Standards.

Cllr Davidson commented that we could not amend the minutes but could clarify the discussion that took place and the decision.

ACTION: The recording of that item of the November 2019 meeting should be transcribed to ascertain the discussion that took place and the recommendation made to Council.

AUD 44/19 APOLOGIES FOR ABSENCE (Agenda item 2.)

Apologies for absence were submitted by Cllr Michaela Gray.

AUD 45/19 DISCLOSURE OF INTERESTS (Agenda item 3.)

There were no disclosures of interests submitted.

AUD 46/19 QUESTIONS BY MEMBERS OF THE PUBLIC (Agenda item 4.)

There were none.

AUD 47/19 QUESTIONS FROM MEMBERS (Agenda item 5.)

There were none.

AUD 48/19 AIR QUALITY MANAGEMENT INVESTIGATION OUTCOME AND FINDINGS
(Agenda item 6.)

Tom Horwood, Chief Executive of Waverley Borough Council read a statement to the Audit Committee (copy attached to these Minutes).

Cllr Jerry Hyman had registered to speak on this matter. He advised that he had been part of a group, along with the gentleman who had made the Freedom of Information request. Cllr Hyman asked what action has been taken to avoid this ever happening again; why the names of the officers interviewed had been redacted when it was all in the public domain; and, why the report did not contain information that Councillors were interviewed also.

Cllr Hyman went on to raise concern that a legal notice had been submitted by Waverley Borough Council to Crest Nicholson on 29/12/2010 by the Air Quality Officer at the time (not the one referred to in the report), advising they could not approve the Brightwells planning application due to an incomplete EIA. However this had not been considered when the application was approved. He felt this was a matter of governance and did not feel it was suitable for this administration to say the issue was closed when it clearly was not.

Cllr Hyman thanked officers for a very open report and acknowledged that the redactions were mainly concerning employment issues.

Cllr Hyman's last comment related to paragraph 3.7 of the report which was exempt but which he hoped members of the committee would consider and question.

The committee agreed that the way forward was to strengthen controls.

Richard Homewood reported that lessons had been learned. Waverley had now introduced two contracts: one for diffusion tubes and one to manage the Automatic Air Quality Monitors. In addition, the raw data was published monthly so it was in the public domain. One company also carried out quality assurance checks on the other and there were now much tighter controls overall.

Cllr Floyd-Douglass asked if there were any other areas of the council where only one staff member was responsible for a specific function. Graeme Clark advised that we were not aware of any others but internal audit routinely look at this within the control network. Internal audit would endeavour to eliminate any risk of this and look at strengthening controls.

Cllr Wilson asked if the fact the officer concerned was in secondary employment was a factor and asked whether there were controls in relation to secondary employment by council employees. Annie Righton explained that this had been looked at but was not thought to have been contributory. Tom Horwood stated that employees needed to seek permission to seek secondary employment and there were procedures in place to deal with that situation.

Cllr Seaborne felt that the findings on page 12 of the report referring to data collection had not given a definitive assurance that this could not happen in another area of Waverley's operations. He therefore asked that the committee request that Internal Audit draw up a report showing all aspects of operations that could be exposed or Heads of Service to give assurance that the lessons have been captured. He also raised the issue of misuse of expenses set out in the report. Some officers regularly visit sites and he asked what checks were in place to ensure expenses are claimed appropriately.

ACTION: Councillors asked for assurance be given that this was being addressed.

Graeme Clark advised that the Audit Plan reports coming up later in the meeting included information or data provided to other organisations. Expenses claims were looked at every 2 years.

The Audit Committee considered and endorsed the strengthened governance arrangements in relation to Air Quality.

AUD 49/19 EXTERNAL AUDIT PLAN FOR 2019/20 (Agenda item 7.)

Mark Bartlett, Audit Manager at Grant Thornton, outlined the External Audit Plan for the year ending 31 March 2020.

Mark outlined the scope of the audit and highlighted the key areas of significant risk.

The significant risks identified were:

- The revenue cycle includes fraudulent transactions – this was rebutted after the auditor concluded there was little evidence of any risk;
- Management over-ride of controls – this will be evaluated by Grant Thornton;
- Valuation of land and buildings – this will be evaluated by Grant Thornton; and
- Valuation of pension fund net liability – this will be evaluated by Grant Thornton

Mark highlighted other risks identified which were the implementation of International Financial Reporting Standards (IFRS) 16 Leases which had been issues but not adopted. This would be implemented from April 2020 and Mark advised Grant Thornton would evaluate the processes adopted to limit impact.

