

To: All Members of the Council

Louise Fleming, Democratic Services &
Business Support Team Manager

Policy and Governance

E-mail: louise.fleming@waverley.gov.uk

Direct line: 01483 523517

Calls may be recorded for training or monitoring

Date: 8 October 2021

Dear Councillor

COUNCIL MEETING - TUESDAY, 19 OCTOBER 2021

A MEETING of the WAVERLEY BOROUGH COUNCIL will be held in the CAUDLE HALL, WILFRED NOYCE COMMUNITY CENTRE, CROWN COURT CAR PARK, GODALMING, GU7 1DY on **TUESDAY, 19 OCTOBER 2021** at **7.00 pm** and you are hereby summoned to attend this meeting.

The Agenda for the Meeting is set out below.

Yours sincerely

ROBIN TAYLOR

Head of Policy and Governance

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AGENDA

1. MINUTES (Pages 7 - 38)

To confirm the Minutes of the Council meetings held on 6 July, 3 August and 22 September 2021 (herewith).

2. APOLOGIES FOR ABSENCE

The Mayor to report apologies for absence.

3. 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.

4. MAYOR'S ANNOUNCEMENTS

5. LEADER'S ANNOUNCEMENTS

6. QUESTIONS FROM MEMBERS OF THE PUBLIC

To respond to questions from members of the public, received in accordance with Procedure Rule 10.

The deadline for receipt of questions is 5pm on Tuesday 12 October 2021.

7. QUESTIONS FROM MEMBERS OF THE COUNCIL

To respond to any questions received from Members of the Council in accordance with Procedure Rule 11.2.

The deadline for receipt of questions is 5pm on Tuesday 12 October 2021.

8. MOTIONS

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

The deadline for receipt of motions was 5pm on Thursday 7 October 2021.

No motions have been received.

9. MINUTES OF THE EXECUTIVE (Pages 39 - 48)

To receive the Minutes of the Executive meeting held on 5 October 2021, and to consider the recommendations set out within.

There are two Part I matters for Council consideration, set out in the following agenda items.

9.1 EXE 33/21 Review of The Members Allowances Scheme: Report of the Independent Remuneration Panel

9.3 EXE 34/21 Property Matter: Wey Court East Proposal (Exempt)

There shall be no debate on any item contained in Part II of the Minutes but Members may give notice in writing, by email, or by phone, by noon on the day of the meeting of a statement or question, and give details of any question (PR14.14)

- 9.1 EXE 33/21 Review of The Members Allowances Scheme: Report of the Independent Remuneration Panel (Pages 49 - 70)

The Executive RESOLVED to recommend to Full Council that:

1. **The report and recommendations of the IRP are noted.**
2. **In view of the continuing significant pressure on the Council's budgets, there is no change to the Members Allowances Scheme until after the next Borough elections in May 2023, at which time the Scheme should be reviewed again by an independent remuneration panel.**
3. **The annual indexation of Basic and Special Responsibility Allowances in line with the percentage increase in staff salaries continues from 1 April 2022 for up to three years.**

- 9.2 EXCLUSION OF PRESS AND PUBLIC

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 Paragraph 5 of the revised Part I of Schedule 12A of the Local Government Act 1972 (to be identified at the meeting) namely: Information relating to the financial or business affairs of any particular person (including the authority holding that information).

- 9.3 EXE 34/21 Property Matter: Wey Court East Proposal (Exempt) (Pages 71 - 88)

The Executive RESOLVED to RECOMMEND to full Council that the recommendation as set out in the exempt report be approved.

10. MINUTES OF THE AUDIT COMMITTEE (Pages 89 - 94)

To receive the Minutes of the Audit Committee meeting held on 6th September 2021, and to consider the recommendations set out within.

There are no Part I matters for Council consideration.

There shall be no debate on any item contained in Part II of the Minutes, but Members may give notice in writing, by email, or by phone, by noon on the day

of the meeting of a statement or question, and give details of any question.

11. MINUTES OF THE STANDARDS COMMITTEE (Pages 95 - 102)

To receive the Minutes of the Standards Committee meeting held on 27th September 2021 and to consider the recommendations set out within.

There is one Part I matter for Council consideration, set out in the following agenda item.

STD 6/21 Proposals following Council resolutions on 20 April 2021

There shall be no debate on any item contained in Part II of the Minutes, but Members may give notice in writing, by email, or by phone, by noon on the day of the meeting of a statement or question, and give details of any question.

11.1 STD 6/21 Proposals following Council resolutions on 20 April 2021 (Pages 103 - 122)

The Standards Committee recommends to Council that:

- 1) **Two Overview and Scrutiny Committees be established with immediate effect: *Policy* and *Services*. Each committee will comprise 11 Members and meet a minimum of 5 times a year.**
- 2) **Subject to approval of Recommendation 1 above, Article 6 of the Constitution and the Overview and Scrutiny Procedure Rules be amended as set out in Annexe 2.**
- 3) **A Landlord Services Advisory Board be established under the Executive Working Group Protocol with Terms of Reference as set out in Annexe 3.**
- 4) **That the terms of reference of the Standards Committee be amended as set out in Annexe 4; that the name of the Committee be amended to the Standards and General Purposes Committee; and the membership be amended to add three politically proportionate Substitutes.**
- 5) **That the Executive Procedure Rules be amended as set out in paragraph 4.26 below, and the Executive Working Group Protocol as set out in Annexe 5 be adopted.**
- 6) **That the Council Procedure Rule 21.1 be amended as set out in paragraph 4.27 to allow Members the choice of whether to stand or remain seated to address the Mayor at meetings of the Council.**
- 7) **That in view of there being only two Overview and Scrutiny Committees, the Overview and Scrutiny Co-ordinating Board be abolished.**
- 8) **That authority be delegated to the Monitoring Officer to make the necessary changes to the Constitution arising from recommendations 1-7 above.**

12. REVIEW OF POLITICAL PROPORTIONALITY AND ALLOCATION OF COMMITTEE SEATS

Report to follow.

13. CONTINUING ABSENCE - COUNCILLOR BRIAN EDMONDS

The Council to approve the extended absence of Councillor Brian Edmonds for

a further period of six months due to his recovery from a medical condition and resulting concerns regarding covid transmission.

14. 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).

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Agenda Item 1.

1

MINUTES of the WAVERLEY
BOROUGH COUNCIL held in
the The Great Hall, Farnham
Maltings, Bridge Sqaure,
Farnham, GU9 7QR on 6 July
2021 at 6.00 pm

- * Cllr John Robini (Mayor)
- * Cllr John Ward (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 Steve Cosser | Cllr Penny Marriott |
| * Cllr Martin D'Arcy | Cllr Peter Marriott |
| * Cllr Jerome Davidson | * Cllr Michaela Martin |
| * Cllr Kevin Deanus | Cllr Peter Martin |
| * Cllr Simon Dear | * Cllr Mark Merryweather |
| * Cllr Sally Dickson | * Cllr Kika Mirylees |
| Cllr Brian Edmonds | * Cllr Stephen Mulliner |
| * Cllr Patricia Ellis | * Cllr John Neale |
| * Cllr David Else | * Cllr Peter Nicholson |
| * Cllr Jenny Else | * Cllr Nick Palmer |
| Cllr Jan Floyd-Douglass | Cllr Julia Potts |
| * Cllr Paul Follows | Cllr Ruth Reed |
| * Cllr Mary Forszowski | * Cllr Paul Rivers |
| * Cllr Maxine Gale | * Cllr Penny Rivers |
| * Cllr Michael Goodridge | Cllr Anne-Marie Rosoman |
| * Cllr John Gray | * Cllr Trevor Sadler |
| * Cllr Joan Heagin | * Cllr Richard Seaborne |
| Cllr Val Henry | * Cllr Liz Townsend |
| Cllr George Hesse | * Cllr Michaela Wicks |
| Cllr Chris Howard | * Cllr Steve Williams |
| * Cllr Daniel Hunt | Cllr George Wilson |

*Present

Apologies

6 July 2021 - Cllr Brian Adams, Cllr Roger Blishen, Cllr Brian Edmonds, Cllr Jan Floyd-Douglass, Cllr Val Henry, Cllr George Hesse, Cllr Jacquie Keen, Cllr Penny Marriott, Cllr Peter Marriott, Cllr Peter Martin, Cllr Julia Potts, Cllr Anne-Marie Rosoman and Cllr George Wilson

3 August 2021 - Cllr Kevin Deanus, Simon Dear, Brian Edmonds, George Hesse, Anna James, Jacquie Keen, Robert Knowles, Michaela Martin, Penny Rivers, Richard Seaborne, Liz Townsend and George Wilson

Prior to the commencement of the meeting, prayers were led by Reverend Chris Bessant from St Bartholomew's and St Christopher's in Haslemere.

CNL12/21 WELCOME AND INTRODUCTIONS (Agenda item)

- 12.1 The Mayor, Councillor Robini, welcomed Members and members of the public to the Council meeting, and introduced the Officers present: the Chief Executive, Tom Horwood; Strategic Directors, Graeme Clark and Annie Righton; Head of Policy & Governance, Robin Taylor; Head of Finance and Property, Peter Vickers; and Borough Solicitor, Daniel Bainbridge.
- 12.2 The Mayor advised that he would take Item 10 (Minutes of the Licensing and Regulatory Committee) before Item 9 (Minutes of the Executive). For ease of reference, minutes are listed below in the order they appeared in the agenda.
- 12.3 The Mayor confirmed that he was waiving Council Procedure Rule 21.1, the requirement for Members to stand to speak.

CNL13/21 APOLOGIES FOR ABSENCE (Agenda item 1.)

- 13.1 Apologies for absence were received from Cllrs Adams, Blishen, Edmonds, Floyd-Douglass, Henry, Hesse, Ken, Knowles, Penny Marriott, Peter Marriott, Peter Martin, Potts, Rosoman and Wilson. Apologies for lateness were received from Councillor Wicks.

CNL14/21 MINUTES (Agenda item 2.)

- 14.1 The Minutes of the Meeting of the Council held on 20 and 27 April 2021 were confirmed and signed following the meeting.

CNL15/21 DECLARATIONS OF INTEREST (Agenda item 3.)

- 15.1 The Head of Policy and Governance advised that all members of the Senior Management Team had a personal interest in respect of item 9.2 (Options for collaboration with Guildford Borough Council) due to the HR implications set out in the Exempt Annexe and would leave the meeting during the consideration of this item.

CNL16/21 MAYOR'S ANNOUNCEMENTS (Agenda item 4.)

- 16.1 The Mayor reflected on his first three months in office and welcomed coming out of the present covid restrictions. He praised the work of the staff, Councillors and volunteers in Waverley in supporting the community since March 2020. He had seen an increase in invitations to attend both public and private events across the borough.
- 16.2 The Mayor announced that he would be raising money for three local charities in his Mayoral year: 'A place to be', a youth club in Haslemere which he had helped to set up in the 1990s; the Hydestile Wildlife Hospital, which was currently looking for premises to house some of their injured

animals; and Skillway, a youth organisation which teaches skills to those that have not had the opportunity of a complete education.

- 16.3 The Mayor concluded by congratulating Councillor Cockburn on her being awarded the BEM for her work in planning.

CNL17/21 LEADER'S ANNOUNCEMENTS (Agenda item 5.)

- 17.1 The Leader opened his announcements by thanking the officers for facilitating the meeting in the Farnham Maltings at short notice. He advised that he had concluded his 1:1 meetings with the Portfolio Holders to review their portfolios and revised descriptions would be circulated to all Members for their information in due course.

The Leader then invited Executive Portfolio Holders to give brief updates on current issues:

- 17.2 Councillor Clark, Deputy Leader and Portfolio Holder for Business Transformation and IT:
- A full time Cyber Security Manager had been employed to manage the Council's defence against cyber criminals and attacks and urged all staff, Councillors and residents to be on their guard.
- 17.3 Councillor MacLeod, Portfolio Holder for Planning Policy, Services and Brightwells:
- The Brightwells build was progressing well and the first completed apartments were due to be occupied later in the year. The commercial elements were due to open early in 2022.
 - Local Plan Part 2 was due to be submitted to the Planning Inspectorate by the end of the year.
- 17.4 Councillor Merryweather, Portfolio Holder for Finance, Assets and Commercial Services:
- Expressed his thanks to the team for coordinating the Council meeting at the Maltings.
- 17.5 Councillor Mirylees, Portfolio Holder for Health, Wellbeing and Culture:
- Recipients of SLA funding had been visited and data was being gathered to shape the future funding priorities, including consulting with town and parish councils on their priorities for their communities post Covid.
- 17.6 Councillor Palmer, Portfolio Holder for Operational and Enforcement Services
- Parking usage had returned to average levels pre-Covid; and the next CIL round would start in September and bids for projects were welcomed.
- 17.7 Councillor Townsend, Portfolio Holder for Economic Development, Parks and Leisure:
- The Economic Development team was developing its network through the Covid recovery action plan and the Council was working with Surrey University on a series of webinars on digital connectivity to commence in September.

- Officers were working on a Return to Leisure Strategy and visitor numbers were being monitored.
- Measures had been put in place to deter unauthorised parking around Frensham Pond. Levels of anti-social behaviour at Frensham were unacceptable and a zero tolerance approach had been adopted with all instances being reported to the Police.
- No Mow May had been successful and she thanked the Greenspaces team for their work in contributing to the biodiversity work in the borough.

17.8 Councillor Williams, Portfolio Holder for Environment and Sustainability:

- Options were being investigated for the development of a solar farm in the borough to create locally generated sustainable energy.
- Discussions with key stakeholders were ongoing for cycle storage in Farnham.
- Delivery of a retrofitted sustainable Memorial Hall was due in October 2021.
- The Council would be represented at the appeal against the refusal by Surrey County Council to allow the drilling for fossil fuels in Dunsfold.

CNL18/21 QUESTIONS FROM MEMBERS OF THE PUBLIC (Agenda item 6.)

18.1. The Mayor advised that no questions had been submitted from members of the public.

CNL19/21 QUESTIONS FROM MEMBERS OF THE COUNCIL (Agenda item 7.)

19.1 The following question had been received from Councillor Knowles:

“Lloyd’s Bank PLC have announced the closure of Haslemere Branch by the end of the year. In my memory Haslemere has two Lloyds Branches, two Nat West, a Midland (HSBC), a Barclays and a number of Building Society Branches including Woolwich, Abbey National, National & Provincial and Halifax. With the closure of Lloyds, there will be no bank or building society in the town, with a population in three counties of some 19000. What representations are the administration making to preserve some vital financial facility in Haslemere”

19.2 The Portfolio Holder, Councillor Townsend, gave the following response:

“Many banks have closed across Waverley in recent years due to decreased financial viability, with customers moving online. The problem is now particularly acute in Haslemere with the news that the last bank in the town (Lloyds) is to close in the autumn. Although the borough is currently well served for post offices which are providing more financial services, there remains a particular issue with regard to access to cash through the day and night.

The Economic Development team has been working with Haslemere Town Council (HTC) and Haslemere Chamber to request installation of a cash machine in the town centre. A proposed site owned by HTC in the central car park was circulated to providers together with evidence of significant local footfall. There was unfortunately little interest pre-Covid. However, with the news of the last bank closure, we have asked the cash point providers to urgently reconsider the situation. We have also provided HTC with details for the CEO of Link and Jeremy Hunt, MP has written to him to support the case for a cash point in Haslemere.

We have put Lloyds mobile banking team in touch with Haslemere Town Council to discuss the provision of a mobile banking service, along the lines of the van they offer in Cranleigh.”

19.3 The Leader of the Council asked the following question:

“Several experienced members of this council have suggested in the press that LPP2 has a relationship to our five-year housing land supply, for example more recently in analysing our successful defence of the planning appeal for Land at Lower Weybourne Lane, for which I congratulate our team.

It is my understanding that this relationship is minimal and that LPP2 (although desirable) will not resolve many of the issues the planning system causes for Waverley Borough Council

Could the Head of Planning / PfH for planning outline what (if any) relationship LPP2 has to housing land supply and could they comment upon planning issues facing Waverley Borough Council that are not resolved by LPP2?”

19.4 The Portfolio Holder, Councillor Macleod responded as follows:

“The government’s requirement for a five-year housing land supply means the Council must provide evidence that enough homes in the Borough can realistically be completed within five years to meet the housing needed. Although it is desirable to have housing allocations in LPP2 adopted to provide some certainty for our communities, this does not mean that the homes on allocated sites within a Local Plan can automatically be included within the five-year supply, as such housing can only be included where there is clear evidence that the housing will be completed within five years. For the purposes of demonstrating a five-year housing supply the onus is on the Council to provide the evidence to demonstrate these sites will deliver housing within that period, which is not the case with every proposed allocation in either LPP2 or even in the already adopted Part 1.

It is also important to point out that the Local Plan is not the only plan allocating sites for housing in the Borough. Some of our local communities have decided to carry out their own site allocations for housing in their neighbourhood plans. Although excellent progress has been made within the Borough overall, some expected housing allocations within neighbourhood plans have yet to be made. As it currently stands LPP2 is only proposing to allocate around 200 homes in Witley parish and approximately 300 in Haslemere, which equates to less than 5% of our total housing requirement for the Local Plan period to 2032. In Haslemere, most of the sites currently proposed for allocation in LPP2 lie within the built-up area or are on brownfield land; development which current strategic policies adopted in Local Plan Part 1 supports. It is not the case that these brownfield sites have to wait until LPP2 is adopted before they can proceed through the planning application process. Progress in housing being delivered on these sites is therefore not reliant on LPP2 being adopted.

Accordingly, whilst we fully recognise the importance of Local Plan Part 2 and are working hard to take it through to submission to the Secretary of State, simply adopting this Plan will not, in itself, alter the Council’s current position of not being

able to demonstrate a five year housing land supply, without which countryside areas outside of the Green Belt will continue to be targeted by the development industry. What is really needed, is for sufficient full or reserved matters planning applications to be granted for housing on suitable sites and for developers to get on with delivering on the outstanding planning permissions for almost 3000 homes within the borough that have yet to be commenced.”

CNL20/21 MOTIONS (Agenda item 8.)

20.1 The Mayor advised that no motions had been received.

CNL21/21 MINUTES OF THE EXECUTIVE (Agenda item 9.)

21.1 It was moved by the Leader, duly seconded and RESOLVED that the Minutes of the Executive meeting held on 22 June 2021 be received and noted.

21.2 There were three Part I matters, for Council consideration, from the meeting on 22 June 2021.

CNL22/21 EXE 6/21 LGBCE BOUNDARY REVIEW - WARDING PATTERN SUBMISSION (Agenda item 9.1)

22.1 The Leader of the Council introduced the report which set out the proposals of the Cross Party Working Group to inform the work of the Boundary Commission in their review of the warding patterns in the borough, based on the knowledge of local councillors. With the Mayor's consent, he invited the Deputy Mayor, Councillor Ward to speak to the item as the Chairman of the Working Group.

22.2 Councillor Ward advised that following a number of meetings, a broad consensus had been reached. He stressed that the Boundary Commission's timetable had not been altered by the Government in light of the pandemic. A number of cases had been presented by officers and the working group sought as far as possible to avoid single member wards and retain two member wards in the four main towns in the borough and three member wards in the larger rural wards. It was noted that the Boundary Commission was not obliged to follow the Council's advice however it was hoped that it would inform their work. Their final recommendations would be published in October for a further period of consultation before being submitted to Parliament for final approval.

22.3 Councillor Seaborne felt that some of the groupings did not make geographical sense and that there were some numerical differences in the projected figures, however acknowledged the work that had gone into the report and the challenges presented although did not feel able to support the recommendations.

22.4 Councillor Gray disagreed with a number of the geographical groupings and would not be supporting the recommendations. Councillor Nicholson praised the piece of work and welcomed the recommendations. Councillor Goodridge was concerned that three Members representing seven villages and five Parish Councils would be difficult to sustain and there would be a

significant amount of travelling for eastern village Members and would not be able to support the recommendations.

- 22.5 Councillor Cockburn expressed concern over the proposals for wards in Farnham and felt that the proposals did not follow the natural boundaries.
- 22.6 The Leader of the Council thanked Councillors for their comments and echoed the comments made about the time which had been spent on this piece of work. He stressed that remote working would enable Members to cover a larger geographical area going forward and noted that the Boundary Commission were not obliged to take the Council's recommendations into account when making their final report. The Leader requested a recorded vote in accordance with Procedure Rule 17.4 and the Council

RESOLVED that a submission on future warding patterns be made to the Local Government Boundary Commission for England comprising Option 2 on Annexe 1 and illustrated in Annexe 2; plus the qualitative comments on warding issues as set out in Annexe 3 of the report.

For (25)

Councillors Baker, Beaman, Clark, D'Arcy, Davidson, Dickson, Follows, Gale, Heagin, Hunt, Hyman, MacLeod, Michaela Martin, Merryweather, Mirylees, Neale, Nicholson, Palmer, Paul Rivers, Penny Rivers, Mr Mayor Councillor Robini, Townsend, Mr Deputy Mayor Councillor Ward, Wicks and Williams.

Against (5)

Councillors David Else, Forszewski, Gray, Isherwood and James,

Abstentions (10)

Councillor Cockburn, Cosser, Deanus, Dear, Ellis, Jenny Else, Goodridge, Mulliner, Sadler and Seaborne.

CNL23/21 EXE 7/21 - OPTIONS FOR COLLABORATION WITH GUILDFORD BOROUGH COUNCIL (Agenda item 9.2)

- 23.1 At 6.54pm, the members of the Senior Management Team left the room and were not present for the duration of this item.
- 23.2 The Leader of the Council introduced and moved the recommendation and amendment, which was duly seconded by Councillor Clark, to submit a further report to Council setting out draft heads of terms of the joint inter authority agreement, the draft job description for a joint chief executive and the establishment of a joint appointments committee.
- 23.3 Councillor Mulliner raised a point of order relating to missing information from South East Employers. It was noted that supplementary papers had been circulated to Members by email the previous Friday and published to the Modern.gov app. In addition to this, hard copies were circulated by officers in the meeting to those Members who were missing the document. The Mayor adjourned the meeting at 7.10pm to enable Members to read the supplementary document.

- 23.4 The Mayor resumed the meeting at 7.23pm. Councillor Mulliner proposed deferring the item to a future meeting on the grounds that the cost sharing advice from South East Employers was missing, which was duly seconded by Councillor Cosser, and this was debated. Some Members expressed concern that there had not been sufficient time to consider the material. Those opposed to the motion to defer felt that Members had received the relevant information with sufficient time to consider and that the amendment proposed by the Leader would address those concerns. In addition, it was felt that there was a financial imperative to achieving the savings set out in the report and avoiding any further delay. At the conclusion of the debate, the Mayor called for a vote on the deferral which was lost: votes in favour 15; votes against 22; abstentions 2.
- 23.5 In response to questions from Members, the Leader clarified the purpose of the recommendation and amendment which was to authorise officers to begin the process to bring further information back to a further meeting of the Council and read it out so that Members could write it down in the absence of facilities to print the recommendations for Members to read. Councillor Mulliner proposed an amended wording to include arrangements for sharing costs, liabilities and savings and the Leader agreed that this wording be included in his amendment. The Mayor called for a vote on the amendment which was carried: votes in favour 22; votes against 8; abstentions 8.
- 23.6 There followed a lengthy debate on the substantive issue and Councillors Beaman, Clark, Cockburn, Cosser, Dickson, Deanus, Jenny Else, Foryszewski, Goodridge, Gray, Hyman, MacLeod, Merryweather, Mulliner, Palmer and Williams made comments. Some Councillors expressed concern that the proposals were premature and should be looked at as part of the budget process for next year. There would be significant upfront costs which would cancel out any immediate savings, and the projected savings were not significant enough to justify the upheaval of a major change in the way the Council operates. There was also concern expressed that the vision for collaboration was not achievable and that there would be an impact on the staff. Some Councillors spoke in support of pursuing option b set out in the report, that some form of collaboration should be supported and other ways to achieve savings should be looked at, but that it was felt that further information and clarity was needed. There was a suggestion that it be considered by the Audit Committee in view of the risks involved.
- 23.7 Some Councillors felt that the financial pressures on the Council due to Government cutbacks required it to identify savings and therefore it was not appropriate to delay the proposals any further. It was felt that officers had been neutral and professional, setting out the risks for Members to consider but noting that not all risks were likely to happen and all risks could be mitigated by the Inter Authority Agreement, which would come back to Council for approval. The proposals would increase the resilience of both Councils to face the financial pressures by increased collaborative working. Some felt that the proposals provided an opportunity to be ahead of the curve and offer advice to neighbours going through a similar process in the future.
- 23.8 The Leader summed up the debate by responding to some of the concerns expressed. The collaboration would be evidence and business case led, but

also politically led due to both organisations being political entities. The recommendations gave an opportunity to take action to make savings and reminded Members that there would be further opportunities to scrutinise each stage of the collaboration. There was a brief discussion on whether the recommendations could be taken separately and officers advised that due to the interdependency of the recommendations, that they should be voted on together.

23.9 The Leader requested a recorded vote, in accordance with Procedure Rule 17.4, supported by five Members and it was

RESOLVED that

- 1. Full Council pursues the option of creating a single management team, comprised of statutory officers (Head of Paid Service; Chief Finance Officer; Monitoring Officer), directors and heads of service as the most appropriate means for bringing forward business cases for future collaboration;**
- 2. Full Council asks the Council's HR Manager to take the necessary action, in consultation with Guildford Borough Council and with the support and advice from South East Employers and as set out within the addendum to annexe 3 of this report, to make arrangements for a recruitment and selection of a single joint Chief Executive (acting as Head of Paid Service for both Waverley and Guildford Borough Councils), including making arrangements for a senior officer recruitment panel (to include the Leader of the Principal Opposition Group and the Council Leader), so that a report may be brought to a future meeting of Full Council recommending the appointment of a suitable candidate; and**
- 3. A report be submitted to a session of full council on the following matters a) heads of terms for the proposed Inter Authority Agreement to establish governance arrangements for joint working and identify how costs, liabilities and savings will be shared b) the proposed Job Description and Terms and Conditions in respect of the appointment of a joint Chief Executive and c) the establishment of a joint appointments committee including its composition.**

For (23)

Councillors Baker, Beaman, Clark, D'Arcy, Davidson, Dickson, Follows, Gale, Heagin, Hunt, MacLeod, Michaela Martin, Merryweather, Mirylees, Neale, Nicholson, Palmer, Paul Rivers, Penny Rivers, Mr Mayor Councillor Robini, Townsend, Mr Deputy Mayor Councillor Ward and Williams.

Against (16)

Councillors Cockburn, Cosser, Deanus, Dear, Ellis, David Else, Jenny Else, Foryszewski, Goodridge, Gray, Isherwood, James, Mulliner, Sadler, Seaborne and Wicks.

Abstentions (1)

Councillor Hyman

At 9.10pm the Mayor adjourned the meeting for a short comfort break and resumed the meeting at 9.15pm at which point the members of the Senior Management Team returned to the meeting.

CNL24/21 EXCLUSION OF PRESS AND PUBLIC (Agenda item 9.3)

24.1 At 9.15pm, the Mayor moved the recommendation and it was **RESOLVED** that, pursuant to Procedure Rule 20 and in accordance with Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of the following Property matter on the grounds that it was 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, there would be disclosure to them of exempt information (as defined by Section 100I of the Act) of the description specified Paragraph 3 of the revised Part I of Schedule 12A of the Local Government Act 1972, namely: Information relating to the financial or business affairs of any particular person (including the authority holding that information).

CNL25/21 EXE 8/21 - PROPERTY MATTER (Agenda item 9.4)

25.1 At 9.15pm, the Council moved into Exempt session to consider the recommendations set out in the Exempt report.

25.2 At 9.50pm, in accordance with Procedure Rule 9, Council **RESOLVED** to extend the meeting by 30 minutes to 10.30pm at which point the meeting would stand adjourned.

25.3 The Mayor moved the recommendations set out in the Exempt report (as amended in the Exempt session), which the Council **RESOLVED** to agree, by 24 votes in favour; 14 against and 1 abstention.

For (24)

Councillors Baker, Beaman, Clark, D'Arcy, Davidson, Dickson, Follows, Gale, Heagin, Hunt, Hyman, MacLeod, Michaela Martin, Merryweather, Mirylees, Neale, Nicholson, Palmer, Paul Rivers, Penny Rivers, Mr Mayor Councillor Robini, Townsend, Mr Deputy Mayor Councillor Ward and Williams.

Against (14)

Councillors Cockburn, Cosser, Deanus, Dear, Ellis, David Else, Jenny Else, Goodridge, Gray, Isherwood, James, Mulliner, Sadler and Seaborne.

Abstention (1)

Councillor Forszewski

CNL26/21 MINUTES OF THE LICENSING AND REGULATORY COMMITTEE (Agenda item 10.)

26.1 It was moved by Cllr Goodridge, the Vice-Chairman of the Committee, duly seconded and **RESOLVED** that the Minutes of the Licensing and Regulatory Committee held on 14 June 2021 be approved received and noted.

- 26.2 There were no matters for Council consideration in Part I, and no requests to speak on Part II matters.

The Mayor adjourned the meeting at 10.30pm to be reconvened at a future date.

The Mayor resumed the meeting at 6.00pm on Tuesday 3 August 2021.

Apologies for absence were received from Councillor Kevin Deanus, Simon Dear, Brian Edmonds, George Hesse, Anna James, Jacquie Keen, Robert Knowles, Michaela Martin, Penny Rivers, Richard Seaborne, Liz Townsend and George Wilson.

CNL27/21 EXECUTIVE MINUTES - PART II MATTERS FOR INFORMATION (Agenda item)

- 27.1 The Mayor invited the following councillors who had registered to speak on Part II matters to make their statement:
- 27.2 In respect of EXE 9/21 (Mental Health report from Community O&S Committee), Councillor Forszewski thanked the Leader and former Leader for taking such a sensitive subject on board and agreeing a constructive approach, thanked the Chairman of the Overview and Scrutiny Committee, all Members and officers for their work on this issue.
- 27.4 In respect of EXE 9/21 (Mental Health report from Community O&S Committee), Councillor Hyman reiterated the comments he made at the Executive meeting on 22 June 2021 and asked that percentages of staff to be trained and costs should be brought back to a future meeting of the Executive.
- 27.6 In respect of EXE 11/21 (Take the Jump), Councillor Hyman felt that the recommendations in the report were virtue signalling and that the Council should not be taking part in the initiative.
- 27.8 In respect of EXE 12/21 (Capital Projects), Councillor Hyman felt that the recommendations should be put before the Overview and Scrutiny Committees for consideration before spending money on feasibility studies.

The reconvened meeting ended at 6.13pm on Tuesday 3 August 2021

Mayor

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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MINUTES of the WAVERLEY
BOROUGH COUNCIL held in
the Wildred Noyce Community
Centre, Crown Court Carpark,
Godalming, GU7 1DY on 3
August 2021 at 6.15 pm

Cllr John Robini (Mayor)

* Cllr John Ward (Deputy Mayor)

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

*Present

Apologies

Cllr Kevin Deanus, Cllr Simon Dear, Cllr Brian Edmonds, Cllr George Hesse, Cllr Jacquie Keen, Cllr Robert Knowles, Cllr Anna James, Cllr Michaela Martin, Cllr Penny Rivers, Cllr Richard Seaborne, Cllr Liz Townsend and Cllr George Wilson

WELCOME AND INTRODUCTIONS

The Mayor, Councillor Robini, welcomed Members and members of the public to the Council meeting, and introduced the Officers present: the Chief Executive, Tom Horwood; Strategic Director, Graeme Clark; and Borough Solicitor, Daniel Bainbridge. The meeting was also being supported by David Maycock, Employment Director at South East Employers.

CNL28/21 APOLOGIES FOR ABSENCE (Agenda item 1.)

- 28.1 Apologies for absence were received from Cllrs Deanus, Dear, Edmonds, Hesse, James, Keen, Knowles, Michaela Martin, Penny Rivers, Seaborne, Townsend and Wilson.

CNL29/21 DECLARATIONS OF INTEREST (Agenda item 2.)

- 29.1 The Chief Executive declared a personal interest in respect of Item 7 (Local Government Collaboration Update) due to the HR implications set out in the Exempt annexes and left the room during the consideration of this item and did not return to the meeting.

CNL30/21 MAYOR'S ANNOUNCEMENTS (Agenda item 3.)

- 30.1 The Mayor welcomed the return to the community following lockdown and had seen a rise in invitations to events. He had recently attended a memorial for the first Surrey Police officer killed in duty in 1855 in Haslemere, the reopening of the refurbished Cranley Hotel and an event at Rowledge Cricket Club, the latter of which was praised for its work with young people in the borough.
- 30.2 The Mayor had been saddened to hear that the flood in Germany in July had affected Waverley's twin borough of Mayen-Koblenz and had sent a message of condolence and support on behalf of the borough.
- 30.3 Finally he thanked all the staff, residents and volunteers who had been involved in the vaccination programme.

CNL31/21 LEADER'S ANNOUNCEMENTS (Agenda item 4.)

- 31.1 The Leader thanked the both Waverley and Godalming Town Council officers for their efforts in organising the venue to enable the Council meeting to be held safely. He addressed the legal requirement for Councillors to be physically present in meetings and the current advice to staff to work from home where possible. The Leader reassured Councillors that where a greater level of officer support was needed in a public meeting, officers would also be physically present.

With the Mayor's permission, the Leader then invited Executive Portfolio Holders to provide brief updates on current issues:

- 31.2 Councillor Peter Clark, Deputy Leader and Portfolio Holder for Business Transformation and IT:

- There had been some sound quality issues at recent hybrid meetings and as a result remote participants were being asked to log into the meeting 15 minutes early to test their equipment. Officers had been working with the AV supplier and a new component had been installed to improve the interface between the Council Chamber sound equipment and Zoom/YouTube. The new equipment would be tested at the next hybrid meeting. If the sound quality did not improve, officers would investigate a fibre optic broadband solution for the Council Chamber.

31.3 Councillor Andy MacLeod, Portfolio Holder for Planning Policy, Services and Brightwells:

- The Brightwells build was still progressing despite some delays and Crest Nicholson had advised that the first flats would be occupied by the end of the year, with the development becoming fully occupied over an 18 month period. The commercial elements of the scheme were expected to open in 2022 and there had been a lot of interest from potential retailers.
- The Planning Inspector at a recent planning appeal had determined that the Council had a 4.26 year land supply, which was short of the 5 year land supply required. Officers were talking to developers and reviewing current developments. The main issue was developers either not starting approved developments or not building them quickly enough and the Executive had recently written to Jeremy Hunt MP to point this out.
- There had been around 1250 responses to the Regulation 19 consultation and these were all publicly available on the Council's website. There was a commitment to submit the Plan to the Planning Inspectorate by the end of 2021. There was currently an issue with housing provision in Haslemere and the Western Planning Committee had recently refused an application in Haslemere which would have contributed to the housing numbers in the draft Plan. Further discussions would take place in due course to discuss options to address the issue.

31.4 Councillor Penny Marriott, Portfolio Holder for Equalities, Diversity and Inclusion:

- The Council had been taking equalities into consideration in its policies for a number of years and it was common practice to consider how its policies would affect particular groups of people. Steps had been taken to ensure all staff felt able to speak out if they felt they had been discriminated against or if they felt others had been discriminated against. Briefing sessions had been arranged for all Councillors to discuss equalities issues raised to ensure that they can properly represent all sections of their communities including those with protected characteristics.

31.5 Councillor Mark Merryweather, Portfolio Holder for Finance, Assets and Commercial Services:

- The unaudited draft accounts for the 2020/21 financial year had been published and would go to the Audit Committee for approval in September, alongside the external auditor's report and the Council's Annual Governance Statement.

31.6 Councillor Kika Mirylees, Portfolio Holder for Health, Wellbeing and Culture:

- Meetings with community organisations currently in a service level agreement with the Council were ongoing. Activities for young people were being provided across the borough throughout the school holidays.

31.7 Councillor Nick Palmer, Portfolio Holder for Operational and Enforcement Services:

- The parking proposals were being prepared, on which Councillors had been consulted.
- The Community Infrastructure Levy scheme would restart in September and Councillors were encouraged to contact the Portfolio Holder if they were aware of any eligible local groups who would be interested in applying.

31.8 Councillor Anne-Marie Rosoman, Portfolio Holder for Housing and Community Safety:

- Following remedial works, Blunden Court was now legionnaires free.
- There were some fire safety issues to be addressed at Riverside Court in Farnham, however work had already been undertaken to address these as quickly as possible.
- Officers had successfully bid for additional funding from the Contain Outbreak Management Fund for two anti-social behaviour officers until 31st March 2022.
- A service level agreement was now in place between Housing and a mediation service to address neighbour disputes.
- The procurement for a housing repairs service was progressing well and housing delivery continued apace with a number of sites in development. Homelessness numbers remained low and an officer had been seconded from the Housing Management team funded through the Government's rough sleeping initiative.

31.9 Councillor Steve Williams, Portfolio Holder for Environment and Sustainability:

- Councillors had been receiving regular updates on the current situation with collections and issues arising from the pandemic.
- Further sites were being sought for electric vehicle charging points in the borough and solar canopies were being investigated.

CNL32/21 QUESTIONS FROM MEMBERS OF THE COUNCIL (Agenda item 5.)

32.1 The following question had been received from Councillor David Beaman

“Wednesday 22nd September is designation World Car Free Day in which motorists should be encouraged to give up their cars for a day. Given that Waverley Borough Council has declared a Climate Emergency what initiatives do Waverley Borough Council intend to take to encourage councillors, staff and residents to use alternative forms of transport (public transport, cycling and walking) where they are available on that day?”

Since both Surrey County Council and Farnham Town Council have also declared a Climate Emergency, I intend to ask a similar question at meetings of Surrey County Council's Cabinet that is being held on Tuesday 20th July and Farnham Town Council's full Council that is being held on Thursday 29th July.”

32.2 Councillor Steve Williams, Portfolio Holder for Environment and Sustainability gave the following response:

"In response to the question from Cllr Beaman, I would confirm that Waverley Borough Council will be promoting World Car Free Day by:

- promoting the day on social media and through press releases, encouraging residents to leave the car at home and use alternative forms of transport as part of our drive to promote active and sustainable transport, consistent with our support for "Take the Jump";
- encouraging our own staff and councillors to avoid using cars on that day coming to work by alternative transport (if staff need to come into work at all) or work from home on 22nd September;
- promoting the day in advance of 22nd September alerting residents to the event by means of posters in all Waverley car parks, encouraging residents to leave the car at home and use alternative forms of transport on that day.
- Publicising activities that can lead to longer term changes to travel choices such as Bikeability training, a public transport journey planning tool and a 'walk your kid to school' message."

32.2 The following question was received from Councillor Steve Cosser

"Residents in the Godalming area continue to be concerned about the lack of any communication from the Council about its intentions and proposals in respect of the land occupied by Broadwater Park Golf Club. Can I please be given an assurance that this matter will be brought back to an early full Council meeting for an update and consideration of future options and can I also be advised as to when the Council expect to be able to inform residents on this matter."

32.3 Reply from Councillor Mark Merryweather, Portfolio Holder for Finance, Assets and Commercial Services

"The negotiation between the Council and Broadwater Golf Club regarding the future lease arrangements of Broadwater Park is ongoing. Until this process has concluded, this matter remains commercially sensitive and both parties are bound by the terms of a confidentiality agreement. As soon as an agreement has been reached in principle, the terms will be put before councillors for consideration. Councillor Cosser, Ward Members and the Chairman of Value for Money O&S Committee received an update from officers last week. All I can say in public is that we continue to work with the Golf Club to secure the best outcome for the site in the future."

CNL33/21 MOTIONS (Agenda item 6.)

33.1 The Mayor advised that no motions had been received.

CNL34/21 LOCAL GOVERNMENT COLLABORATION UPDATE (Agenda item 7.)

- 34.1 At 6.40pm the Chief Executive left the room and did not return for the duration of this item.
- 34.2 The Leader of the Council moved the recommendations and amendment to the draft job description for a Joint Chief Executive which was duly seconded by Councillor Clark.
- 34.3 Councillor Hyman spoke on the amendment. The Mayor called for a vote on the amendment which was agreed by assent. The Mayor proceeded to the debate on the substantive recommendations as amended.
- 34.4 Councillor Mulliner expressed concern over the pace at which the matters were progressing, the relatively small cost savings forecast, the lack of a detailed Inter Authority Agreement (IAA) and the implications for Waverley of the decisions taken. He sought assurances that irrevocable decisions would not be taken until the appropriate scrutiny had been carried out. Councillor Jenny Else echoed the concerns over the lack of detail in the draft Heads of Terms. She felt that the job should be advertised externally, the risk assessment had not been completed sufficiently and the equalities implications had not been given proper consideration. Councillor Goodridge also expressed concerns over the savings forecast and that the recruitment should be opened up and the job advertised externally.
- 34.7 The Leader responded to the comments and questions raised in relation to cost and the recruitment process and at the invitation of the Mayor, David Maycock, Employment Director at South East Employers, advised that the Local Government and Housing Act required local authorities to appoint on merit; and the Employment Relations Act required local authorities to ringfence those posts at risk of redundancy and therefore a balance would need to be sought when making decisions on this matter.
- 34.8 Councillor Gray sought clarification on the allowance received by the postholder for election duties. The Strategic Director (s151 officer) advised that the returning officer role was a separate employment with a separate payment, the amount of which would be determined on the type of election taking place and therefore it was not possible to give a typical figure.
- 34.9 Councillor Dickson welcomed the progress made on the collaboration to date and asked whether the role should be advertised externally in the interests of equality and diversity. Councillor Cosser felt that the recruitment should not be ringfenced to the current postholders as the current proposal would not ensure that both councils were getting the best candidate. Councillor Peter Martin spoke on the recommendations and echoed earlier concerns over the recruitment process.
- 34.10 Councillor Clark urged Councillors to approve the recommendations to enable the Joint Chief Executive to be appointed and begin the work to achieve further savings. Councillor Hyman sought clarification on the apportionment of the costs and savings and felt that the IAA should be made available before making a decision and given appropriate scrutiny.
- 34.11 In response, the Leader advised that the IAA would be led by the new Joint Chief Executive and each stage of the process would return to both full

Councils for a decision. David Maycock advised that there was no hierarchy of legislation, both Acts would need to be weighed against each other. There was a legal duty on local authorities to minimise the number of redundancies and therefore the advice was to attempt to recruit internally first.