The committee were updated on the proposed fee variations this year.

Cllr Hyman had registered to speak on this item. He asked why the falsification of figures risk had not been included within the significant risks. He commented that the falsification of the transport assessment for the Brightwells scheme in Farnham which the Air Quality Officer had identified in 2010 had not been considered and, in his view, this posed an enormous risk to Farnham and to Waverley's reputation.

He also commented on the lack of implementation of the European Court of Justices ruling 2018 (Sweetman ruling) which we had to abide to by law and which had cost us a huge sum in appeals. Cllr Hyman expressed his view that there was an assumption that an assessment for mitigation was in LPP1 but it is not. Cllr Hyman asked that the committee take this forward as he felt we were selling mitigation to developers.

Cllr Floyd-Douglass asked where the Coronavirus sat within this as a risk. Mark advised it would be the same as Brexit (e.g. non-financial risk). Graeme Clark assured the committee that senior management were very aware of the operational and strategic risks involved in this.

Peter Vickers commented that members had received a presentation from Zurich not long ago and that there would be another member briefing on risk soon.

Cllr Davidson asked what Grant Thornton had experienced from other local authorities with regard to risks we may encounter. Mark highlighted the risks around shopping centres as set out in the Value for Money risks in the report.

Cllr Marriott asked Mark if future trends were considered when looking at property valuations and risks. Mark advised predicted trends were considered. Cllr Seaborne asked if financial stability was what he was actually meaning. Mark clarified this by saying they consider how robust the planning for the budget is.

Cllr Seaborne noted that the sentence *'We will keep you informed of changes to the financial reporting requirements for 2018/19 through on-going discussions and*

invitations to our technical update workshops', which had been in last year's report, was omitted from this years. Mark assured the committee that they had regular meetings with senior management to update.

Cllr Dear highlighted the implications/risks of the current administration cutting various services as highlighted in the 2020/21 Budget Report to Council. He advised he would like to see risk assessments done on the various savings proposals put forward by Heads of Service. Graeme Clark advised the risk assessments were done internally. There were challenges in the budget and the cumulative impact of each saving was a risk. Value for Money O&S would track this. Management Board had also asked for more frequent and robust monitoring reports.

Cllr Dear felt that a framework around risk assessments was needed.

Tom Horwood thanked the committee for their comments and advised that he had asked the Heads of Service to risk assess when suggesting savings and they had done this, and some savings proposals were not taken forward in the budget.

Cllr Davidson commented that he too shared these concerns and asked whether it was the Audit Committee or Value for Money O&S who would monitor the progress towards the savings. Graeme Clark advised it was the Executive's role but that Value for Money O&S would have oversight of the monitoring; the Audit Committee's role was to monitor the risks of not keeping within budget.

The Committee AGREED to note Grant Thornton's Audit Plan 2019/20.

AUD 50/19 ACCOUNTING POLICIES FOR 2020/21 (Agenda item 8.)

Peter Vickers gave an update on the Waverley Accounting Policies in line with changes to the CIPFA Code of Practice.

As reported last year the 2019/2020 Code had introduced no substantial new reporting requirements in 2019/20. In 2020/21 there was one substantial financial reporting standard which would be implemented from 1 April 2020. International Financial Reporting Standard (IFRS) 16 Lease accounting, which changed how leases were accounted for to represent the value of assets and liabilities. He advised that a lot of work had already been done around this change. The report outlined the areas affected and the impacts of the change.

Cllr Marriott highlighted that under impacts it stated 'short term leases' were exempt, and asked what constituted a short term lease. Peter advised this was a lease under 12 months. He also highlighted this change would mean that those buildings on a peppercorn lease which previously were not recorded or assessed would now be valued as an asset. Cllr Seaborne asked how the lease register would be monitored. Mark Bartlett advised this would be looked at by Grant Thornton in preparation for IFRS16.