- 34.12 Councillor Merryweather reminded Councillors of the need to make savings and that the approach proposed by Local Partnerships would help to deliver savings. In response to Councillor questions, David Maycock advised that he had not been involved in the recruitment of joint chief executives in other boroughs and therefore could not comment on those processes; and that in the event of there only being one candidate, that candidate would still need to go through the recruitment process. In response to a Councillor question, the Strategic Director (s1515 officer) advised that the 2019 Parliamentary Election had attracted a returning officer payment of £2815 but reiterated that this would vary depending on the election. He clarified that the Electoral Registration Officer and Returning Officer roles were separate statutory roles.
- 34.13 Councillor Mulliner sought clarification on the two separate pieces of legislation. In response David Maycock advised that each candidate would go through a rigorous recruitment process and set out the risks of a claim of unfair dismissal. He reiterated the independent advice of South East Employers to carry out an internal recruitment process in the first instance. Councillors Rosoman, Gale, Cockburn, Peter Martin, Adams, Williams and Hunt also spoke on this item. In response to a Councillor question, the Borough Solicitor gave advice on the process for appointing the best person for the role.
- 34.14 In response to questions from Councillors, the Leader advised that the Chief Executive had been consulting with staff in relation to the collaboration with Guildford throughout the process and there would also be a formal consultation process with the candidates. The Members of the Joint Appointments Committee would receive training from South East Employers prior to the recruitment process commencing and their recommendation would be considered by both Councils.
- 34.15 The Leader summed up and thanked all those who had spoken for their constructive questions and debate. He requested a recorded vote, in accordance with Procedure Rule 17.4, supported by five Members and it was

RESOLVED that

- (1) the early draft of the outline Heads of Terms of the Inter Authority Agreement contained in Annexe 1 (Exempt) to this report be noted, and that significant further work is necessary to clarify the detail required to agree the Heads of Terms, and that a further report will be submitted to the Council to agree the final Heads of Terms.**
- (2) subject to consultation, the draft job description in respect of the appointment of a Joint Chief Executive as set out in Annexe 2 (Exempt) as amended be approved; and the following as recommended by South**

East Employers in their paper outlining human resources issues which is attached as Annexe 3 (Exempt) be agreed:

- (a) That the title of the new role be Joint Chief Executive (rather than Joint Managing Director).
 - (b) That the employing authority should be the existing employer if an internal candidate is appointed.
 - (c) That the salary for the new Joint Chief Executive post be a spot salary of £150,000 p.a. including all allowances, duties, and statutory responsibilities with the exception of election duties.
 - (d) That the new Joint Chief Executive post is ring-fenced for recruitment from the internal pool of affected employees in the first instance and that if no internal appointment is made then the role shall be advertised externally.
 - (e) That, subject to final approval by the Joint Appointments Committee the terms and conditions of employment for an internal appointment will be the existing terms and conditions of the employing authority.
- (3) the establishment of a Joint Appointments Committee and its proposed composition and terms of reference, as set out in Annexe 4 be approved.
- (4) Subject to recommendation (3) above, the following appointments to the Joint Appointments Committee be confirmed:
- The Leader of the Council, Councillor Paul Follows
 - The Deputy Leader of the Council, Councillor Peter Clark
 - The Leader of the Principal Opposition Group, Councillor Stephen Mulliner
- (5) that redundancy and any settlement costs incurred as a result of moving to a Joint Chief Executive shall be shared equally between the Councils and that any pension strain costs (if applicable) will remain the responsibility of the employing authority of the affected officer. It is noted that the cost sharing arrangement for the remainder of the collaboration project will form part of the Inter Authority Agreement.
- (6) that the costs referred to in recommendation (5) above be funded from General Fund reserves.

For (26)

Councillors Baker, Beaman, Blishen, Clark, D'Arcy, Davidson, Dickson, Follows, Gale, Heagin, Hunt, MacLeod, Penny Marriott, Peter Marriott, Merryweather, Mirylees, Neale, Nicholson, Palmer, Reed, Paul Rivers, the Mayor, Councillor Robini, Rosoman, the Deputy Mayor, Councillor Ward, Wicks and Williams.

Against (18)

Councillors Adams, Cockburn, Cosser, Ellis, David Else, Jenny Else, Floyd-Douglass, Forszewski, Goodridge, Gray, Henry, Howard, Hyman, Isherwood, Peter Martin, Mulliner, Potts and Sadler.

Abstentions (0)

The meeting concluded at 8.09 pm

Mayor

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MINUTES of the WAVERLEY
BOROUGH COUNCIL held in
the Caudle Hall, Wilfred Noyce
Community Centre, Crown
Court Car Park, Godalming,
GU7 1DY on 22 September
2021 at 7.08 pm

- * Cllr John Robini (Mayor)
- * Cllr John Ward (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 Steve Cosser | Cllr Penny Marriott |
| * Cllr Martin D'Arcy | Cllr Peter Marriott |
| * Cllr Jerome Davidson | * Cllr Michaela Martin |
| * Cllr Kevin Deanas | * Cllr Peter Martin |
| Cllr Simon Dear | Cllr Mark Merryweather |
| * Cllr Sally Dickson | * Cllr Kika Mirylees |
| Cllr Brian Edmonds | * Cllr Stephen Mulliner |
| * Cllr Patricia Ellis | * Cllr John Neale |
| * Cllr David Else | * Cllr Peter Nicholson |
| * Cllr Jenny Else | * Cllr Nick Palmer |
| * Cllr Jan Floyd-Douglass | Cllr Julia Potts |
| * Cllr Paul Follows | * Cllr Ruth Reed |
| * Cllr Mary Forszewski | * Cllr Paul Rivers |
| * Cllr Maxine Gale | Cllr Penny Rivers |
| * Cllr Michael Goodridge | * Cllr Anne-Marie Rosoman |
| * Cllr John Gray | * Cllr Trevor Sadler |
| Cllr Joan Heagin | * Cllr Richard Seaborne |
| Cllr Val Henry | * Cllr Liz Townsend |
| * Cllr George Hesse | Cllr Michaela Wicks |
| * Cllr Chris Howard | * Cllr Steve Williams |
| * Cllr Daniel Hunt | Cllr George Wilson |

*Present

Apologies

Cllr Brian Adams, Cllr Simon Dear, Cllr Brian Edmonds, Cllr Joan Heagin, Cllr Val Henry, Cllr Peter Isherwood, Cllr Penny Marriott, Cllr Peter Marriott, Cllr Mark Merryweather, Cllr Julia Potts, Cllr Penny Rivers, Cllr Michaela Wicks and Cllr George Wilson

CNL35/21 WELCOME AND INTRODUCTIONS

- 35.1 The Mayor, Councillor Robini, welcomed Members and members of the public to the Council meeting, and introduced the Officers present: the Chief Executive, Tom Horwood; Strategic Directors, Graeme Clark and Annie Righton; Head of Policy & Governance, Robin Taylor; and Borough Solicitor, Daniel Bainbridge.
- 35.2 The Mayor confirmed that he was waiving Council Procedure Rule 21.1, the requirement for Members to stand to speak.

CNL36/21 APOLOGIES FOR ABSENCE (Agenda item 1.)

- 36.1 Apologies for absence were received from Cllrs Brian Adams, Simon Dear, Brian Edmonds, Joan Heagin, Val Henry, Peter Isherwood, Penny Marriott, Peter Marriott, Mark Merryweather, Julia Potts, Penny Rivers, Michaela Wicks and George Wilson.

CNL37/21 DECLARATIONS OF INTEREST (Agenda item 2.)

- 37.1 There were no interests declared under this heading.

CNL38/21 RECOMMENDATIONS OF THE SPECIAL EXECUTIVE MEETING, 22 SEPTEMBER 2021 (Agenda item 3.)

- 38.1 The Leader advised that there were no minutes yet written of the special Executive meeting held immediately before the Council meeting and therefore he presented the recommendations of the Executive which had been circulated to all Councillors.

1. Waverley Borough Council Local Plan Part 2 - Site Allocations and Development Management Policies (Minute EXE 26/21)

- 1.1 The Leader introduced the recommendations, and thanked the officers involved for their work in bringing the proposals forward at this time, which would enable submission to the Planning Inspectorate before the new year, subject to the agreement of the Council. He commended the Local Plan Part 2 to the Council, which had been drafted in consultation with residents, borough, town and parish councils, particularly those in Witley and Haslemere as the most affected by the proposals.
- 1.2 With the Mayor's agreement, the Leader invited Councillor MacLeod, Portfolio Holder for Planning Policy, Services and Brightwells to present the report and recommendations which were duly seconded by Councillor Clark. He also thanked the officers involved for their work throughout the long process and outlined some of the issues encountered which had delayed the progress of the draft plan. He referred to the Environment Overview and Scrutiny Committee which had taken place on 20th September to consider the proposals. The focus of the debate had been on the proposed changes to the pre-submission version of the Local Plan Part 2 (LPP2) regarding the housing site allocations in Haslemere and although there had been no unanimity, there had been a suggestion that the Executive look again at the inclusion of the Red Court site. The Executive had not accepted the

recommendation as an application submitted for the site had been refused by the Planning Committee and was not considered to be deliverable at this time.

- 1.3 Councillor Cockburn spoke in objection to the proposals which she felt were unsound and rushed and would have a negative impact on the Farnham Neighbourhood Plan. The Red Court site would have been more appropriate for inclusion and it would protect the green belt and Area of Outstanding Natural Beauty.
- 1.4 Councillor Hyman spoke on the item, seeking clarification whether the appropriate assessments had been carried out in respect of protected habitats and expressed concern that the approach was unlawful and one he did not feel able to support.
- 1.5 In response, the Leader advised that the Council's Planning and Legal officers had confirmed that if a proposed plan was considered likely to have a significant effect on a protected habitats site then an appropriate assessment of the implications for the site, in view of the site's conservation objectives, must be undertaken. An appropriate assessment of the draft LPP2 had been carried out. This should be read in conjunction with the appropriate assessment of LPP1, which was found sound by the Planning inspector. With regard to the effectiveness of SANGs, the Council had received external legal advice from Counsel in which he confirmed its approach was lawful. Counsel confirmed that the provision of SANG had become an orthodox response to forms of development which would otherwise cause an adverse effect on a protected site. It was ultimately the examiner's responsibility to review the draft plan, including the appropriate assessment, and conclude whether it met the criteria for soundness. Alternatively, the examiner could recommend modifications be made in order to make the plan sound and therefore capable of adoption. However, Council officers were satisfied that the appropriate assessment was lawful and were confident that it will be accepted by the examiner.
- 1.6 Councillor Nicholson spoke in support of the proposed submission, the deletion of the Red Court site and the inclusion of the Royal School site. Councillor Mulliner sought clarification that the Council was able to proceed to the Regulation 19 consultation lawfully and that it would then be for the Inspector to determine whether the assessments submitted were sufficient. In response, the Leader advised that the advice given earlier in the meeting and at the Executive meeting, was from the Council's Borough Solicitor.
- 1.7 Councillor Cosser expressed concern over the delay in bringing LPP2 forward and spoke against the substitution of the Red Court site and did not feel that the Royal School site offered any advantage. In response the Leader drew the Council's attention to the consultation responses which he felt explained the course of action taken. Councillor Cockburn raised a point of order and stated that she had read all the responses. Councillor Cosser sought clarification that the Council was considering the report from the Executive and not just the consultation responses. The Leader clarified the process undertaken in the development of the plan. The aim had been to comply

with existing neighbourhood plans and listen to residents and community groups who had submitted responses.

- 1.8 Councillor Goodridge sought clarification on whether the Royal School site would be withdrawn if the Red Court site was granted on appeal. In response the Leader was of the view that cogent arguments had been put forward on why the Council should choose an alternative site and did not feel that they would change their views.
- 1.9 Councillor Beaman sought assurance that the proposals for Dunsfold Park would go forward. In response the Leader advised that the Executive had met with the new owners and felt assured about the commitment to progress of development on the site.
- 1.10 Councillor MacLeod praised Councillor Cockburn's work on the Farnham Neighbourhood Plan however he felt that the aim of getting the right sites to deliver LPP1 was correct and did not agree that the proposals would have a big impact on Farnham. Planning Inspectors were concerned with whether the Council had a 5 year housing supply and not whether LPP2 was yet in place. Many of the issues arose from problems with Government planning policy.
- 1.11 Councillor Peter Martin sought clarification on Councillor Goodridge's question. Councillor Cockburn responded to Councillor MacLeod's comments regarding the impact on Farnham. The Leader advised that the appeal on the Red Court site was not due to be considered until December and may not be known before LPP2 is due to be submitted.
- 1.12 Councillor Hyman raised a point of order that the Council was being asked to determine something without appropriate assessments in place and therefore could not legally go out to consultation. In response, the Borough Solicitor drew the Council's attention to the relevant section of the report relating to the SANG and clarified the legal advice previously given that the Local Plan could go out to consultation.
- 1.13 Councillor James sought clarification on whether the Executive would take into account any objections received on the Royal School site. In response the Leader advised that discussions had taken place with groups in Haslemere and felt that it was unlikely that they would change their minds, unless something material and fundamental was raised in the Regulation 19 consultation. Councillor Cockburn asked whether equal weight would be given to new objections received on the School site. In response the Leader stressed that the content of the objections would be considered and the quality of the observations, rather than just the number received.
- 1.14 Councillor Townsend spoke in support of LPP2 and the inclusion of the School site and welcomed the approach of listening to the towns and parishes. Councillor Gale referred to LPP1 in relation to a site in Milford and reminded the Council that the Red Court site had been refused at the Planning Committee. Councillor Rosoman also spoke in support of the proposals and reminded the Council that LPP2 encompassed much more than the site being debated and that the national planning system was flawed.

- 1.15 Councillor Jenny Else spoke in objection and expressed concern that more weight was given to neighbourhood plan groups than to the views of Council Planning officers. In response the Leader advised that those views were given weight because the Government gave them weight as part of a neighbourhood planning process.
- 1.16 Councillor MacLeod responded to Councillor Peter Martin's question regarding the Red Court site being allowed at appeal and advised that would form part of the Council's housing supply. In response Councillor Cockburn spoke on the policies contained in LPP1.
- 1.17 Councillor Forszewski spoke in support and referred to the development in Cranleigh and stressed the need to deliver LPP2 to give weight to the neighbourhood plans and give the borough the protection it needed.
- 1.18 In conclusion, the Leader summed up and addressed the comments made in the debate. He felt that the document provided protection to the areas of the borough where it was needed and was a good compromise between the restrictions imposed on the Council by the current planning system and the wishes of residents. The Royal School site would ideally deliver SANG within the site, had good screening and was close to the A3. The Leader requested a recorded vote, in accordance with Procedure Rule 17.4, supported by five Members and it was

RESOLVED

- 1) That Council agrees the changes to the Pre-submission version of LPP2, set out in the Addendum attached as Annexe 1 to this report concerning the proposed housing site allocations in Haslemere and that the Council undertakes a public consultation on the Addendum for a period of 6 weeks under Regulation 19 of the Local Planning Regulations.**
- 2) The Council agrees that the schedule of other minor changes to the pre-submission version of LPP2 that have not been the subject of public consultation, set out in Annexe 2 to this report, be submitted to the examination of LPP2.**
- 3) The Head of Planning and Economic Development be authorised to formally request that the Local Plan Examination Inspector recommends further main modifications to LPP2, if the Inspector considers that they are necessary to make the plan sound and/or legally compliant.**
- 4) The Head of Planning and Economic Development be authorised to make any other minor modifications to the Pre-Submission version of LPP2 with regard to factual updates and corrections before the Plan is submitted for its examination.**

For (38)

Councillors Baker, Beaman, Blishen, Clark, D'Arcy, Davidson, Deanus, Dickson, Ellis, David Else, Floyd-Douglass, Follows, Forszewski, Gale, Goodridge, Gray,

Hesse, Howard, Hunt, Keen, Knowles, MacLeod, Michaela Martin, Peter Martin, Mirylees, Mulliner, Neale, Nicholson, Palmer, Reed, Paul Rivers, The Mayor, Councillor Robini, Rosoman, Sadler, Seaborne, Townsend, The Deputy Mayor, Councillor Ward and Williams.

Against (4)

Councillors Cockburn, Cosser, Hyman and James

Abstentions (1)

Councillor Jenny Else

The Mayor adjourned the meeting at 8.31pm and resumed at 8.38pm

2. Parking Charging Strategy Review (Minute EXE 27/21)

- 2.1 The Leader introduced the recommendations, which were duly seconded by Councillor Clark. With the Mayor's agreement, the Leader invited Councillor Palmer, Portfolio Holder for Operational and Enforcement Services to present the report and recommendations. Councillor Palmer drew the Council's attention to a typographical error in Annexe C, the correct figure for the 3 hour charge on Saturdays in Weydown Road is £3.20 not £6.00. He addressed the comments made at the Overview and Scrutiny Committee, particularly in relation to Milford and therefore it was proposed to suspend the changes in Milford pending further discussion. It was also proposed to reduce the discount for hybrid cars in recognition of not knowing when those vehicles were using electric or petrol, but still offering an incentive for using more climate friendly vehicles.
- 2.2 Councillor Gray expressed concern over offering a 50% discount to an elite few who could afford electric vehicles and proposed that recommendation 3 be removed. This amendment was seconded by Councillor Mulliner.
- 2.3 The Leader spoke in objection to the proposed amendment and in support of the original recommendations. It was not just very wealthy people who drove electric vehicles and these incentives would be taken into account, particularly by small businesses and this would help to nudge behaviour.
- 2.4 Councillor Goodridge spoke in support of the amendment as there was a need for the Council to increase its income. Councillors James, Floyd-Douglass and Cockburn also spoke in support of the amendment on the grounds of needing to increase income.
- 2.5 Councillors Beaman, Williams, D'Arcy and Townsend spoke against the proposed amendment and in support of the objective of nudging behaviour towards active transport and addressing the climate emergency.
- 2.6 Councillor Gale spoke in support of the amendment as she felt that it discriminated against those who drove petrol and diesel cars. Councillor Palmer responded to the points raised in the debate and stressed that the Council had declared a climate emergency which it had a duty to address and agreed with the comments that it would not have a dramatic effect but would help to reduce use of more polluting vehicles.

- 2.7 Councillors Hyman and Jenny Else spoke in support of the amendment on the grounds that the Council needed the parking revenue and that it felt like virtue signalling. Councillor Deanus spoke, highlighting that the County Council was leading the way on provision of charging points. Councillor Nicholson sought clarification on the cost to the Council and asked whether the Council could consider offering designated spaces for electric vehicles.
- 2.8 Councillor Palmer addressed the points raised in the debate and highlighted the choice of priorities, between taking action on the climate emergency and the income.
- 2.9 Councillor Keen spoke in support of the amendment as she felt that the proposal would be difficult to defend to residents who could not afford electric and hybrid vehicles.
- 2.10 Councillor Williams began to respond and Councillor Cosser called a point of order. The Mayor ruled that it was in order and advised Councillor Williams that he was not able to speak again on the amendment.
- 2.11 Councillor Mulliner spoke and suggested that the Council keep the income raised and use it for other climate change measures.
- 2.12 Councillor Gray used his right of reply and reiterated that the proposal to offer a discount to electric and hybrid vehicle owners was unfair. These vehicles were already subsidised by the Government but prohibitive in cost to many people, even when sold second hand. He felt that the Council should consider other measures such as charging points or parking spaces.
- 2.13 Councillor Palmer requested a recorded vote, in accordance with Procedure Rule 17.4, supported by five Members and the amendment was carried.

For (25)

Councillors Baker, Beaman, Blishen, Cockburn, Cosser, Davidson, Deanus, Ellis, David Else, Jenny Else, Floyd-Douglass, Gale, Goodridge, Gray, Hesse, Howard, Hyman, James, Keen, Michaela Martin, Peter Martin, Mulliner, Neale, Reed and Sadler.

Against (14)

Councillors Clark, D'Arcy, Follows, Hunt, MacLeod, Mirylees, Nicholson, Palmer, Paul Rivers, The Mayor, Councillor Robini, Rosoman, Townsend, The Deputy Mayor, Councillor Ward and Williams.

Abstentions (1)

- 2.14 The Mayor asked for speakers on the substantive motion as amended. Councillors Cosser spoke in broad support of the recommendations and thanked the Portfolio Holder for his engagement with Councillors on this issue and asked if officers could look again at the price of the car park next to Farncombe station and the car parks in Godalming town centre.

- 2.15 Councillor Floyd-Douglass welcomed the deferral of the proposals in Milford and thanked Councillor Gale for her work in this area. Councillor Gale thanked the Executive for taking her comments into account. Councillor Baker echoed those comments. Councillor Hyman reiterated the points he made at the Executive and stressed the need to explain to residents the reason for increasing parking charges. Councillor Hesse spoke about increasing churn in town centres and making them a relaxing place to visit. He also spoke in support of pay on exit.
- 2.16 Councillor Mulliner thanked the Portfolio Holder and the officers for bringing the report forward and encouraged looking at smaller annual rates in future.
- 2.17 Councillor Palmer summed up and addressed the comments made. He suggested that some of the issues would be looked at in the next review and explained the reason for raising parking charges, which had been due to there being no increases for some time and the impact of the pandemic and the Council's financial position had resulted in the review. It was suggested that in future, there should be smaller and more frequent increases. Although it was not known how people would behave when they returned to town centres, but there was hope that the revenue would recover. He spoke in support of the flexibility of RingGo and addressed the misunderstanding over the minimum charge.
- 2.18 The Mayor called for a vote on the substantive motion as amended which was carried: votes in favour 38; votes against 0; abstentions 1 and it was

RESOLVED

- 1. That the proposed strategic tariff structure set out in Annexe C to the Executive report be approved.**
- 2. That in view of further information coming forward the proposed increases in charges at Station Lane Milford car park be deferred pending further discussion with ward and parish councillors and community representatives.**
- 3. Acknowledge the need to review the tariff structure on an annual basis to assess:**
 - a. general patterns of use across car parks to assess whether the charging strategy has achieved its desired objectives and whether the tariff structures need to be modified; and**
 - b. patterns of use in the Brightwell's Yard car park and any changes required to charging regimes, (e.g., Evening and Sunday charges).**

The meeting concluded at 9.38 pm

Mayor

WAVERLEY BOROUGH COUNCIL

MINUTES OF THE EXECUTIVE - 5 OCTOBER 2021

SUBMITTED TO THE COUNCIL MEETING – 19 OCTOBER 2021

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

Present

Cllr Paul Follows (Chairman)
Cllr Peter Clark (Vice Chairman)
Cllr Andy MacLeod
Cllr Mark Merryweather

Cllr Kika Mirylees
Cllr Anne-Marie Rosoman
Cllr Liz Townsend
Cllr Steve Williams

Apologies

Cllr Penny Marriott and Cllr Nick Palmer

Also Present

Councillor Jenny Else, Councillor Jerry Hyman and Councillor John Ward

EXE 28/21 MINUTES (Agenda item 1)

The Minutes of the Meeting held on 7 September and the Special Meeting held on 22 September 2021 were confirmed and signed as a correct record.

EXE 29/21 DECLARATIONS OF INTERESTS (Agenda item 3)

There were no declarations of interest raised under this heading.

EXE 30/21 QUESTIONS FROM MEMBERS OF THE PUBLIC (Agenda item 4)

There were no questions from members of the public.

EXE 31/21 QUESTIONS FROM MEMBERS OF THE COUNCIL (Agenda item 5)

There were no questions from members of the Council.

EXE 32/21 LEADER'S AND PORTFOLIO HOLDERS' UPDATES (Agenda item 6)

The Leader and Portfolio Holders gave brief updates on current issues not reported elsewhere on the agenda:

- The Leader welcomed the recent Pride in Surrey event which had been held in Godalming town centre at the end of September. It had been well attended by over 8,000 and he thanked the Waverley staff and Councillors who had supported the event. The event had emphasised the values held by the Council and provided an economic boost to the town centre. The Leader also thanked the staff involved in supporting the forthcoming by-elections in Cranleigh East and Dunsfold Parish and the Haslemere Neighbourhood Plan referendum.
- Councillor Peter Clark, Portfolio Holder for Business Transformation and IT advised that a recent attack on the server by “bad bots” had brought the

Council's planning portal to a standstill. As a result a new layer of protection had been purchased in the form of software which could detect IP addresses of bot attacks and block them instantly.

- Councillor Andy MacLeod, Portfolio Holder for Planning Policy, Services and Brightwells advised that the consultation on LPP2 had opened on 1 October. The Planning Policy team were currently working on two important supplementary planning documents, one for Dunsfold Park and one for Climate Change and Sustainability and it was hoped to get these out to consultation in November and February/March respectively for adoption in the Spring/Summer 2022. The Brightwells development was due for a grand opening in 2022 and the South Street car park upgrade had been delayed to early next year to avoid interfering with Sainsbury's Christmas shopping period.
- Councillor Mark Merryweather, Portfolio Holder for Finance, Assets and Commercial Services advised that on 7 September the Government had announced a new health and social care levy which would take the form of a 1.25% increase in national insurance contributions which are paid by both employees and employers. The Council had been assessing the impact of the levy on its own finances, which was likely to be around £130,000 annually before inflation. This was equivalent to a 1.2% increase in Council Tax or the entire budget for apprentices and trainees. There had been no additional funding from the Government announced and therefore the burden would fall on the Council to identify further efficiency savings. It was noted that Surrey County Council's national insurance liability was expected to be around £2.4m, Surrey Police's around £2m and there would be an impact on parish and town councils.
- Councillor Kika Mirylees, Portfolio Holder for Health, Wellbeing and Culture advised that local company had been engaged to carry out an options appraisal on the museum.
- Councillor Anne Marie Rosoman, Portfolio Holder for Housing and Community Safety advised that Bracknell Forest Borough Council would be the Council's new out of hours contractor. They were currently running the out of hours service for Guildford Borough Council and therefore had geographical knowledge of Surrey. The new contract went live on 1st October and the Business Transformation team was working on having one number which would switch automatically at the end of the working day to the out of hours service.
- Councillor Liz Townsend, Portfolio Holder for Economic Development, Parks and Leisure also welcomed the Pride event in Godalming which promoted the area commitment to equality. Use of leisure centres was increasing and people returning to previous activities. Vacancy rates were around 6.5% which were well below the national average of 14.1%. Funding was continuing to be distributed to those businesses most impacted by the pandemic and free business support and advice was being offered. The Economic Development team was working on a number of projects to promote the high streets and boosting the leisure centres. There was a concern over the impact of the rising cost of living on residents on lower incomes, particularly the cost of energy and fuel and the removal of the additional £20 a week on Universal Credit which represented a significant reduction in income to these families. It was noted that over 50% of those on Universal Credit were families with children. Arriva had announced the

closure of their Guildford depot which would affect bus services in the rural areas of the borough, although it was hoped that another provider would take over and the Council was working with Surrey County Council on this issue.

- Councillor Steve Williams, Portfolio Holder for Environment and Sustainability advised that all waste collection services had been maintained despite challenges experience elsewhere through the pandemic. However there was pressure in the system and officers were working hard with the contractor to maintain the services and build a level of resilience in the service. The Climate Change and Sustainability SPD was being developed and the first meeting of the Climate Emergency Board had been held on 22nd September. Procurement, planning and housing had been identified as three main areas of focus. The Council was working closely with environmental groups in respect of holding local events to raise awareness around the COP26 summit in November. The Council was engaged in the consultation on the Guildford to Godalming greenway. Work was being carried out on the Godalming gateway and the Hale trail which would promote active travel in the borough. Cycle storage would be constructed in Godalming, Haslemere and Cranleigh and suitable locations were being explored for Farnham. The Council was working with Surrey County Council on the provision of electric vehicle charging.

PART I - RECOMMENDATIONS TO THE COUNCIL

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 33/21 REVIEW OF THE MEMBERS ALLOWANCES SCHEME: REPORT OF THE INDEPENDENT REMUNERATION PANEL (Agenda item 11)

The Leader presented the report which set out a review of the Waverley Scheme of Members' Allowances carried out by the Independent Remuneration Panel (IRP) which the Council was required to establish under the Local Authorities (Members' Allowances) (England) Regulations 2003 (as amended). He thanked the Panel for their work and their engagement on the issue of remuneration. Considering the current position with rises to national insurance contributions, cuts to Universal Credit and potential national and local tax rises to pay for the cost of the pandemic it would be improper for the Council to recommend any rise to the current Members' Allowances Scheme. Therefore it was proposed to note the report but to recommend to the Council that there be no increase at this time and it was

RESOLVED that the Executive recommends to Full Council that:

- 1. The report and recommendations of the IRP are noted.**
- 2. In view of the continuing significant pressure on the Council's budgets, there is no change to the Members Allowances Scheme until after the next Borough elections in May 2023, at which time the Scheme should be reviewed again by an independent remuneration panel.**
- 3. The annual indexation of Basic and Special Responsibility Allowances in line with the percentage increase in staff salaries continues from 1 April 2022 for up to three years.**

Reason: To comply with the requirements of The Local Authorities (Members' Allowances) (England) Regulations 2003 (as amended). A council can only rely on the agreed form of indexation for a maximum of 4 years before further review of the Scheme by the IRP.

EXE 34/21 PROPERTY MATTER: WEY COURT EAST PROPOSAL (Agenda item 13)

At 6.55pm it was, on the recommendation of the Leader, the Executive **RESOLVED** that, pursuant to Procedure Rule 20, and in accordance with Section 100A(4) of the Local Government Act 1972, the press and public Page 5 be excluded from the meeting during consideration of the following item on the grounds that it was likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during this item, there would be disclosure to them of exempt information (as defined by Section 100I of the Act) of the description specified in the report in the revised Part 1 of Schedule 12A to the Local Government Act 1972; namely Information relating to the financial or business affairs of any particular person (including the authority holding that information).

RESOLVED that the Executive recommends to full Council that the recommendation as set out in the exempt report be approved.

Reason: The reasons are set out in the exempt report.

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 35/21 COMMENTS FROM THE OVERVIEW AND SCRUTINY COMMITTEES (Agenda item 7)

The Leader thanked the Overview and Scrutiny committees for their comments and advised that both the comments related to an exempt item which would be coming forward at a later date and an item later on the agenda and the comments would be addressed as part of those discussions.

RESOLVED that the comments of the Overview and Scrutiny Committees be noted.

EXE 36/21 AFGHAN RESETTLEMENT IN WAVERLEY (Agenda item 8)

Councillor Anne Marie Rosoman, Portfolio Holder for Housing and Community Safety presented the report which set out the Council's plans and commitment to support Afghan refugees through the Home Office Resettlement Programmes. A support officer had been appointed and would be in place from the following week. They would help to set up the pilot scheme and work with the local community on integration. The pledge to support Afghan families was in line with the Council's vision to ensure housing was available to all in need.

At the invitation of the Leader, Councillor John Ward welcomed the report and encouraged the Executive and officers to keep up the pressure on the Government to ensure the funding continued.

The Leader welcomed the report and echoed the comments on the Government funding. He thanked all those involved and it was

RESOLVED

- 1. That the commitment to secure five to ten homes, in the Borough, to assist Afghan refugees, through the Home Office resettlement programmes over a two-year period, subject to the availability of suitable homes, be supported;**
- 2. That the recruitment of a designated support worker, for up to three years, be agreed and the costs expected to be met by central government funding; and**
- 3. That the addendum to the Housing Allocation Scheme to allocate homes directly to eligible Afghan refugees for a two-year period as set out at Annexe One be approved.**

Reason: The Government has two initiatives to assist Afghan refugees the Afghan Relocation and Assistance Policy (ARAP) launched April 2021 for former locally employed staff and the Afghan Citizens Resettlement Scheme (ACRS), launched August 2021 to assist vulnerable refugees who assisted the UK efforts and stood up for values e.g. democracy, women's rights, rule of law, freedom of speech.

The Government has committed to welcoming around 5,000 people from Afghanistan in the first year of the resettlement programme and up to 20,000 over the coming years. Local Authorities have been requested to assist the programme by providing homes and support services for integration.

Waverley Council Members and residents have recognised the plight of and risk to Afghan refugees and have pledged to support the humanitarian initiative.

EXE 37/21 THE BURYS DEVELOPMENT OPTIONS APPRAISAL STAGE 1 (Agenda item 9)

Councillor Mark Merryweather, Portfolio Holder for Finance, Assets and Commercial Services presented the report which sought approval from the Executive to progress to the next governance stage of the Burys Development project and authorise funds to enable the project to progress to Stage 2. Stage 1 had considered options for the three sites of the Burys, the Crown Court car park and the Wharf car park. The objectives for the project embodied the Corporate Strategy and took into account the views of officers and Borough and Town Councillors. Three options had emerged which would be explored in more detail in stage 2. Dedicated channels would be established for elected representatives to feed into the project and he thanked all those who had contributed so far. The Leader thanked the Portfolio Holder for engaging with Godalming Town Council.

At the invitation of the Leader, Councillor John Ward welcomed the proposals. Councillor Liz Townsend welcomed the report and the recognition of changes in ways of working and the weight given to climate change considerations. The Leader reiterated that the proposals were grounded in the Corporate Strategy.

Councillor Andy MacLeod sought clarification on the meaning of the phrase of a “hotel style development” and the Portfolio Holder responded.

Councillor Steve Williams endorsed the sustainability elements of the proposals and welcomed the opportunity for a development which was in line with the Council’s commitment to tackling the climate emergency.

RESOLVED

- 1. That the progress made on the Burys Development Project to date, as detailed in Annexe 1, be noted; and**
- 2. That a further budget of £15,000 to progress to Stage 2 be approved, to be met from the balance on the original approval and the Property Investment Reserve.**

Reason: To comply with approval and governance arrangements as defined within the PID.

EXE 38/21 NEW FUNDING PROCESS FOR VOLUNTARY ORGANISATIONS 2022 TO 2025 - THRIVING COMMUNITIES COMMISSIONING FUND (Agenda item 10)

Councillor Kika Mirylees, Portfolio Holder for Health Wellbeing and Culture, presented the report which set out a proposed Thriving Communities Commissioning Fund process and documentation to operate the scheme. The scheme would replace the current Service Level Agreement scheme. Cllr Mirylees thanked the Community Wellbeing Overview and Scrutiny Committee for its help in shaping the priorities of the scheme. Applications for funding would be assessed by an assessment panel against an agreed criteria to ensure funding decisions were made fairly and transparently. The Council had a strong track record of working in partnership with voluntary organisations in the delivery of services to the community.

The Leader thanked the Portfolio Holder and the officers involved for their work on this scheme. At the invitation of the Leader, Councillor Jenny Else expressed concern that she had not been involved in the assessment document as a member of the independent panel; and that dates for the panel meetings had not been set up as it was likely to be a lengthy process. Councillor Else also expressed concern over ringfenced funding for youth provision, as this was the responsibility of the County Council; and the future of the community meals service in the event that any of the buildings used by the service did not receive funding.

In response, the Leader reminded those present that it was not usual for meetings to be scheduled before the process had been agreed by the Council. The Council had a duty to explore what it could do to help young people when it was felt that the statutory duty to provide youth services by the County Council was not being met.

In response, Councillor Mirylees advised that ringfencing was not being proposed, however if organisations came forward who wanted to provide services to young people then they would be given consideration. She drew the Executive’s attention to the report which set out the disproportionate impact of the pandemic on the 16-34 age range and this section of the community needed support. The community

meals on wheels service would be retained and the Council would explore how to support organisations to deliver this more efficiently.

At the invitation of the Leader, Councillor John Ward congratulated the Portfolio Holder for her work on the proposals and welcomed the focus on youth provision. Councillor Liz Townsend also congratulated the Portfolio Holder and the officers involved, welcoming the proposals which would make the process more transparent and highlighting the success of the Friday Night Project. The Leader and Councillor Steve Williams echoed the comments made regarding youth provision and support for the proposals. In conclusion, Councillor Mirylees highlighted the enthusiasm of the officers involved.

The Leader echoed the comments made and it was

RESOLVED that the launch of the Thriving Communities Commissioning scheme as set out in the report be agreed.

Reason: To ensure that the Council's funding mechanism and approach to not-for-profit organisations meets the Council's corporate priorities, evidence-based community needs and takes into account the views of the Community Wellbeing Overview and Scrutiny Committee and Overview & Scrutiny Service Level Agreement Working Group.

EXE 39/21 PROPERTY MATTER: TICES MEADOW, FARNHAM (Agenda item 14)

At 6.55pm it was, on the recommendation of the Leader, the Executive RESOLVED that, pursuant to Procedure Rule 20, and in accordance with Section 100A(4) of the Local Government Act 1972, the press and public Page 5 be excluded from the meeting during consideration of the following item on the grounds that it was likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during this item, there would be disclosure to them of exempt information (as defined by Section 100I of the Act) of the description specified in the report in the revised Part 1 of Schedule 12A to the Local Government Act 1972; namely Information relating to the financial or business affairs of any particular person (including the authority holding that information).

RESOLVED that the recommendation set out in the exempt report be approved.

Reason: For the reasons set out in the exempt report.

The meeting commenced at 6.00 pm and concluded at 7.01 pm

Chairman

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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WAVERLEY BOROUGH COUNCIL

COUNCIL

19 OCTOBER 2021

Title:

Review of the Members Allowances Scheme
Report of the Independent Remuneration Panel

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

Key decision: No

Access: Public

1. Purpose and summary

- 1.1 The Local Authorities (Members' Allowances) (England) Regulations 2003 (as amended) provide that it is for each local authority to decide its Members Allowances Scheme, and the amounts to be paid under that Scheme. Councils are required to establish an Independent Remuneration Panel to provide advice on its Allowances Scheme, and to carry out periodic reviews of the Scheme. Council must have regard to the recommendations of the IRP before making any changes to the Members Scheme of Allowances.
- 1.2 A review of the Waverley Scheme of Members' Allowances by the Independent Remuneration Panel (IRP) was carried out on 21 and 27 July 2021, and the IRP's report is attached at Annexe 1.
- 1.3 This report presents the recommendations of the Executive following consideration of the report of the IRP. The minutes of the meeting of the are presented to Council on this agenda.

2. Recommendation

Executive recommends to Full Council that:

1. The report and recommendations of the IRP are noted.
2. In view of the continuing significant pressure on the Council's budgets, there is no change to the Members Allowances Scheme until after the next Borough elections in May 2023, at which time the Scheme should be reviewed again by an independent remuneration panel.
3. The annual indexation of Basic and Special Responsibility Allowances in line with the percentage increase in staff salaries continues from 1 April 2022 for up to three years.

3. Reason for the recommendation

- 3.1 To comply with the requirements of The Local Authorities (Members' Allowances) (England) Regulations 2003 (as amended). A council can only rely on the agreed form of indexation for a maximum of 4 years before further review of the Scheme by the IRP.

4. Relationship to the Corporate Strategy and Service Plan

- 4.1 The delivery of the IRP's review of the scheme of allowances supports the Council's strategic framework by ensuring payments to councillors are reflective of their roles and responsibilities. It will help to ensure allowances are set at a level that facilitates suitably able, qualified, and representative people standing as candidates for Council (and their retention and development once elected).

5. Implications of decision

5.1 Resource (Finance, procurement, staffing, IT)

The IRP recommends an increase in Basic Allowance from 1 April 2022 of 1.06% compared to the level payable in 2021/22.

The IRP recommends an overall increase in the total Special Responsibility Allowances payable from 1 April 2022 of 5.06% compared to the total payable in 2021/22.

The total increase in Members' Allowances budget would be £3k, taking account of the reduction in the number of O&S committees from 4 to 2.

The 2020/21 Members' Allowances budget totals £423k.

5.2 Risk management

There are no risk management implications for the purposes of this report.

5.3 Legal

The allowances payable to councillors are matters for local determination.

While the Council has a duty under the 2003 Regulations to have regard to recommendations made to it by the IRP before it makes or amends the scheme of allowances, it is not bound to follow those recommendations.

5.4 Equality, diversity and inclusion

The purpose of the Scheme of Allowances is to create a schedule of remuneration that will support and enable councillors to execute their roles across a range of governance duties and responsibilities. A successful scheme will enable any local person, regardless of their income and status, to be able to stand for election and fulfil the roles of office without experiencing the deterrent of financial disadvantage.

A successful scheme of allowances will assist in increasing the diversity of councillors, to better reflect the communities they represent and serve. In addition, a scheme of allowances should encourage local democratic participation.

5.5 Climate emergency declaration

There are no climate emergency implications.

6. Consultation and engagement

6.1 The IRP sent a survey to all councillors to gather feedback on the current Allowances Scheme, and interviewed councillors in roles attracting Special Responsibility Allowances.

7. Other options considered

7.1 The options available are to accept the recommendations of the IRP; not to accept the recommendations of the IRP; or to accept some but not all of the recommendations of the IRP.

8. Governance journey

8.1 The recommendations of the Executive will be considered by Full Council on 19 October 2021.

Annexes:

Annexe 1 – Report of the Independent Remuneration Panel, August 2021

Background Papers

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

CONTACT OFFICER:

Name: Fiona Cameron
Position: Senior Governance Officer
Telephone: 0148 3523226
Email: fiona.cameron@waverley.gov.uk

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**The report of the Independent Remuneration Panel
appointed to review the allowances paid to Councillors
of Waverley Borough Council**



August 2021

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1. INTRODUCTION AND BACKGROUND

- 1.1.1 The Local Authorities (Members' Allowances) (England) Regulations 2003 ("the 2003 Regulations"), as amended, require all local authorities to appoint an independent remuneration panel (IRP) to advise on the terms and conditions of their scheme of councillors' allowances.
- 1.1.2 Waverley Borough Council formally appointed the following persons to undertake this process and make recommendations on its future scheme.