Cllr Dear asked if there was a 'summary' of the principles under IFRS16 which would make it simple to understand. Mark Bartlett advised he had some slides which he could provide. (attached to minutes)

Cllr Cole asked if the rule to value property was set out in regulations. Peter Vickers advised that the Chartered Institute of Chartered Surveyors Regulations were used.

The committee noted the proposed changes in accounting policy.

AUD 51/19 ANNUAL GOVERNANCE STATEMENT - CONSIDERATION OF POTENTIAL GOVERNANCE ISSUES (Agenda item 9.)

Peter Vickers outlined the Annual Governance Statement. He explained this was an overarching document which follows a template set out by CIPFA. He outlined each section of the document in turn. The committee were then asked to consider the report and whether it reflected the Council's Governance arrangements.

Cllr Hyman had registered to speak on this item. He highlighted that section 5.2 Statutory Challenges outlined the two High Court Judgements but had not mentioned the issues around the impact of not implementing the European Court of Justices ruling 2018 (Sweetman ruling). Cllr Hyman also raised that at the end of section 10 of the report it stated '...no matters of significance have been omitted from this statement.' Yet there was no mention of the Sweetman judgement and the falsified transport assessment of 2010.

Cllr Marriott commented that some aspects of this had already been covered but invited Tom Horwood to comment on the mitigation issue.

Tom Horwood reminded the committee that this was a draft statement and officers would take on board the comments made by Cllr Hyman and the committee and consider items that needed including. The Air Quality issue had been covered in previous year's statements and would be added in again reflecting the guidance given.

Cllr Marriott commented on the planning presentation members had been given at the end of last year relating to habitats, biodiversity and environmental impacts. It was stated that applicants were obligated to provide assessment reports in their application but that this was not happening. It was suggested a 'tick box' approach was needed to ensure all consultations/assessments have been completed. This had been raised already with Zac Ellwood. Many of the committee agreed with the Cllr Marriott's comments.

Graeme Clark highlighted that the reason for this discussion was to make recommendations for improvements and the committees comments would be taken on board.

Cllr Marriott raised the issue of the governance of project management. He understood there had been a 'lessons learnt' report written on the overspend of Memorial Hall and asked if the committee could have sight of this. The committee agreed. Cllr Davidson felt a similar report should be written for each major project.

Cllr Marriott highlighted that at the last Council meeting it was suggested that the Audit Committee should have some input into the investment strategy. He asked

what form that might take. Graeme Clark agreed that as the Council had agreed a new revised property strategy it would be a timely for the Audit Committee to look at the governance and decision making arrangements for property investment. He suggested an offline detailed discussion with committee members and to return with some recommendations.

Cllr Seaborne commented that he could not find any mention of air quality issues in the report and should mention the lessons learnt. He also commented that there was no mention of the declaration of the Climate Emergency that had been made.

Tom Horwood agreed and endorsed these comments.

AUD 52/19 INTERNAL AUDIT PLAN PROGRESS 2019-20 (Agenda item 10.)

Gail Beaton presented the Internal Audit Plan progress report for 2019/20. It had been a difficult year, with limited in house internal audit resources, which resulted in having to procure additional resources from Southern Internal Audit Partnership (SIAP).

65% of planned work had been completed with the rest being in progress. The rolling work programme was outlined and work had progressed since the report was written. The committee was directed to the review of Air Quality which would ensure all the action points coming out of the Air Quality audit had been addressed.

Cllr Hyman had registered to speak on this item. He thanked Gail for highlighting the review of the Air Quality audit. He also asked about review of Management of Major Construction projects. Gail advised that this review would be looking at projects that have been completed since the Memorial Hall to review that project management experience and knowledge had been embedded now that senior staff had been provided with Project Management toolkit and training

It was noted that only 129 days had been delivered out of the 204 total plan days, and the majority of the extra 75 days would be provided by SIAP.

The Committee noted the contents of the Internal Audit Plan progress.

AUD 53/19 PROPOSED INTERNAL AUDIT PLAN FOR 2020-21 (Agenda item 11.)

Gail Beaton introduced and gave an overview of the proposed internal audit plan for 2020-21. She advised that the work had been developed in consultation with Heads of Service. There were a number of deferred reviews in this plan including Safeguarding, but there was flexibility in the plan to take on any areas highlighted by the Committee. All reviews that had been deferred had been risk assessed.