Dennis Frost– Surrey resident and former Local government Officer
Gordon Manickam- Surrey resident and Civil Servant
Mark Palmer – Development Director, South East Employers (Chair)

- 1.1.3 Our terms of reference were in accordance with the requirements of the 2003 Regulations, together with "Guidance on Consolidated Regulations for Local Authority Allowances" issued jointly by the former Office of the Deputy Prime Minister and the Inland Revenue (July 2003). Those requirements are to make recommendations to the Council as to:

- (a) the amount of basic allowance to be payable to all councillors;
- (b) the level of allowances and whether allowances should be payable for:
 - (i) special responsibility allowances;
 - (ii) travelling and subsistence allowance;
 - (iii) dependants' carers' allowance;
 - (iv) parental leave and.
 - (v) co-optees' allowance.and the amount of such allowances.
- (c) whether payment of allowances may be backdated if the scheme is amended at any time to affect an allowance payable for the year in which the amendment is made.
- (d) whether adjustments to the level of allowances may be determined according to an index and if so which index and how long that index should apply, subject to a maximum of four years before its application is reviewed.

2. CURRENT SCHEME

- 2.1.1 The last review of councillors' allowances was undertaken by the IRP in 2017 and the current scheme came in to effect from April 2017.
- 2.1.2 The Scheme currently provides that all councillors are each entitled to a total basic allowance of £5,014 per annum, with effect from April 2021. In addition, some councillors receive special responsibility allowances for undertaking additional duties.
- 2.1.3 Councillors may also claim the cost of travel and subsistence expenses and for expenditure on the care of children or dependants whilst on approved duties.

3. PRINCIPLES UNDERPINNING OUR REVIEW

3.1 The Public Service Principle

- 3.1.1 This is the principle that an important part of being a councillor is the desire to serve the public and, therefore, not all of what a councillor does should be remunerated. Part of a councillor's time should be given voluntarily. The consolidated guidance notes the importance of this principle when arriving at the recommended basic allowance.¹ Moreover, we found that a public service concept or ethos was articulated and supported by all of the councillors we interviewed and in the responses to the questionnaire completed by councillors as part of our review.
- 3.1.2 The principle of public service had not been formally recognised in the last review. However, to provide transparency and increase an understanding of the Panel's work, we will recommend the application of an explicit Public Service Discount (or PSD). Such a PSD is applied to the time input necessary to fulfil the role of a councillor. Further explanation of the PSD to be applied is given below in section 4.

3.2 The Fair Remuneration Principle

- 3.2.1 Alongside the belief that the role of the elected Councillor should, in part, be viewed as unpaid voluntary service, we advocate a principle of fair remuneration. The Panel in 2020 continues to subscribe to the view promoted by the independent Councillors' Commission:

Remuneration should not be an incentive for service as a councillor. Nor should lack of remuneration be a barrier. The basic allowance should encourage people from a wide range of backgrounds and with a wide range of skills to serve as local councillors. Those who participate in and contribute to the democratic process should not suffer unreasonable financial disadvantage as a result of doing so.²

- 3.2.2 We are keen to ensure that our recommended scheme of allowances provides reasonable financial compensation for councillors. Equally, the scheme should be fair, transparent, logical, simple, and seen as such.
- 3.2.3 Hence, we continue to acknowledge that:
- (i) allowances should apply to roles within the Council, not individual councillors;
 - (ii) allowances should represent reasonable *compensation* to councillors for expenses they incur and time they commit in relation to their role, not *payment* for their work; and
 - (iii) special responsibility allowances are used to recognise the *significant* additional responsibilities which attach to some roles, not merely the extra time required.
- 3.2.4 In making our recommendations, we have therefore sought to maintain a balance between:
- (i) the voluntary quality of a councillor's role;

¹ The former Office of Deputy Prime Minister – now the Department for Communities, Housing and Local Government, and Inland Revenue, *New Council Constitutions: Guidance on Consolidated Regulations for Local Authority Allowances*, London: TSO, July 2003, paragraph 68.

² Rodney Brooke and Declan Hall, *Members' Remuneration: Models, Issues, Incentives and Barriers*. London: Communities and Local Government, 2007, p.3.

- (ii) the need for appropriate financial recognition for the expenses incurred and time spent by councillors in fulfilling their roles; and
- (iii) the overall need to ensure that the scheme of allowances is neither an incentive nor a barrier to service as a councillor.

3.2.5 The Panel is also keen to ensure that the scheme of allowances is understandable in the way it is calculated. This includes ensuring the bandings and differentials of the allowances are as transparent as possible.

3.2.6 In making our recommendations, we wish to emphasise that any possible negative impact they may have is not intended and should not be interpreted as a reflection on any individual councillor’s performance in the role.

4. CONSIDERATIONS AND RECOMMENDATIONS

4.1 Basic Allowance

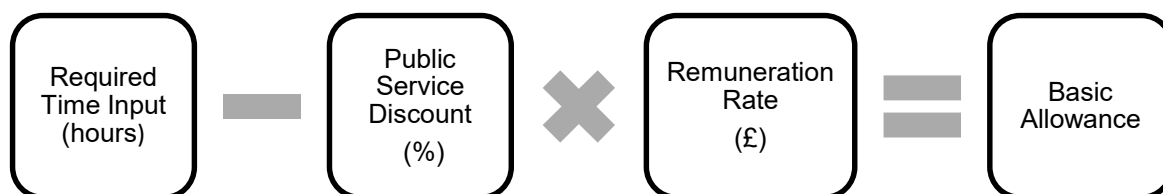
4.1.1 A Council’s scheme of allowances must include provision for a basic allowance, payable at an equal flat rate to all councillors. The guidance on arriving at the basic allowance states, “Having established what local councillors do, and the hours which are devoted to these tasks the local authorities will need to take a view on the rate at which, and the number of hours for which, councillors ought to be remunerated.”³

4.1.2 In addition to the regular cycles of Council and committee meetings, a number of working groups involving councillors may operate. Many councillors are also appointed by the Council to a number of external organisations.

4.1.3 We recognise that councillors are responsible to their electorate as:

- Representatives of a particular ward;
- Community leaders;
- Decision makers for the whole Council area;
- Policy makers for future activities of the Council;
- Scrutineers and auditors of the work of the Council; and
- Regulators of planning, licensing and other matters required by Government.

4.1.4 The guidance identifies the issues and factors an IRP should have regard to when making a scheme of allowances.⁴ For the basic allowance we considered three variables in our calculation: the time required to execute the role effectively; the public service discount; and the rate for remuneration.



³ The former Office of Deputy Prime Minister – now the Department for Housing, Communities and Local Government, and Inland Revenue, *New Council Constitutions: Guidance on Consolidated Regulations for Local Authority Allowances*, London: TSO, July 2003, paragraph 67.

⁴ The former Office of Deputy Prime Minister – now the Department for Communities and Local Government, and Inland Revenue, *New Council Constitutions: Guidance on Consolidated Regulations for Local Authority Allowances*, London: TSO, July 2003, paragraphs 66-81.

4.1.5 Each of the variables is explained below.

Required Time Input

4.1.6 We ascertained the average number of hours necessary per week to undertake the role of a councillor (with no special responsibilities) from questionnaires and interviews with councillors and through reference to the relevant Councillor Role Profiles. In addition, we considered information about the number, range, and frequency of committee meetings.⁵

4.1.7 Discounting attendance at political meetings (which we judged to be centred upon internal political management), we find that the average time commitment required to execute the role of a councillor with no special responsibilities is 12 hours per week.

Public Service Discount (PSD)

4.1.8 From the information analysed, we found councillors espoused a high sense of public duty. Given the weight of evidence presented to us concerning, among other factors, the levels of responsibility, the varied nature of the role, the need for learning and development, and the increasing accessibility and expectations of the public, we recommend a Public Service Discount of 50 per cent to the calculation of the basic allowance. This percentage sits within the top range of PSDs applied to basic allowances by councils in the region.

Remuneration Rate

4.1.9 After establishing the expected time input to be remunerated, we considered a remuneration rate. We came to a judgement about the rate at which the councillors ought to be remunerated for the work they do.

4.1.10 To help identify an hourly rate for calculating allowances, we utilised relevant statistics about the local labour market published by the Office for National Statistics. We selected the average (median), full-time gross⁶ wage per hour for the South East region £16.24⁷

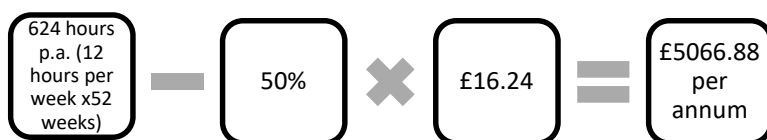
Calculating the basic allowance

4.1.11 After determining the amount of time required each week to fulfil the role (12 hours), the level of PSD to be applied (50%) and the hourly rate to be used (£16.24), we calculated the basic allowance as follows:

⁵ The summary responses to the questionnaires are available on request.

⁶ The basic allowance, special responsibility allowance, dependants' carers' allowance, and co-optees' allowance are taxable as employment income.

⁷ The Nomis official labour market statistics: Hourly Pay – Gross median (£) For full-time employee jobs by place of residence: UK December 2020.



4.1.12 The gross Basic Allowance before the PSD is applied is **£10,133.76**. Following the application of the PSD this leads to a basic allowance of **£5066.88** per annum.

4.1.13 This amount is intended to recognise the overall contribution made by councillors, including their work on council bodies, and ward work and attendance on external bodies.

4.1.14 We did also note the levels of basic allowance currently allocated by other Surrey district/borough councils (see table below and Appendix 3).

Council	Surrey district/borough Councils: Basic Allowances (£) 2020 ⁸
Elmbridge Borough Council	5,313
Epsom and Ewell Borough Council	3,770
Guildford Borough Council	7,405
Mole Valley District Council	4,591
Reigate and Banstead Borough Council	5,670
Runnymede Borough Council	4,086
Spelthorne Borough Council	6,355
Surrey Heath Borough Council	5,288
Tandridge District Council	4,317
Waverley Borough Council	4,989
Woking Borough Council	7,200
Average	5,362

4.1.15 The Panel wished to ensure the level of basic allowance does not constitute a barrier to candidates from all sections of the community standing, or re-standing, for election as councillors and was also mindful of the Council's financial constraints. The Panel was of the view that this review has begun to make recommendations to ensure that the current basic is in accordance with the principle of fair remuneration.

WE THEREFORE RECOMMEND that the Basic Allowance payable to all members of Waverley Borough Council be £5,067 per annum.

⁸ Figures drawn from the South East Employers, Members' Allowances Survey 2020 (October 2020).

4.2 Special Responsibility Allowances (SRAs)

- 4.2.1 Special Responsibility Allowances are awarded to councillors who perform significant additional responsibilities over and above the roles and expenses covered by the basic allowance. These special responsibilities must be related to the discharge of the council's functions.
- 4.2.2 The 2003 Regulations do not limit the number of SRAs which may be paid, nor do they prohibit the payment of more than one SRA to any one councillor. They do require that an SRA be paid to at least one councillor who is not a member of the controlling group of the Council. As the guidance suggests, if the majority of councillors receive an SRA, the local electorate may rightly question the justification for this.⁹
- 4.2.3 We conclude from the evidence we have considered that the following offices bear *significant* additional responsibilities:
- Leader of the Council
 - Deputy Leader of the Council
 - Executive Members (8)
 - Chairman of Council
 - Leader of the Principal Opposition Group
 - Chairmen of Overview and Scrutiny Committees (2)
 - Vice Chairmen of Overview and Scrutiny Committees (2)
 - Chairman of Standards and General Purposes
 - Vice Chairman of Standards and General Purposes Committee
 - Chairman of Licensing and Regulatory Committee
 - Vice Chairman of Licensing and Regulatory Committee
 - Chairman of Audit Committee
 - Vice Chairman of Audit Committee
 - Chairman of Eastern Planning Committee
 - Vice Chairman of Eastern Planning Committee
 - Chairman of Western Planning Committee
 - Vice Chairman of Western Planning Committee

One SRA Only Rule

- 4.2.4 To improve the transparency of the scheme of allowances, we feel that no councillor should be entitled to receive at any time more than **one SRA**. If a councillor can receive more than one SRA, then the public are unable to ascertain the actual level of remuneration for an individual councillor from a reading of the Scheme of Allowances.
- 4.2.5 Moreover, the One SRA Only Rule avoids the possible anomaly of the Leader receiving a lower allowance than another councillor. If two or more allowances are applicable to a councillor, then the higher-valued allowance would be received. The One SRA Only Rule is common practice for many councils. Our calculations for the SRAs are based on this principle, which should be highlighted:

WE THEREFORE RECOMMEND that that no councillor shall be entitled to receive at any time more than one Special Responsibility Allowance and that this One SRA Only Rule be adopted into the Scheme of Allowances.

⁹ The former Office of Deputy Prime Minister – now the Department for Housing Communities and Local Government, and Inland Revenue, *New Council Constitutions: Guidance on Consolidated Regulations for Local Authority Allowances*, London: TSO, July 2003, paragraph 72.

The Maximum Number of SRA's Payable

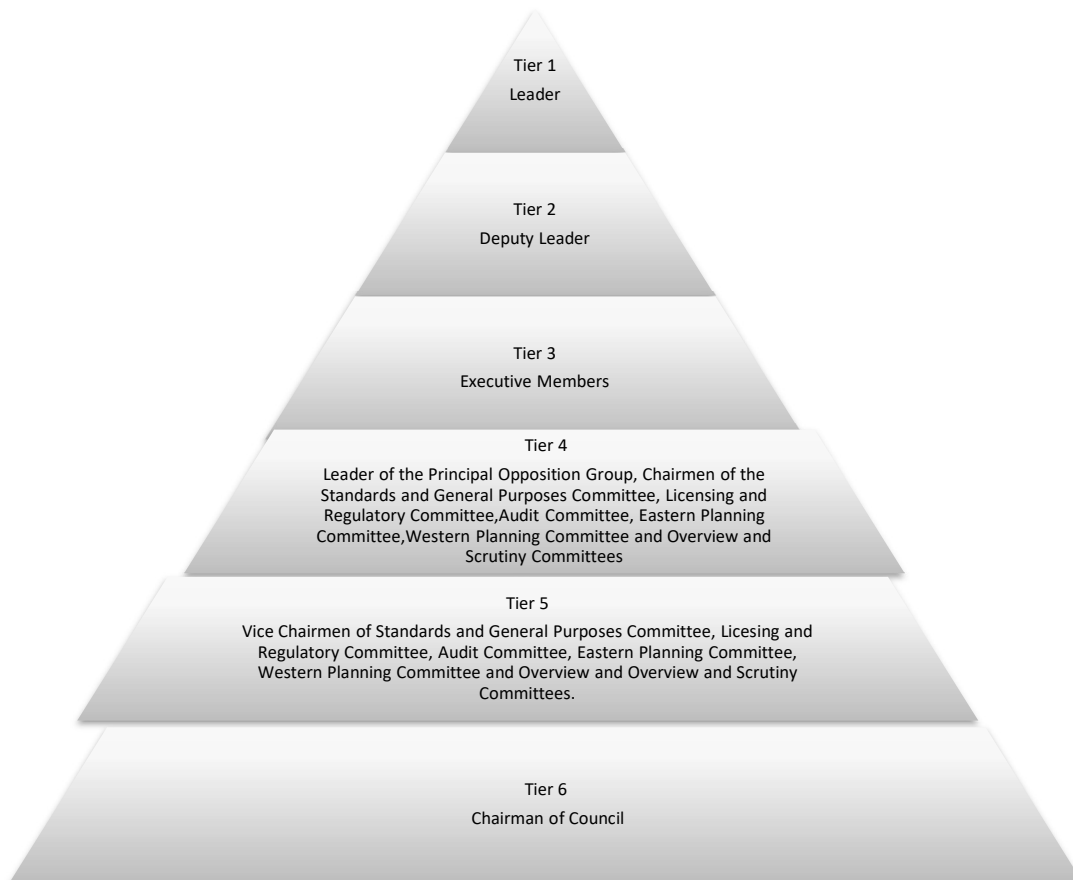
- 4.2.6 In accordance with the 2006 Statutory Guidance (paragraph 72) the Panel is of the view that the Council should adhere to the principal that no more than 50% of Council Members () should receive an SRA at any one time.

WE THEREFORE RECOMMEND that the Council should adhere to a maximum number of SRA's payable at any one time that does not exceed 50% of Council Members (28 Members).

Calculating SRAs

- 4.2.7 The Panel supported a criteria and formula for calculating the Leader of the Council allowance based on a multiplier of the Basic Allowance, this role carries the most significant additional responsibilities and is the most time consuming.
- 4.2.8 We applied a multiplier of the basic allowance to establish the Leader's SRA. Other SRAs are then valued downwards as a percentage of the Leader's allowance. This approach has the advantage that, when future adjustments to the SRAs are required, changing the Leader's SRA will have a proportionate and easily calculable effect on the other SRAs within the scheme.

We grouped together in Tiers those roles that we judged to have a similar level of responsibility. The outline result of this approach is illustrated in a pyramid of responsibility:



4.24 The rationale for these six tiers of responsibility is discussed below.

Leader (Tier One)

4.2.9 The Council elects for a four-year term of office a Leader who is ultimately responsible for the discharge of all executive functions of the Council. The Leader is the principal policy maker and has personal authority to determine delegated powers to the rest of the Executive. The Leader is also responsible for the appointment (and dismissal) of members of the Cabinet and their respective areas of responsibility.

4.2.10 The multiplier we applied to calculate the Leader's SRA is 300% (3 x times) the basic allowance. If the recommended option of a basic allowance with a PSD of 50% is adopted, this results in a Leader's Allowance of £15,201.

WE RECOMMEND that the Leader of the Council continue to receive a Special Responsibility Allowance of 300% of the basic allowance, £15,201.

Deputy Leader (Tier Two)

4.2.11 The Deputy Leader usually acts on the Leader's behalf in their absence. From the information we gathered, we continue to consider this additional responsibility should be reflected in the level of allowance. Therefore, we recommend the Deputy Leader's SRA be set at 70% of the Leader's SRA. If our recommendations concerning the basic allowance and the Leader's SRA are adopted, this results in an allowance of £10,640.

WE RECOMMEND that the Deputy Leader receive a Special Responsibility Allowance of 70% of the Leader's Allowance, £10,640.

Executive Members (Tier Three)

4.2.12 From the evidence gathered, including questionnaire response and the face to face interviews, we consider the members of the Executive should receive an allowance of £6,840, 45% of the Leader's Allowance.

4.2.13 Evidence from the interviews we undertook with councillors, underlines the responsibility of the members of the Executive for many of the Council's functions. Members of the Executive hold considerable responsibility for their respective portfolios. In addition, we found the time commitment for the role to be both significant and growing.

WE RECOMMEND that the Executive Committee Members receive a Special Responsibility Allowance of 45% of the Leader, £6,840.

Chairmen of the Standards and General Purposes Committee, Licensing and Regulatory Committee, Audit Committee, Eastern and Western Planning Committee, Overview and Scrutiny Committees and Leader of the Principal Opposition Group (Tier Four)

4.2.14 The Panel was of the view that the Chairman's role across all the committees continued to be of a similar size in terms of workload and complexity. The Panel was aware that the number of Overview and Scrutiny Committees was reduced from four to two and this may have an impact on the future workload of the Chairmen of the two Overview and Scrutiny Committees. The Panel would therefore wish to further review the Special Responsibility Allowance for the roles of Chairmen of Overview and

Scrutiny in '18 months' time once the new structure and roles have been sufficiently embedded.

4.2.15 The Panel was of the view that the roles of Chairmen of the Committees continue to have a high impact and profile across the Council. We therefore recommend that they be recognised at Tier Four and receive an allowance of £3,800, 25% of the Leader's Allowance.

4.2.16 The Panel was also of the view that although the Scrutiny Committees do not have formal decision-making powers they are influential and recent Government Statutory Guidance (May 2019) has sought to increase the scope and influence of the scrutiny function. We have considered the requirements of the Chairmen of the two Scrutiny Committees and feel it is a significant function that has a statutory legal requirement. We consider this role should also receive a Tier Four allowance of £3,800, 25% of the Leader's Allowance

WE RECOMMEND that the Chairmen of the Standards and General Purposes Committee, the Licensing and Regulatory Committee, the Audit Committee and the Eastern and Western Planning Committees should receive an allowance of 25% of the Leader's allowance, £3,800. WE RECOMMEND that the Chairmen of the two Overview and Scrutiny Committees should receive an allowance of 25% of the Leader's allowance, £3,800. WE ALSO RECOMMEND that the Special Responsibility Allowance for the roles of the Overview and Scrutiny Committee Chairmen should be further reviewed in '18 months' once the new overview and scrutiny structure has been embedded.

4.2.17 The Leader of the Principal Opposition Group continues to be a role of significant importance and the Panel was therefore of the view that the Leader of the Principal Opposition Group should receive a Tier Four allowance, 25% of the Leader's Allowance, £3,800.

WE RECOMMEND that the Leaders of the Principal Opposition Group should receive an allowance of 25% of the Leader's Allowance, £3,800.

Vice Chairmen of the Standards and General Purposes Committee, Licensing and Regulatory Committee, Audit Committee, Eastern and Western Planning Committee and Overview and Scrutiny Committees (Tier Five).

4.2.18 The Panel was of the view that like the role of the Chairmen the role of the Vice Chairmen were of a similar size in terms of workload and complexity. The Panel was also of the view that as result of the reduction in the number of Overview and Scrutiny Committees from four to two the workload of these committees may increase. The Panel therefore recommends that the Special Responsibility Allowance role of the Vice Chairmen of the two Overview and Scrutiny Committees alongside the Chairmen of the Overview and Scrutiny Committees be reviewed in '18 months' once the new overview and scrutiny structure has been sufficiently embedded.

4.2.19 The Panel recommend that the Vice Chairmen of the Standards and General Purposes Committee, the Licensing and Regulatory Committee, the Audit Committee, the Eastern and Western Planning Committee and the two Overview and Scrutiny Committees should receive a Tier Five allowance, 50% of the Chairman's Allowance, £1,900.

WE RECOMMEND that the Vice Chairmen of the Standards and General Purposes Committee, the Licensing and Regulatory Committee, the Audit Committee, the Eastern and Western Planning Committee and the two Overview and Scrutiny Committees should receive a Tier Five allowance, 50% of the Chairman's Allowance, £1,900. WE ALSO RECOMMEND that the Special Responsibility Allowance for the roles of Overview and Scrutiny Committee Vice Chairmen should be further reviewed in '18 months' once the new overview and scrutiny structure has been embedded.

Chairman of Council (Tier Six)

- 4.2.20 The Panel recommend that the role of Chairman of Council should continue to receive a Special Responsibility Allowance of 5% of the Leader's Allowance, £760.

WE RECOMMEND that the Chairman of Council receive a Special Responsibility Allowance of 5% of the Leader's Allowance, £760.

4.3 Travelling and Subsistence Allowance

- 4.3.1 A scheme of allowances may provide for any councillor to be paid for travelling and subsistence undertaken in connection with any of the duties specified in Regulation 8 of the 2003 Regulations (see paragraph 5.10). Similarly, such an allowance may also be paid to co-opted/Independent Persons of a committee or sub-committee of the Council in connection with any of those duties, provided that their expenses are not also being met by a third party.

WE RECOMMEND that travelling and subsistence allowance should be payable to councillors and co-opted/Independent Persons in connection with any approved duties. We propose no changes to the current travel and subsistence allowances.

4.4 Child and Dependant Carers' Allowance

- 4.4.1 The child and dependant carers' allowance should ensure that potential candidates are not deterred from standing for election and should enable current councillors to continue despite any change in their personal circumstances. The current scheme awards reimbursement of actual reasonable costs incurred in using childminders, babysitters or other sitters for dependants while carrying out Approved duties. The scheme also allows for specialist Dependent Relative Care to be reimbursed at the actual cost upon production of receipts.
- 4.4.2 The Panel therefore is of the view that the Child and Dependant Carers' Allowance should continue to be reimbursed for the actual cost incurred by the councillor upon production of receipts. In respect of specialist care provision medical evidence that this type of care provision is required should also be provided and approved by an appropriate officer of the Council.

WE THEREFORE RECOMMEND that the Child and Dependant Carers' Allowance should continue as outlined in the current Scheme of Allowances and be based at cost upon production of receipts and in the case of specialist care a requirement of medical evidence that this type of care be required, the allowance should have no monthly maximum claim when undertaking Approved duties.

WE ALSO RECOMMEND that the Council should also actively promote the allowance to prospective and new councillors both before and following an election. This may assist in supporting greater diversity of councillor representation.

4.5 Parental Leave

- 4.5.1 There is no uniform national policy to support councillors who require parental leave for maternity, paternity, or adoption leave. According to the Fawcett Society (Does Local Government Work for Women, 2018) a *'lack of maternity, paternity provision or support'* is a real barrier for women aged 18-44 to fulfil their role as a councillor.
- 4.5.2 We are of the view that support should be provided for parental leave although we do not wish to stipulate an exact policy/procedure. The Panel is aware that the Government Association (Labour Group) has developed a model policy that has been adopted by a growing number of councils across Surrey and the south east region.
- 4.5.3 There is no legal right to parental leave of any kind for people in elected public office. However, as a way of improving the diversity of Councillors, the Panel would recommend that the Members' Allowance Scheme should be amended to include provisions that clarify that:
- All Councillors shall continue to receive their Basic Allowance in full for a period up to six months in the case of absence from their Councillor duties due to leave relate to maternity, paternity, adoption shared parental leave or sickness absence
 - Councillors entitled to a Special Responsibility Allowance shall continue to receive their allowance in full for a period of six months, in the case of absence from their Councillor duties due to leave related to maternity, paternity, adoption, shared parental leave or sickness absence
 - Where for reasons connected with sickness, maternity leave, adoption leave, paternity leave or shared parental leave a Councillor is unable to attend a meeting of the Council for a period of six months, a dispensation by Council can be sought in accordance with Section 85 of the Local Government Act 1972
 - If a replacement to cover the period of absence under these provisions is appointed by Council or the Leader (or in the case of a party group position the party group) the replacement shall be entitled to claim a Special Responsibility Allowance pro rata for the period over which the cover is provided.
 - If a Councillor stands down, or an election is held during the period when a Councillor is absent due to any of the above and the Councillor is not re-elected or decides not to stand down for re-election, their Basic Allowance any Special Responsibility Allowance will cease from the date they leave office.
- 4.5.4 The Panel is conscious that these provisions do not replicate the LGA policy, but that policy introduces elements that are more akin to employees which in terms of employment legislation does not include Councillors. We feel that our recommendations more simply and adequately reflect the situation relating to Councillors and clarify for them what they can expect. Borough Councillors however

may wish to further develop the above recommendations so that they reflect the LGA policy.

WE RECOMMEND that the approach outlined is adopted as a basis of a policy to support parental leave for councillors. Should a policy on Parental Leave for Councillors be approved it should be actively promoted to prospective and current Councillors alongside the Dependants' Carers Allowance. This should form part of a wider 'Be A Councillor' (LGA led initiative) programme led by the Council and supported by political groups; to enhance and increase the diversity of councillor representation.

4.6 Indexing of Allowances

- 4.6.1 A scheme of allowances may make provision for an annual adjustment of allowances in line with a specified index. The present scheme makes provision for the basic allowance, the special responsibility allowances and Co-Optees/ Independent Persons allowance to be adjusted annually in line with staff salaries.

WE RECOMMEND that the basic allowance, each of the SRAs and the Co-Optees' /Independent Persons Allowance be increased annually in line with the percentage increase in staff salaries from April 2022 for a period of up to three years. After this period, the Scheme should be reviewed again by an independent remuneration panel.

4.7 Revocation of current Scheme of Allowances / Implementation of new Scheme

- 4.7.1 The 2003 Regulations provide that a scheme of allowances may only be revoked with effect from the beginning of a financial year, and that this may only take effect on the basis that the authority makes a further scheme of allowances for the period beginning with the date of revocation.

WE THEREFORE RECOMMEND that the new scheme of allowances to be agreed by the Council be implemented with effect from the beginning of the 2022-23 financial year, at which time the current scheme of allowances will be revoked.

5. OUR INVESTIGATION

5.1 Background

- 5.1.1 As part of this review, a questionnaire was issued to all councillors to support and inform the review. Responses were received from 24 of the 57 current councillors (42% response). The information obtained was helpful in informing our deliberations.
- 5.1.2 We interviewed eleven current councillors using a structured questioning process. We are grateful to all our interviewees for their assistance.
- 5.1.3 We should also thank Fiona Cameron, Senior Governance Officer, for her assistance and support during the review.

5.2 Councillors' views on the level of allowances

- 5.2.1 A summary of the councillors' responses to the questionnaire are attached as Appendix 2.

6. APPROVED COUNCILLOR DUTIES

- 6.1.1 The Panel reviewed the recommended duties for which allowances should be payable and recommend that no changes be made.

WE THEREFORE RECOMMEND: That no changes are made to the Approved Duties as outlined in the Members' Allowance Scheme.

**Mark Palmer (Chair of the Independent Remuneration Panel)
Development Director, South East Employers
August 2021**

Appendix 1: Summary of Panel's Recommendations

Allowance	Current Amount for 2020-21	Number	Recommended Allowance (50% PSD)	Recommended Allowance Calculation
Basic (BA)				
Total Basic:	£5,014	57	£5,067	

Special Responsibility:				
Leader of the Council	£14,729	1	£15,201	300% of BA
Deputy Leader	£10,197	1	£10,640	70% of Leader's Allowance
Executive Members	£6,798	8	£6,840	45% of Leader's Allowance
Leader of the Principal Opposition Group	£3,399	1	£3,800	25% of Leader's Allowance
Chairman of Overview and Scrutiny	£3,399	2	£3,800	25% of Leader's Allowance
Chairman of Standards and General Purposes Committee	£3,399	1	£3,800	25% of Leader's Allowance
Chairman of Licensing and Regulatory Committee	£3,399	1	£3,800	25% of Leader's Allowance
Chairman of Audit Committee	£3,399	1	£3,800	25% of Leader's Allowance
Chairman of Eastern Planning Committee	£3,399	1	£3,800	25% of Leader's Allowance
Chairman of Western Planning Committee	£3,399	1	£3,800	25% of Leader's Allowance
Vice Chairman of Overview and Scrutiny Committee	£1,701	2	£1,900	50% of the Chairman's Allowance
Vice Chairman of the Standards and General Purposes Committee	£1,701	1	£1,900	50% of the Chairman's Allowance
Vice Chairman of Licensing and Regulatory Committee	£1,701	1	£1,900	50% of the Chair's Allowance
Vice Chairman of Audit Committee	£1,701	1	£1,900	50% of the Chairman's Allowance
Vice Chairman of Eastern Planning Committee	£1,701	1	£1,900	50% of the Chairman's Allowance
Vice Chairman of the Western Planning Committee	£1,701	1	£1,900	50% of the Chairman's Allowance
Chairman of Council	£594	1	£760	5% of the Leader's Allowance

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WAVERLEY BOROUGH COUNCIL

MINUTES OF THE AUDIT COMMITTEE - 6 SEPTEMBER 2021

SUBMITTED TO THE COUNCIL MEETING – 19 OCTOBER 2021

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

Present

Cllr Peter Marriott (Chairman)

Cllr Jan Floyd-Douglass

Cllr Jerome Davidson (Vice Chairman)

Cllr Richard Seaborne

Apologies

Cllr John Gray, Cllr Michaela Wicks and Cllr George Wilson

AUD 65/21 MINUTES (Agenda item 1.)

The Minutes of the meeting held on 1 March 2021 was agreed as a correct record.

AUD 66/21 APOLOGIES FOR ABSENCE (Agenda item 2.)

Apologies for absence were received from Cllrs John Gray, Michaela Wicks and George Wilson.

AUD 67/21 DISCLOSURE OF INTERESTS (Agenda item 3.)

There were no disclosure of interests submitted for this meeting.

AUD 68/21 QUESTIONS BY MEMBERS OF THE PUBLIC (Agenda item 4.)

There were none.

AUD 69/21 QUESTIONS FROM MEMBERS (Agenda item 5.)

There were none.

AUD 70/21 AUDIT COMMITTEE ANNUAL ACTIVITY REPORT (Agenda item 6.)

The Committee **NOTED** the Annual Activity Report for the municipal year 2020/21.

AUD 71/21 REVIEW OF THE AUDIT TERMS OF REFERENCE (Agenda item 7.)

The Committee considered the current terms of reference and discussed whether there were areas of concern that were not being met.

Comments:

- 8.3 (a) ii – It was questioned whether this was being complied with in respect of the Air Quality Action Plan and Mitigation of Habitats regulations.

The chairman advised that he was currently in discussions regarding the Habitats regulations and requested that formal questions/concerns be submitted in writing for him to investigate.

- It was raised that a number of actions cross paths with other areas and it would be useful to have these crossovers identified

AUD 72/21 EXTERNAL AUDIT PLAN 2020/21 (Agenda item 8.)

Paul Cuttle, Grant Thornton, outlined the highlights from the 2020/21 Audit Plan. The Committee were updated on the headlines and scope of the audit. He advised that the report set out:

- the approach taken and the most significant areas to focus on.
- how we are dealing with new standards
- the changes in the value for money arrangements.

He advised that a binary opinion was no longer provided and a separate auditors report would be provided.

The Committee were advised that the Audit had yet to commence due to capacity issues. Grant Thornton have agreed a revised timescale with senior officers. It was hoped to start the Audit this month and be able to report back to the Committee in November.

It was questioned whether the lateness of the report would have any implications? They were advised it would have no adverse implications and they were just playing catch up after the last eighteen months of issues.

The Committee **NOTED** THE External Audit Plan 2020/21.

AUD 73/21 ANNUAL GOVERNANCE STATEMENT - CONSIDERATION OF POTENTIAL GOVERNANCE ISSUES. (Agenda item 9.)

Patrick Tuite, Procurement Officer, presented the draft Annual Governance Statement (AGS) advising this had been populated from work carried out in the previous year.

It was noted that the majority of areas that needed populating when version 2 of the report came out had been completed in version 3 which the committee were viewing, however, the area not expanded on was the habitats regulations. The chairman and officers were asked when the evidence of appropriate assessments would be supplied. The Chairman advised this was currently being investigated but that the Head of Planning had advised that he was happy we were complying.

Action: The document evidencing that we are complying to be circulated once made available.

The Committee raised concern about the lack of risk analysis and recommendations. Recent discussions around a single management team and the selection of a joint CEO appear to have a lack of identified key risks. There had also been requests regarding a risk assessment for holding a full Council meeting in the chamber. There had been a risk matrix circulated but it had been a 5x5 matrix which did not match with the Council's usual 4x6 Matrix. It was pointed out that 8.3 (a) iv of the terms of reference stated 'To monitor the effective development and operation of internal control in the Council with particular reference to all aspects of risk management, including Waverley's Corporate Risk Registers'. It was questioned therefore if section 7 of the AGS was fit for purpose. It was suggested that the AGS for this year needs to flag that major operational decisions are not benefiting from the level of risk analysis that policy requires and that action needs to be taken to assure that this situation is rectified as soon as possible.

Other areas the committee felt should be mentioned in the AGS was the 2 changes to the planning structures and the proposed changes to the O&S structure.

Action: review of Risk Assessments to be put onto the work program and scheduled to be discussed at an informal meeting.

The Committee noted that section 5.3 of the AGS alluded to the challenges faced this year but it was felt this could be made more robust.

It was asked if it was appropriate to mention rule changes affecting financial viability in the AGS? They were advised that, whilst setting the budget and MTFP did not fall within the Audit remit, financial resilience was an Audit concern. An update of the Financial Management Code would be presented to an informal meeting in October.

The Committee asked that their comments be taken into consideration.

AUD 74/21 ANNUAL INTERNAL AUDIT REPORT FOR 2020-21 (Agenda item 10.)

Gail Beaton, Internal Audit Manager, gave an overview of the work completed over the previous year.

The committee felt it was a clear and concise report.

It was asked if future reports could demonstrate the time taken to implement actions/recommendations as it was felt we should review late deliveries and the reasons behind them.

The Committee **NOTED** the Annual Internal Audit Report and Audit Opinion for 2020-21.

AUD 75/21 REVIEW OF PROGRESS IN THE IMPLEMENTATION OF INTERNAL AUDIT RECOMMENDATIONS (Agenda item 11.)

Gail Beaton outlined the review of the progress in the implementation of the internal audit recommendations. They were advised that COVID-19 had impacted

on last years actions but that many although showing as outstanding had now been implemented.

Although implementation had taken place on many of the actions it was felt there was a reputational risk when a report shows a sea of red. It was suggested the RAG rating may need reviewing.

There was concern that action IA21/17.004.2 around safeguarding was showing as red. It was noted the due date was 30 September, therefore it was emphasised this should be pushed ahead to meet the due date.

Action: A revised Review on Progress in the Implementation of Internal Audit Recommendations would be circulated with the minutes to inform on the changes since the agenda publication.

The Committee considered the information in the report and asked for their comments to be taken into consideration.

AUD 76/21 REVIEW OF THE PROGRESS IN ACHIEVING THE AUDIT PLAN (Agenda item 12.)

The Committee were advised that the Terms of Reference include provision for the Committee to approve, monitor and comment on the progress made in the achievement of the Internal Audit Plan. Gail Beaton gave an update on the current position of the Internal Audit Plans for 2020-21 and 2021-22 to note.

The Committee were advised that quite a few of the of the reviews have now been started and some completed since the publication of the agenda.

The committee commented that there were some useful key observations set out in the report and asked if there were any schemes for analysing the findings and the route causes for the actions being necessary and how they could be avoided.

It was noted that page 154 was missing a budget balance.

The Committee **NOTED** the Internal Audit Progress report.

AUD 77/21 FRAUD INVESTIGATION SUMMARY (Agenda item 13.)

Gail Beaton outlined the Fraud Investigation Summary. She explained it covered all of 2020/21 and the first quarter of 2021/22. It was highlighted that over £1m of savings were identified. Annexe 1 identified savings of just under £100k for quarter 1.

The Committee discussed the amount of work that goes into investigations and agreed this was an amazing achievement.

Action: A revised Fraud Investigation Summary would be circulated with the minutes to inform on the changes since the agenda publication.

The Committee **NOTED** the success of the Fraud Investigation activity.

AUD 78/21 INTERNAL AUDIT CHARTER (Agenda item 14.)

The Committee were advised that this was an annual review and that nothing had changed since the previous review.

The Committee **ENDORSED** the report.

AUD 79/21 AUDIT COMMITTEE RECURRENT ANNUAL WORK PROGRAMME (Agenda item 15.)

The Committee **NOTED** the recurrent annual work programme and agreed the amendments discussed in the meeting.

AUD 80/21 EXCLUSION OF PRESS AND PUBLIC (Agenda item 16.)

At 8.43pm, the Committee **RESOLVED** that, pursuant to Procedure Rule 20 and in accordance with Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of the following item on the grounds that it was likely, in view of the nature of the proceedings, that if members of the public were present during the item, there would be disclosure to them of exempt information (as defined by Section 100I of the Act) as specified in paragraph 3 of the revised Part 1 of Schedule 12A to the Act, namely: Information relating to the financial or business affairs of any particular person (including the authority holding that information).

AUD 81/21 ANY OTHER ISSUES TO BE CONSIDERED IN EXEMPT SESSION (Agenda item 17.)

Whilst in Exempt session, the Committee asked for an update from Officers on recent developments regarding (a) Property Development and (b) a possible fraud issue.

At 8.58pm, the Committee returned to Open session and confirmed that they had received the updates requested.

AUD 82/21 ANY OTHER BUSINESS (Agenda item)

It was requested that Officers be asked to provide version control on documents as when various versions of a document are sent out it was difficult to know which document is being referred to.

The meeting commenced at 7.00 pm and concluded at 9.08 pm

Chairman

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WAVERLEY BOROUGH COUNCIL

MINUTES OF THE STANDARDS COMMITTEE - 27 SEPTEMBER 2021

SUBMITTED TO THE COUNCIL MEETING – 19 OCTOBER 2021

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

Present

Cllr John Ward (Chairman)
Cllr Christine Baker
Cllr John Gray

Cllr Robert Knowles
Cllr Peter Nicholson

Stefan Reynolds (Parish
Council Co-optee)

Apologies

Cllr Michael Goodridge, Cllr Penny Marriott, Cllr Peter Marriott, Cllr George Wilson and
Thomas Hughes

Also Present

Councillor Jerry Hyman, Councillor Peter Martin and Councillor Richard Seaborne

STD 1/21 CONFIRMATION OF CHAIRMAN AND VICE CHAIRMAN (Agenda item 1.)

The Committee confirmed Cllr John Ward as Chairman and Cllr Michael Goodridge as Vice-Chairman of the Committee for the Council Year 2021/22.

The Chairman advised that as he would not be able to attend the Council meeting on 19 October, and Cllr Goodridge was not present at today's meeting, Cllr Nicholson had agreed to present the minutes of the meeting and any recommendations to Council.

STD 2/21 MINUTES (Agenda item 2.)

The Minutes of the meeting held on 1 February 2021 were confirmed as a correct record of the meeting.

STD 3/21 DISCLOSURES OF INTERESTS (Agenda item 4.)

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

STD 4/21 QUESTIONS BY MEMBERS OF THE PUBLIC (Agenda item 5.)

There were no questions from members of the public.

STD 5/21 QUESTIONS FROM MEMBERS OF THE COUNCIL (Agenda item 6.)

There were no questions from Members.

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.

STD 6/21 PROPOSALS FOLLOWING COUNCIL RESOLUTIONS ON 20 APRIL 2021
(Agenda item 8.)