The Committee noted that the property investment review had been deferred from 2019-20 due to the lack of property acquisitions. As no acquisitions had taken place it was proposed to replace this review with an assessment of Waverley's compliance with the new guidelines from CIPFA as discussed earlier in the meeting.

Cllr Seaborne highlighted the earlier discussion on the Air Quality Management about ensuring other areas of the business did not have any officers working 'solo' without adequate monitoring. Gail advised that Internal Audit would discuss the way forward.

Cllr Seaborne asked why there was no indication of the number of days allocated to each audit. Gail advised this would be allocated by next meeting as she needed the committee's comments on any areas they felt needed including. Cllr Seaborne advised he found it difficult to approve a plan without any costings. Graeme Clark suggested Gail would review the comments and come up with a costed plan and circulate before the next meeting.

Cllr Dear suggested a line should be included acknowledging risks associated with cost cutting. Graeme Clark agreed and advised this would be added.

The committee approved the proposed plan subject to the comments and changes identified in the discussion.

AUD 54/19 PROGRESS ON THE IMPLEMENTATION OF INTERNAL AUDIT RECOMMENDATIONS (Agenda item 12.)

Gail Beaton updated the Committee on Senior Management's progress in implementing the recommendations raised by Internal Audit following a review of each service area.

Gail advised the actions set out in annexe 1 were either overdue or due by the end of March. All actions were on target to complete by the end of the month, including the actions relating to the restaurant and vending machines processes. These actions were all underway and progressing with no concerns to raise.

The committee considered the information set out in annexe 1 and were happy with progress. The committee noted there were no recommendations for changes in due dates.

AUD 55/19 FRAUD INVESTIGATION (Agenda item 13.)

Gail Beaton updated the Committee on the council's fraud investigation work. Annexe 1 highlighted there had been five houses handed back to the council as well as investigations relating to Disabled Facility Grants and other housing related matters

Cllr Cole asked if the financial values stated in the annexe appeared on the Council's balance sheet. Gail advised that they did not as they were Cabinet office figures so were indicative.

The Committee noted the results of the report.

AUD 56/19 AUDIT COMMITTEE RECURRENT WORK PROGRAMME (Agenda item 14.)

The Chairman asked the committee to note the programme and asked if there were any comments. Mark Bartlett indicated that the External Audit Findings Report and Annual Governance Report set out for the July meeting were one and the same and that Annual Governance Report needed to be removed.

The committee noted the Recurrent Annual Work Programme

The meeting commenced at 7.00 pm and concluded at 9.10 pm

Chairman

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Statement made by Tom Horwood, Chief Executive, Waverley Borough Council to the Audit Committee on Monday 2nd March 2020.

The committee has before it the full report of the independent auditors' investigation into air quality management.

While I am not pleased that this case happened, I am pleased that we can now publish this report after two years of it being part of a criminal case, which concluded in December.

1st August 2017 sticks in my mind for two reasons. Firstly, it was the day I started at Waverley Borough Council as interim managing director. Secondly, I received an email from David Harvey, who runs ADM Ltd, a Farnham-based company providing expert professional services in air quality assessment and management.

Mr Harvey had some serious concerns about errors in the 2016 air quality status report. As a result of his email, we commissioned two independent reports on the data itself and on how these errors occurred. The latter is in your papers this evening.

I would like to take this opportunity of formally recording my and the council's thanks to Mr Harvey for raising the issue in the first place and for his constructive support in subsequent meetings and conversations. His intervention was crucial.

As the audit report of January 2018 indicated to us that the reporting problems were due to the wilful activity of a former employee, we referred the matter to Surrey Police and requested an investigation. That process concluded with a guilty plea by that individual, conviction, and then sentencing on 12th December 2019.

The independent investigation and the court hearings recognised that the fraud in relation to air quality figures was due to the actions of one individual. Nevertheless, I would like to apologise to the committee and to the community for the gaps in process and oversight that enabled it to happen undetected for so long until Mr Harvey's intervention and our response in August 2017. I am sorry for that, for the lack of reliable data, and for the expense and anxiety caused by the whole episode.

The Audit Committee and Environment Overview and Scrutiny Committee have received reports throughout this time. The chairs and vice-chairs of those committees, and members of the Executive, were also briefed internally on the legal processes. All supported the actions we were taking without hesitation.