The Head of Policy & Governance introduced the report setting out proposals for the implementation of Council's decisions on 20 April 2021 in relation to: overview and scrutiny committees; a new Housing Landlord Service Board; the Standards Committee remit; and, Executive Working Groups.

Before the Committee members considered the proposals, the Chairman advised that he would be proposing that the Overview and Scrutiny Co-ordinating Board be abolished as it was no longer needed with there being only two committees going forward.

The following councillors had registered to speak on this agenda item:

Cllr Peter Martin reiterated his unhappiness at the Council decision to reduce the number of overview and scrutiny committees from four to two. However, he was pleased that the proposals recommended in the report in relation to the overview and scrutiny committees reflected most of those put forward by the O&S Co-ordinating Board. He did have concerns regarding the balance of the workload between the two committees, based on the split between the Service Areas as shown in the report, and he asked that this be reviewed in order to achieve a better balance between the committees. Cllr Martin also expressed concerns about the remit of the Landlord Services Board, and how this related to the overview and scrutiny function.

Cllr Martin noted the intention to present the recommendations to Council on 19 October and asked that the appointment of members to the new overview and scrutiny committees be delayed to the December Council meeting to allow time for the Groups to select their members and for an orderly transition from the current arrangements.

Cllr Richard Seaborne also asked for careful consideration to be given to the transition between the current overview and scrutiny arrangements and the new structure, and for this not to be rushed. There was only a month between the date of the Council meeting and the next cycle of overview and scrutiny committee meetings, which would not allow much time for the new committees to prepare.

Cllr Jerry Hyman advised that he was generally supportive of the proposal to introduce some flexibility around the requirement for councillors to stand when speaking at meetings of Council, but was concerned about how a councillor would make a Point or Order or Point of Personal Explanation and ensure that they were heard by the Mayor.

With regard to the overview and scrutiny committees, Cllr Hyman noted that the review of the Corporate Performance Report by each committee took a great deal of time and suggested that this report could be dealt with in a different way to make better use of committee time. Cllr Hyman emphasised the role of scrutiny to ask questions and contribute to making improvements in council services, but this relied upon being given full and honest answers to questions.

The Chairman thanked the Overview & Scrutiny Board for their report and recommendations, and noted the concerns raised by Cllr Martin and Cllr Seaborne relating to the transition to the new arrangements, and the balance of the workload between the committees. He welcomed the Co-ordinating Board's proposal for a Scrutiny/Executive Protocol to define and improve the relationship between these two arms of the Council.

The Committee discussed the proposals for overview and scrutiny and generally welcomed the proposals, although there were concerns from individual councillors regarding the transition to the new arrangements, the proposed titles of the committees, and the lack of clarity around the role of the Audit Committee in the overall scrutiny of the council's business.

The Committee RESOLVED to recommend to Council that:

- 1. Two Overview and Scrutiny Committees be established with immediate effect: Policy and Services. Each committee will comprise 11 Members and meet a minimum of 5 times a year; and,**
- 2. Subject to approval of Recommendation 1, Article 6 of the Constitution and the Overview and Scrutiny Procedure Rules be amended as set out in Annexe 2 of the report.**

The Chairman invited comments on the proposed Landlord Services Advisory Board, which would be established as an Executive Working Group. He noted that there had been some discussion about whether this Board should be decision-making, and agreed with the proposed approach for the Board to be advisory to the Portfolio Holder and Executive in the first place. The Chairman also welcomed the separation of the governance and scrutiny of the Housing Landlord Service, which had previously been combined within the Housing Overview & Scrutiny Committee. This would avoid any conflict arising from councillors scrutinising policies they had helped to develop.

The Committee was broadly supportive of the proposal for a Landlord Services Advisory Board, which would include representatives of tenants and residents. There remained some concern about the relationship between this Board and the scrutiny function, which would continue to have a remit for scrutinising Executive decisions in relation to the Housing Service.

The Committee RESOLVED to recommend to Council that:

- 3. A Landlord Services Advisory Board be established under the Executive Working Group Protocol with Terms of Reference as set out in Annexe 3 to the report.**

With regard to the proposal to expand the remit of the Standards Committee, it was noted that more detail would be added to the description of the 'General Purposes' as part of the wider consideration of the responsibility for functions as part of the Constitution Review.

It was proposed by Cllr Gray, duly seconded, and agreed that the description of the 'General Purposes' be amended so that the second paragraph would read:

"To consider any issues which in the opinion of the **Leader of the Council**, Chief Executive or Chief Officers, should be referred to the Committee ..."

The Chairman proposed, and it was duly seconded, that the Committee membership should include substitutes in order to ensure that the proceedings of the committee benefited from a good level of attendance.

The Committee RESOLVED to recommend to Council that:

4. **That the Terms of Reference of the Standards Committee be amended to amend the name of the Committee to the Standards and General Purposes Committee; that substitute members be added to the membership of the committee; and the 'General Purposes' (as amended) be added, as set out in Annexe 4 to the report.**

The Committee was in support of the proposals to establish Executive Working Groups, and **RESOLVED to recommend to Council that:**

5. **The Executive Procedure Rules be amended to add the following: "1.12 The Executive may at the suggestion of the relevant Portfolio Holder establish an Executive Working Group to assist with the development of policy, in-depth examination of specific service proposals, or to progress major projects. Executive Working Groups have an advisory role only and cannot themselves take decisions. Executive Working Groups will be established and operate in accordance with the Executive Working Groups Protocol at Annexe 1 to the Executive Procedure Rules."; and the Executive Working Group Protocol as set out in Annexe 5 to the report be adopted.**

The Committee discussed the proposal to amend Council Procedure Rule 21.1 to remove the requirement for Members to stand when speaking at meetings of Full Council. The Committee agreed that there were practical benefits to remaining seated, including making it easier for Members to speak directly into their microphone, giving flexibility to any Member with mobility difficulties who found it hard to stand up and sit down again, and presenting a less formal or traditional image of the council to residents. Whilst there were some concerns that not standing to speak was disrespectful to the Mayor, the Committee noted that during the recent Council meetings held since May 2021, Members had remained seated whilst speaking and no lack of respect had been shown to the Mayor.

The Committee RESOLVED to recommend to Council that:

6. **Council Procedure Rule 21.1 be amended as follows to remove the requirement for Members to stand when speaking at meetings of the Council:**
"21.1 ~~Standing to speak~~ Speaking at the meeting
When a member speaks at full Council they must ~~stand and~~ address the meeting through the Mayor, but may stand or remain seated, as they prefer. If more than one members ~~stands-~~indicates they wish to speak, the Mayor will ask one to speak and the other must ~~sit~~ wait for the Mayor to invite them to speak. Other members must ~~remain seated whilst~~ not speak when a

member is speaking unless they wish to make a point of order or point of personal explanation.”

The Chairman proposed, and it was duly seconded, that in view of there being only two Overview and Scrutiny Committees going forward, there was no longer any need to have an Overview & Scrutiny Co-ordinating Board, and this should be abolished. This would not stop the chairmen and vice-chairmen of the two new Overview and Scrutiny Committees meeting with officers to consider their respective work programmes and committee arrangements.

Cllr Gray expressed some concern for abolishing the Co-ordinating Board before the transition to the new arrangements had been completed. He also was concerned that there was no forum for co-ordination between scrutiny, Audit and Standards committees.

The Committee RESOLVED to recommend to Council that

7. the Overview and Scrutiny Co-ordinating Board be abolished.

The Committee RESOLVED to recommend to Council that

8. the Monitoring Officer be authorised to make the necessary changes to the Constitution arising from the previous resolutions.

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.

STD 7/21 MONITORING OFFICER'S REPORT REGARDING MISCONDUCT ALLEGATIONS
(Agenda item 7.)

The Monitoring Officer introduced his report that summarised complaints received and action taken on allegations of misconduct against Waverley Borough and parish councillors during 2020 and 2021 (to date).

During the 18 months under consideration, there had been 15 cases with some involving more than one complainant and/or more than one subject member. Six cases were regarding town/parish councillors, and nine were regarding borough councillors. Most cases had been concluded following an informal investigation by the Monitoring Officer with two cases progressing to an external investigation.

The Committee noted that most complaints were not upheld, with the Monitoring Officer finding no evidence of a breach of the Code of Conduct; and that there had been an increase in the number of complaints received from councillors about the conduct of other councillors. The Monitoring Officer advised that the revised Arrangements for dealing with complaints proposed that such complaints be referred to the respective Group Leaders in the first place.

The revised Arrangements would be brought back to the Committee for consideration at the next meeting, following consideration received from parish councils and Independent Persons.

The Committee noted that complaints which could not be resolved informally were likely to be more complex in nature, and the referral to an external investigator inevitably resulted in them taking longer to resolve.

The Committee RESOLVED to note the summary record of complaints for the period 2020-2021 (to date), and

- looked forward to receiving the revised Arrangements for dealing with complaints under the Member Code of Conduct;
- asked that future reports include more analysis of lessons learned from investigation of complaints; and
- asked for more training to be provided to Members on the Code of Conduct.

STD 8/21 REVIEW OF THE CONSTITUTION - APPROACH AND TIMETABLE (Agenda item 9.)

The Monitoring Officer introduced the report setting out a proposed approach and timeline for the comprehensive review of the council's Constitution, which Council had asked the Committee to carry out. The Constitution was first approved in 2001 and was based on the original model constitution. Over the years, it had been revised and supplemented in a piecemeal fashion and it had become difficult to navigate and unwieldy, and was not a useful working document for councillors, officers, or the public.

Whilst the review would be a major project for officers and the committee, the aim was to bring forward proposals to Council for approval in February 2022.

Cllr Hyman spoke on this item. He noted that there was duplication in the current Constitution, and some internal contradictions, as well as it being very lengthy, and therefore addressing these issues would be beneficial. However, he reiterated his previous statements about the need for a 'duty of candour' or 'right to an answer' to be explicitly set out in the council's Constitution.

The Committee agreed that the Constitution would benefit from a comprehensive review, including consideration of whether all the constituent parts needed to be part of the Constitution. The target date of February 2022 was ambitious, and it was felt that this might need to slip by a month or two depending on progress.

The Committee RESOLVED to:

- (i) endorse the objectives for the Constitution review – to produce a Constitution for Waverley that is legally compliant and reflects current standards of good practice; is easy to navigate and to understand who takes decisions and how; and reflects the present values of the council.
- (ii) endorse the revised structure of the Constitution to improve the readability and accessibility for Members, Officers, and the public, and ensure the Constitution is properly placed as the core working document in the governance structure.
- (iii) note the aim to submit the revised Constitution to Full Council in February 2022.

The meeting commenced at 7.00 pm and concluded at 8.38 pm

Chairman

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WAVERLEY BOROUGH COUNCIL

COUNCIL

19 OCTOBER 2021

Title:

**Governance Matters -
Proposals following Council resolutions on 20 April 2021**

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

Key decision: No

Access: Public

1. Purpose and summary

1.1 On 20 April 2021, Full Council agreed a number of changes to the Council's governance structures, including:

- Moving from four to two overview and scrutiny committees;
- Establishing a new Housing Landlord Services Board;
- Expanding the remit of the Standards Committee to include a range of 'General Purposes' functions; and
- Re-establishing the capacity for Executive Working Groups to be constituted.

1.2 The Standards Committee was asked to bring forward recommendations to Council on appropriate Terms of Reference and consequential amendments to the Constitution to bring into effect the governance arrangements agreed in principle by Council.

1.3 This report presents the recommendations of the Standards Committee following consideration of the report and statements from councillors. The Minutes of the meeting of the Standards Committee are presented to Council on this agenda.

2. Recommendation

The Standards Committee recommends to Council that:

- 1) Two Overview and Scrutiny Committees be established with immediate effect: *Policy and Services*. Each committee will comprise 11 Members and meet a minimum of 5 times a year.
- 2) Subject to approval of Recommendation 1 above, Article 6 of the Constitution and the Overview and Scrutiny Procedure Rules be amended as set out in Annexe 2.
- 3) A Landlord Services Advisory Board be established under the Executive Working Group Protocol with Terms of Reference as set out in Annexe 3.
- 4) That the terms of reference of the Standards Committee be amended as set out in Annexe 4; that the name of the Committee be amended to the Standards and

General Purposes Committee; and the membership be amended to add three politically proportionate Substitutes.

- 5) That the Executive Procedure Rules be amended as set out in paragraph 4.26 below, and the Executive Working Group Protocol as set out in Annexe 5 be adopted.
- 6) That the Council Procedure Rule 21.1 be amended as set out in paragraph 4.27 to allow Members the choice of whether to stand or remain seated to address the Mayor at meetings of the Council.
- 7) That in view of there being only two Overview and Scrutiny Committees, the Overview and Scrutiny Co-ordinating Board be abolished.
- 8) That authority be delegated to the Monitoring Officer to make the necessary changes to the Constitution arising from recommendations 1-7 above.

3. Reason for the recommendation

The recommendations respond to the Council instruction to develop the necessary constitutional amendments to achieve the changes to the council's governance arrangements agreed in principle on 20 April by Full Council.

4. Background

- 4.1 This report contains some direct recommendations for the constitutional changes that should be proposed to Full Council. Where Officers consider that there are options on the approach to be taken, these are set out so that the Committee may consider and agree the recommendations to be put to Full Council.

Proposals regarding Overview & Scrutiny Committees

- 4.2 All local authorities operating executive arrangements are required by law to have at least one scrutiny committee. In June 2019, the Centre for Governance and Scrutiny (CfGS) published [The Good Scrutiny Guide](#), complementing new [Government statutory guidance](#) for authorities in England, published in May 2019. It contains extensive suggestions on how to conduct overview and scrutiny, covering matters such as culture, workplans, engagement with stakeholders and the public, use of external experts, gathering evidence, engaging with the executive, and making impact on policy.
- 4.3 However, neither the CfGS nor the government guidance make any recommendation on how authorities should structure their scrutiny function. In fact, paragraph 6.1 of the Good Scrutiny Guide (*Structures for Scrutiny*) says: *"There are many different models for committee structures. No one is "best" and trying to compare the committee structures of different authorities in the hope that transposing those models to your own set of circumstances will, on its own, lead to failure."*
- 4.4 The current Overview & Scrutiny structure is aligned to corporate plan (2016-2019) objectives that have now been superseded. Full Council has agreed to replace the current structure of four overview and scrutiny committees with two committees aligned to service areas of the council.

4.5 The proposed revised structure also recognises that the Housing O&S Committee has been used to fulfil the scrutiny function in relation to the housing service, but also to act as an internal governance board for the Housing service and a forum for tenant engagement in the operations of the housing service. The proposed Housing Landlord Services Advisory Board (see below) seeks to provide a separate forum for tenant engagement in delivering the HRA Business Plan, improving services for tenants, and meeting requirements for co-regulation of services, whilst allowing the scrutiny function to be carried out by the *Services O&S Committee*.

4.6 The role of scrutiny needs to be clear to all stakeholders:

“Authorities should take steps to ensure scrutiny has a clear role and focus within the organisation – i.e. a niche within which it can clearly demonstrate it adds value. Therefore, prioritisation is necessary to ensure the scrutiny function concentrates on delivering work that is of genuine value and relevance to the work of the wider authority – this is one of the most challenging parts of scrutiny, and a critical element to get right if it is to be recognised as a strategic function of the authority.” *Government Statutory guidance on overview and scrutiny in local and combined authorities, paragraph 11, p8*

4.7 In this context The Good Scrutiny Guide elaborates on the need for a clear role for scrutiny and the risks of not doing so:

“3.1.0.1 Clarifying what scrutiny “does” is difficult but necessary. It is difficult because it presents a significant cultural shift away from the approach that many councils have taken historically – that scrutiny exists to carry out a generalised oversight of the council and its partners, and that trying to do anything “less” would involve key issues falling between the gaps.”

“3.1.0.2 Resource constraints being what they are, an attempt to keep a general watching brief over everything in the local area is impossible. Not only that, adopting such vagueness for scrutiny’s role increases the risk that scrutiny will duplicate the work done by others – by audit, by contract managers, by council directors, by partners, by the press and by others.”

4.8 The Overview & Scrutiny Coordinating Board (OSCB) has been consulted on the revised committee arrangements, and the report at Annexe 1 sets out the observations and recommendations of the Board. The key constitutional details for the new overview and scrutiny function are considered below and the proposed revisions to the Constitution are set out in Annexe 2.

4.9 The number of overview and scrutiny committees and their remit (Article 6):

4.9.1 Full Council has decided that there will be two Overview & Scrutiny Committees, with remits covering Service Areas broadly split between Corporate and Support services, and those which support customer-facing services.

O&S Committee	Remit (Service Areas)
Policy	Business Transformation Finance and Property Policy and Governance

Services	<p>Commercial Services Environmental and Regulatory Services Housing Operations Housing Delivery and Communities Planning and Economic Development</p> <p>This Committee will act as the designated Crime and Disorder Committee for the purposes of Section 19 of the Police and Justice Act 2006.</p>
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4.9.2 The OSCB endorses splitting the committee remits based upon service areas but has expressed concern about the potential imbalance in the workload between the committees, given that the *Services* committee will be absorbing the remits of the current Environment, Housing and Community Wellbeing committees. This reinforces the need for those councillors involved in scrutiny at Waverley to identify the role of the scrutiny function in the new structure so that it adds value to the work of the council.

4.10 The committee Membership (O&S Procedure Rules):

4.10.1 The current Overview & Scrutiny committees each have nine members, plus up to eight substitutes. The membership of the Overview & Scrutiny Committee function taken as a whole (36 members) is politically proportional. However, the practicality of having four committees of the same size means that there is some variation in political balance between the committees.

4.10.2 It has also been challenging for the political groups to fill all their allocated seats (and substitutes) with some Members sitting as a full Member on one committee and as a substitute for another one (or more) committees. Having fewer, slightly larger committees should enable Groups to appoint Members who can engage with their committee, without having a responsibility to keep abreast of the work of multiple other committees and will spread the total committee workload more fairly between Members.

4.10.3 The Statutory Guidance (May 2019) emphasises that ‘*selecting the right members to serve on scrutiny committees is essential if those committees are to function effectively.*’ It should not be just to make up the allocated numbers.

4.10.4 Officers suggest that two O&S committees of eleven members, would be appropriate. The OSCB agrees that having fewer councillors on a committee makes for a more engaged membership and allows for meetings to be more focused. Whilst the impact of one or two members being absent is lessened on a larger committee, with a committee membership of eleven members it would be reasonable to continue the practice of appointing substitutes.

4.10.5 No changes are proposed with regards to arrangements for co-opted members, although there would not be a need for co-opted tenants on either committee as their role will be transferred to the Landlord Services Board. It is more likely that non-Members would be co-opted to a Task & Finish Group to provide specific expertise to the subject under consideration.

4.11 Number of meetings per year (O&S Procedure Rules):

4.11.1 The current committees each have five scheduled meetings per year, with the ability to call extraordinary meetings if required (e.g. for a call-in). The OSCB emphasised the importance of O&S meetings fitting in with the broader cycle of Council meetings and did not feel it would be practical to schedule more meetings for each committee although it was noted that this would require the committees to be more selective in the items identified for scrutiny.

4.11.2 The Constitution currently refers to six meetings per committee per year. In practice the committees have met a minimum of five times per year, and it is proposed to correct this anomaly.

4.12 The OSCB has also considered the relationship between the scrutiny function and the Executive, and recommends that the Executive portfolio holders and the Chairs and Vice-Chairs should negotiate a protocol to help to anchor the relationship on a common set of expectations and provide a focus for dialogue. An Executive/Scrutiny Protocol is recommended good practice in the Statutory Scrutiny guidance, and can be pursued as part of the ongoing work of developing the scrutiny function in the new structure.

4.13 There may be a requirement for a joint scrutiny committee as part of the collaboration with Guildford Borough Council and proposals will come forward for the Committee to consider if required as the collaboration progresses.

Proposals regarding the Landlord Services Advisory Board

4.14 The re-structuring of the Overview & Scrutiny committees provides the opportunity to strengthen the arrangements for engagement with tenants and leaseholders on matters relating to the Council's landlord functions, and to put greater emphasis on providing assurance on meeting the requirements of the Government's [Charter for Social Housing Residents for every social housing resident](#):

1. ***To be safe in your home.*** We will work with industry and landlords to ensure every home is safe and secure.
2. ***To know how your landlord is performing,*** including on repairs, complaints and safety, and how it spends its money, so you can hold it to account.
3. ***To have your complaints dealt with promptly and fairly,*** with access to a strong ombudsman who will give you swift and fair redress when needed.
4. ***To be treated with respect,*** backed by a strong consumer regulator and improved consumer standards for tenants.
5. ***To have your voice heard by your landlord,*** for example through regular meetings, scrutiny panels or being on its Board. The government will provide help, if you want it, to give you the tools to ensure your landlord listens.
6. ***To have a good quality home and neighbourhood to live in,*** with your landlord keeping your home in good repair.
7. ***To be supported to take your first step to ownership,*** so it is a ladder to other opportunities, should your circumstances allow.