My colleagues, Ms Righton and Mr Homewood, will be able to talk about the corrections to process and oversight that were implemented once we uncovered these problems. It is these strengthened governance arrangements that are the focus of the recommendation to the committee tonight. I hope you will see that the Council has dealt with this situation very seriously since it emerged, and that our new regime of air quality reporting provides sound data to inform the current important discussions on air quality. I thank you, chairman, for allowing me to add my reflections on how we got to this point.

ENDS

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Implementation of International Financial Reporting Standard 16 Leases

IFRS 16 *Leases*, as interpreted and adapted for the public sector, will be effective from 1 April 2020.

Background

IFRS 16 Leases was issued by the International Accounting Standards Board (IASB) in January 2016 and is being applied by HM Treasury in the Government Financial Reporting Manual from 1 April 2020. Implementation of the Standard will be included in the *Code of Practice on Local Authority Accounting in the United Kingdom* (the Code) for 2020/21.

The new Standard replaces the current leasing standard IAS 17 and related interpretation documents IFRIC 4, SIC 15 and SIC 27 and it sets out the principles for the recognition, measurement, presentation and disclosure of leases. The IASB published IFRS 16 because it was aware that the previous lease accounting model was criticised for failing to provide a faithful representation of leasing transactions.

Impact on 2019/20 financial statements

Whilst the new Standard is effective from 1 April 2020, authorities are required by the Code to *'disclose information relating to the impact of an accounting change that will be required by a new standard that has been issued but not yet adopted'*. This requirement of the Code (3.3.4.3) reflects the requirements of paragraph 30 of IAS 8 *Accounting Policies, Changes in Accounting Estimates and Errors*.

In the 2019/20 financial statements we would therefore expect to see authorities make disclosures including:

- the title of the Standard
- the date of implementation
- the fact that the modified retrospective basis of transition is to be applied, with transition adjustments reflected through opening reserves
- known or reasonably estimable information relevant to assessing the possible impact that application will have on the entity's financial statements, including the impact on assets, liabilities, reserves, classification of expenditure and cashflows
- the basis for measuring right of use assets on transition
- the anticipated use of recognition exemptions and practical expedients recognising that what is sufficient disclosure for one body may not be sufficient for another

Information needed for 2019/20 financial statements

In order to make disclosures in 2019/20, a significant amount of data will be needed, most significantly:

- a complete list of leases previously identified under IAS 17 and IFRIC 4
- details of non-cancellable lease terms, purchase options, extension and termination options
- details of lease arrangements at peppercorn or NIL rental
- anticipated future cash flows and implicit interest rates or incremental borrowing rates to enable calculation of lease liabilities

Audit work on IFRS 16 transition

At this stage, we would expect you to have:

- determined whether the impact of IFRS 16 will be material for your authority
- raised awareness of the new Standard across the authority, potentially including procurement, estates, legal and IT departments
- assessed the completeness and accuracy of your lease register and taken action if necessary
- formalised and signed existing lease documentation
- identified leases of low value assets and leases with short terms
- considered whether liaison with valuation experts is necessary
- started to draft your 2019/20 disclosure note
- started to embed processes to capture the data necessary to manage the ongoing accounting implications of IFRS 16

and that you are monitoring progress against an approved IFRS 16 implementation plan. Your local engagement team will be in touch to discuss your progress with IFRS 16 implementation and audit working paper requirements.

Implementation of International Financial Reporting Standard 16 *Leases*

Further information and guidance

HM Treasury published IFRS 16 Application Guidance in December 2019 which can be found at:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/853238/IFRS_16_Application_Guidance_December_2019.pdf

CIPFA's IFRS 16 'Early guide for local authority practitioners' is available at:

<https://www.cipfa.org/policy-and-guidance/publications/i/ifrs-16-leases-an-early-guide-for-local-authority-practitioners>

IFRS 16 has been adopted a year earlier in the commercial sector. The Financial Reporting Council has published an IFRS 16 Thematic Review '*Review of Interim Disclosures in the First Year of Application*', containing key findings from their review and providing helpful insights into important disclosure requirements. The FRC's publication is available at:

<https://www.frc.org.uk/getattachment/a0e7c6e7-67d0-40fe-b869-e5cc589afe79/IFRS-16-thematic-review-2019-optomised.pdf>



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