4.15 The Landlord Services Advisory Board (LSAB) will be established under the Executive Working Group Protocol and will receive reports on matters relating to the

Council's landlord functions. Where those reports relate to items which will be submitted to the Council's Executive, the comments and recommendations of the LSAB will be submitted to the Executive with the officer report. Meetings of the LSAB will be co-ordinated with the timetable for Overview and Scrutiny and Executive meetings.

- 4.16 Officers suggest that the LSAB has a membership comprising the Portfolio Holder with responsibility for Housing (Chairman), plus three non-Executive Members, and three tenants/leaseholders.
- 4.17 Whilst the Executive Working Group Protocol at Annexe 5 proposes that the proceedings of EWGs are normally not held in public, the LSAB may wish to consider holding some or all of its meetings in public or allowing part of the meeting for questions from tenants.
- 4.18 The proposed terms of reference of the Landlord Services Advisory Board are set out at Annexe 3.
- 4.19 Officers have considered the option of establishing an Executive Sub-Committee with co-opted (non-voting) tenant and lease-holder members, and with delegated authority from the Executive to make decisions on certain matters, and to make recommendations to the Executive on others. This model would have more direct responsibility for delivery of the HRA Business Plan, as well as tenant and lease-holder engagement, but represents a significant change in the way Waverley exercises its Executive Arrangements. Whilst this is something that the council may wish to consider as part of the comprehensive review of the Constitution, it should do so in the round, and taking into consideration the roles of other Executive Advisory Boards (Property Investment, CIL).

Proposals regarding Standards and General Purposes Committee

- 4.20 Part II of the Local Government Act 2000 provides for the discharge of a local authority's functions by the Executive of the authority **unless** those functions are specified as functions that are not to be the responsibility of the authority's Executive.
- 4.21 The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 [the Regulations] specify the functions that **are not** to be the responsibility of an authority's Executive or **are** to be the responsibility of such an Executive to a limited extent or only in specified circumstances.
- 4.22 It is usual practice for most functions that are not to be the responsibility of the Executive to be delegated to committees of the council, or named officers, unless these functions are reserved by law to council only. For example,
- most functions of the council as the Local Planning Authority are delegated to the planning committee(s), but approval of the Local Plan documents is reserved to Full Council and may not be delegated
 - Similarly, most functions of the council as a Licensing Authority are delegated to the licensing committee, but Full Council is required to approve the council's Statements of Licensing and Gambling Policy.

- 4.23 Part 3 of Waverley's Constitution sets out the Responsibilities for Functions within the council. There are a number of Council functions which currently are not delegated to a committee of council, and which are routed to Council via the Executive with a recommendation. This potentially puts a political slant on matters which are not part of the Executive's remit, and which might benefit more from consideration by a cross-party committee of the council prior to Council decision.
- 4.24 For example, to ensure full cross-party input on the Boundary Commission proposals on council size and warding patterns, a cross-party working group was established to inform the Executive's recommendations. These considerations, relating to the council's electoral arrangements and therefore a council function, could have been within the remit of a politically balanced committee of council.
- 4.25 Annexe 4 proposes adding to the remit of the Standards Committee a broad remit for 'General Purposes' not otherwise delegated to another committee. This will enable a thorough review of the responsibility for functions to be undertaken as part of the Constitution Review, and these to be allocated to the correct and most appropriate committee. There is no change proposed to the terms of reference of the Audit Committee as part of this report, however, these can be reviewed as part of the wider review of the Constitution.

Proposals regarding Executive Working Groups

- 4.26 It is proposed that the Executive Procedure Rules are amended to add, at paragraph 1.12:

"1.12 The Executive may at the suggestion of the relevant Portfolio Holder establish an Executive Working Group to assist with the development of policy, in-depth examination of specific service proposals, or to progress major projects. Executive Working Groups have an advisory role only and cannot themselves take decisions. Executive Working Groups will be established and operate in accordance with the Executive Working Groups Protocol at Annexe 1 to the Executive Procedure Rules."

The proposed Executive Working Groups Protocol is attached to this report at Annexe 5.

Proposals regarding the Council Procedure Rules

- 4.27 It is proposed that Council Procedure Rule 21.1 is amended to remove the requirement for Members to stand when speaking at meetings of the Council, but to retain the requirement to address the meeting through the Mayor:

"21.1 ~~Standing to speak~~ Speaking at the meeting

When a member speaks at full Council they must ~~stand and~~ address the meeting through the Mayor, *but may stand or remain seated, as they prefer*. If more than one member ~~stands~~ *indicates they wish to speak*, the Mayor will ask one to speak and the others must ~~sit~~ *wait for the Mayor to invite them to speak*. Other members must ~~remain seated whilst~~ *not speak when* a member is speaking unless they wish to make a point of order or a point of personal explanation."

5. Relationship to the Corporate Strategy and Service Plan

5.1 The Corporate Strategy 2020-2025 sets out the Council's commitment to promoting open, democratic and participative local government. The recommendations set out in the report contribute the strategic priority of local, open and participative government by encouraging participation in local democracy by everyone in the community including local forums to consider current issues.

6. Implications of decision

6.1 Resource (Finance, procurement, staffing, IT)

There are no budget or resource implications of the proposals, which will be implemented with the existing budget and staffing.

6.2 Risk management

N/a

6.3 Legal

The Local Government Act 2000 requires all local authorities to establish arrangements for effective scrutiny with sufficient power:

- to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the executive
- to make reports or recommendations to the authority or the executive with respect to the discharge of any functions which are the responsibility of the executive
- to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are not the responsibility of the executive
- to make reports or recommendations to the authority or the executive with respect to the discharge of any functions which are not the responsibility of the executive
- to make reports or recommendations to the authority or the executive on matters which affect the authority's area or the inhabitants of that area

This report supports the discharge of this function in accordance with the legislative requirements.

6.4 Equality, diversity and inclusion

There are no 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 proposed reduction in the number of formal committees will have a positive impact on the climate emergency actions through a reduction in paper agendas being produced and less car journeys to the Council offices for in-person meetings.

7. Consultation and engagement

- 7.1 Proposals for revised arrangements for the Overview and Scrutiny Committees have been discussed by the Overview & Scrutiny Coordinating Board and the Board's comments are included in the report (above).
- 7.2 The Housing Portfolio Holder, Head of Housing Operations, and Head of Housing Delivery and Communities, and Tenants Panel have been consulted on proposals for the Landlord Services Advisory Board.

8. Other options considered

- 8.1 Set out above where relevant.

9. Governance journey

- 9.1 The Standards Committee has been directed by Council to consider and bring forward recommendations to put into effect the changes to the council's governance arrangements agreed in principle at the Full Council meeting on 20 April 2021. Recommendations from the Standards Committee will be submitted to Full Council on 19 October 2021.

Annexes:

- Annexe 1 – Recommendations from the Overview and Scrutiny Coordinating Board.
Annexe 2 - Constitutional amendments re Overview & Scrutiny Committees
Annexe 3 – Landlord Services Advisory Board Terms of Reference
Annexe 4 – Standards and General Purposes Committee Terms of Reference
Annexe 5 – Executive Working Group Protocol

Background Papers

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

CONTACT OFFICER:

Name: Louise Fleming

Position: Democratic Services and Business Support Team Manager (Deputy Monitoring Officer)

Telephone: 01483 523517

Email: louise.fleming@waverley.gov.uk

Agreed and signed off by:

Legal Services: date

Head of Finance: date

Strategic Director: date

Portfolio Holder: date

RECOMMENDATIONS ON GOVERNANCE MATTERS FROM THE OVERVIEW AND SCRUTINY COORDINATING BOARD FOLLOWING COUNCIL RESOLUTIONS ON 20 APRIL 2021

Introduction

The Overview and Scrutiny Coordinating Board consists of the Chairman and Vice-Chairman of each of the four Overview and Scrutiny Committees. Amongst other functions, it exists to co-ordinate the work of the different committees and review their terms of reference and constitutional basis. In this latter capacity, the Board made the following recommendations to Standards Committee regarding the implementation of the resolutions by council:

1. Early on in the process, the Standards Committee should outline what objectives it sees these changes delivering and what evidence might indicate whether they have been achieved.
2. The remit of the Overview and Scrutiny Committees should be based on service areas.
3. The Board preferred the names “Places and People” and “Resources and Performance” to “Corporate” and “Community” which existed before.
4. Avoid significantly expanding the membership of the Overview & Scrutiny committees.
5. Retain substitutes.
6. Establish a practice of co-opting onto task & finish groups when an outside perspective or expertise is required rather than onto either of the main committees. Notwithstanding this general principle, the Board is concerned that unless the practice of co-opting a Tenants Panel representative onto the committee with responsibility for scrutinising housing operations is retained, then there would be a lack of relevant lived experience.
7. a) Maintain the number of committee cycles per annum and b) given the reduced number of committee meetings, the overriding aim of the committees’ work programming should be for more targeted scrutiny considering fewer but better chosen and more thoroughly considered items.
8. Commission the maximum number of Task & Finish groups which resources permit.
9. The Executive Portfolio Holders and the Chairs and Vice-Chairs should negotiate a protocol to help to anchor the relationship on a common set of expectations and provide a focus for dialogue.

The details of these recommendations and the rationale for them are discussed below.

What should the function of Overview & Scrutiny be?

The Centre for Governance & Scrutiny’s [Good Scrutiny Guide](#) has a short section on structures which argues that: *“Form should follow function, and it is only when members and officers have a clear sense of the role of scrutiny, its approach to work programming and impact, that the structure to support that work can be properly evaluated.”*

This would include a sense of how much emphasis should be placed on the different role O&S plays. These include:

- Pre-scrutiny of upcoming Executive decisions
- Planned scrutiny of particular themes

- Performance Monitoring
- Policy development
- Scrutiny of other statutory organisations which affect the welfare of Waverley's residents
- Commissioning and directing task & finish groups

More broadly, it should also include a vision for what good scrutiny will look like. The Local Government Association's *Councillor's Workbook on Scrutiny* suggests it means O&S:

- tackles issues of direct relevance to local people
- tackles issues where, through the unique perspective of elected councillors, it can add the most value
- is about talking to a wide range of people, drawing them together and building consensus
- is about challenging the accepted ways of doing things and acting as a champion for developing a culture of improvement in the local area

O&S co-ordinating board recommendation #1: Early on in the process, the Standards Committee should outline what objectives it sees these changes delivering and what evidence might indicate whether they have been achieved. Clarity about the objectives of these reforms will enable the decisions Standards Committee takes to be better orientated towards them.

On what basis should the business of the two committees be divided up?

There are a variety of approaches used by other authorities: thematic (perhaps tied to the corporate priorities), by service areas, or by the nature of the Council function being scrutinised.

Basing the remits around service areas, is likely to be more efficient. It would in most cases prevent situations where reports go to both committees and negate the need for officers to present them twice.

Conversely, an explicit connection between the Committees' remits and the corporate priorities would have the advantage of recognising that certain issues will cut across service boundaries and require co-ordination between them. In addition, it focuses O&S's considerations on the ultimate ends of the Council's activities.

As a reminder, the Corporate Strategy priorities are as follows:

- Financial Sustainability
- Local, open, participative government
- Supporting a strong local economy
- Taking action on Climate Emergency and protecting the environment
- Good quality housing for all income levels and age groups
- Effective strategic planning and development management to meet the needs of our communities
- Improving the health and wellbeing of our residents and communities

O&S co-ordinating board recommendation #2: The remit of the Overview and Scrutiny Committees should be based on service areas.

Which work areas should be allocated to which committee?

Some possible considerations when making this decision:

- Keeping the workload of the committees balanced
- Minimising the number of times the same report goes to both committees

- Allowing members to develop expertise and skills
- Putting related areas together

O&S co-ordinating board recommendation #3: The Board preferred the names “Places and People” and “Resources and Performance” to “Corporate” and “Community” which existed before. This would give the new committees a fresh identity.

The chairs and vice-chairs endorsed the following split:

Places and People	Resources and Performance
Community Services	Business Transformation
Careline	ICT
Community Safety – Safer Waverley Partnership	Customer Service
Housing delivery and strategy	General Fund MTFP Budget
Homelessness/Housing Options	Property Investment Advisory Board Report
Private Sector Housing	Asset Management
Leisure activity, sports and recreation	Income generation projects
Culture and arts, including museums	Recovery Plans
Parks & Countryside	Commercial Strategy
Health partnership and strategy	Waverley Training Services
Climate and sustainability	Building Control
Refuse, recycling, street cleaning	Corporate Strategy
Enforcement	Workforce
Car Parking	Complaints
Planning Policy – LPP1 and LPP2, SPDs etc	Economic Development Strategy
Housing Operations	CIL
	Joint Working
	Performance

Particular thought must be given when drawing up remits to ensure that there is sufficient capacity to deal with the large workload arising from Housing. Though the Council decision means a Landlord Services Board will be founded, if this takes on decision-making functions, it will still be necessary for Overview and Scrutiny to retain a role in scrutinising Waverley’s housing operations. Given the scale of the retrofitting and house building programmes likely to be necessary in the next few years, this is likely to require significant capacity. It is worth noting that when the Council last had two Overview and Scrutiny committees this capacity was provided by a housing specific sub-committee.

Despite the existence of this sub-committee, in the municipal year preceding the move from two committees to four, the average Community O&S committee meeting was twenty minutes longer than the average CWB O&S meeting in the following year. Therefore, the drawing up of remits must take into account the committees having the capacity to effectively scrutinise the corresponding areas in future.

How many councillors will sit on each committee?

The present committees have nine members and four substitutes. There is an argument that if there are fewer committees, then the new committees ought to have more members to share the workload and keep a range of perspectives. On the other hand, a meeting with fewer participants is likely to be more focused and easier to chair. It would also mean there is more time for questions from each councillor on the committee and, therefore, there is more chance for follow-up. It is suggested that an odd number of 11 or 13 would be appropriate.

O&S co-ordinating board recommendation #4: Avoid significantly expanding the membership of the Overview & Scrutiny committees. The chairs and vice-chairs felt that having fewer councillors on a committee makes for a more engaged membership and allows for meetings to be more focused.

Should there still be substitutes?

Arguably, this partially depends on the number of members on the committee as if there is a larger committee then the impact of a member being absent is lessened.

O&S co-ordinating board recommendation #5: As a corollary of the recommendation above on committee size, it would be sensible to retain substitutes.

Will anyone be co-opted onto the new O&S committees?

At present, the only co-opted members of O&S are the two Tenant's Panel Representatives. The assumption is that under the new arrangements tenant representation will be on the Landlord Services committee. The Centre for Governance & Scrutiny advises that there are two reasons to co-opt:

- ***“Expertise.*** *A co-optee may possess particular technical skill or knowledge – often by virtue of being a representative of a particular organisation. Co-optees brought onto committees for their expertise will naturally have a large role to play when the committee considers items that relate to that issue specifically – but where a committee has especially broad terms of reference, this may not be the case;*
- ***“Personal characteristics.*** *A co-optee may, by virtue of their background, have perspectives or insights that others on the committee may lack. Using co-optees to provide more diverse representation on a committee should be encouraged and welcomed.”*

It is also possible to co-opt non-councillors onto a Working Group and that this *“tends to be more effective than their appointment to sit on a committee, because a task group is not open-ended and has a defined purpose, enabling individuals to be chosen for a specific purpose.”*

O&S co-ordinating board recommendation #6: Given the CfGS's advice, establish a practice of co-opting onto task & finish groups when an outside perspective or expertise is required rather than onto either of the main committees. Notwithstanding this general principle, the Board is concerned that unless the practice of co-opting a Tenants Panel representative onto the committee with responsibility for scrutinising housing operations is retained, then there would be a lack of relevant lived experience.

How many meeting cycles should there be a year?

The present four committees meet five times a year (i.e. there are twenty O&S meetings per annum).

If the same number of cycles is maintained then there would be 10 meetings a year rather than 20. Therefore, it will be necessary to be more selective about which items are taken to Committee. However, it may be possible to modestly increase the number of meeting cycles per year.

O&S co-ordinating board recommendation #7: The chairs and vice-chairs emphasises the importance of Overview and Scrutiny meetings fitting within the broader cycle of Council meetings. Therefore, they are sceptical of the practical possibility of increasing the number of meeting cycles per year.

Maintaining the same number of cycles but for half the number of committees, would mean that the total number of Overview and Scrutiny meetings per annum would be reduced from 10 to 20. Therefore, it will be necessary to be more selective about which items are taken to Committee. There is currently an agreed criterion for selecting O&S agenda items which is set out at Annexe 1 to this paper. It is suggested that if this is followed then agendas should be manageable.

The overriding aim should be for more targeted scrutiny considering fewer but better chosen and more thoroughly considered items.

How should working groups support Overview and Scrutiny?

Full Council's decision was that O&S will retain their existing constitutional ability to form Working Groups. Assuming that the same resources are devoted to these groups as at present, it would make sense for each committee to run one group within its remit at a given moment and one to two groups per year.

O&S co-ordinating board recommendation #8: The Co-ordinating Board felt that it was very difficult to carry out effective policy development within a meeting where multiple items are considered in the space of approximately two hours. There was, therefore, enthusiasm for the contribution of Task & Finish groups, though this was combined with a recognition of the strain they can place upon officer resource. Given this, the chairs and vice-chairs would like to see the maximum number of Task & Finish groups which resources permit.

How should O&S relate to the Executive?

As the Executive and the O&S play complementary functions within the governance of the Council, it is desirable that they have a constructive working relationship. Scrutiny works best when this is the case. The Coordinating Board are asked to consider how improvements could be made to ensure there is constructive dialogue between the Executive and O&S.

- **What form should dialogue with the Executive take?**
- **Are there more impactful ways to present the output from O&S?**
- **Should the channels of communication between the Executive and O&S be formalised?**
- **Should there be an executive-scrutiny?**

It is worth noting the advice of the CfGS that successful scrutiny is dependent not just on the committees themselves but also "*hinges on the commitment of those in leadership positions*". Therefore, delivering improvements would need to be a two-way process.

O&S co-ordinating board recommendation #9: The Executive portfolio holders and the Chairs and Vice-Chairs should negotiate a protocol to help to anchor the relationship on a common set of expectations and provide a focus for dialogue.

OVERVIEW AND SCRUTINY COMMITTEES

Part 1, Summary & Explanation

“5.0 The Council appoints ~~four~~ TWO Overview and Scrutiny Committees each of 9-11 non-Executive Members.”

“5.1 The Overview and Scrutiny Committees will have call-in powers in relation to individual Executive decisions. Call-in can be triggered by a notice signed by any 3-5 non-Executive members or substitute members of the ~~Committee~~ Council. Details are set out in the Overview and Scrutiny Procedure Rules.”

“5.3 The Chairmen of the ~~four~~ TWO Overview and Scrutiny Committees shall be elected from nominations put forward by the Principal Opposition Group of the Council (this can include non-members of the Principal Opposition Group or members of the administration group(s)), subject to the total number of Opposition members on the Council exceeding 10% of the overall membership (in the current composition of the Council, this would equate to 6 members). The Vice-Chairman of each Overview and Scrutiny Committee shall usually not be from the same political group as the Chairman. Without consent of the Council, no member can be Chairman or Vice-Chairman of more than one Overview and Scrutiny Committee.”

Part 2, Articles – Article 6

“6.0 General Comments (4th paragraph)

~~At Waverley, Overview and Scrutiny Committees are based on the Council's Corporate Priorities.~~ The membership is politically proportionate.–Each Overview and Scrutiny Committee can carry out investigatory and research work as informal working groups, with appropriate officer support, to study and report back to the main Committee on a particular topic. Currently, a scheduled meeting of each Overview and Scrutiny Committee is held ~~six~~ FIVE times a year, with additional meetings, if necessary, subject to the agreement of the Chairman and Vice-Chairman.

6.1 Terms of Reference

Waverley has ~~four~~ TWO Overview and Scrutiny Committees which will carry out the functions of Overview and Scrutiny in relation to the following Service areas:

O&S Committee	Remit (Service Areas)
Policy	Business Transformation Finance and Property Policy and Governance
Services	Commercial Services Environmental and Regulatory Services Housing Operations Housing Delivery and Communities Planning and Economic Development This Committee will act as the designated Crime and

	Disorder Committee for the purposes of Section 19 of the Police and Justice Act 2006.
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Part 4, Overview & Scrutiny Procedure Rules

1.0 What will be the number and arrangements for Overview and Scrutiny Committees?

The Council will establish the Overview and Scrutiny Committees set out in Article 6 and will appoint to them as it considers appropriate from time to time.

~~Currently Waverley has four Committees which take the functions of both Overview and Scrutiny.~~

The Committee membership is politically proportional and each Committee ~~can~~ will consist of ~~nine~~ ELEVEN members. In addition, substitute members are also nominated and a list of substitute members to be called will be lodged with the Democratic Services Team.

The Chairmen and Vice-Chairmen will be nominated annually at the Council's Annual Meeting or at the Council meeting setting them up. The Chairmen of the ~~four~~ Overview and Scrutiny Committees shall be elected from nominations put forward by the Principal Opposition Group of the Council (this can include non-members of the Principal Opposition Group or members of the administration group(s)), subject to the total number of Opposition members on the Council exceeding 10% of the overall membership (in the current composition of the Council, this would equate to six members). The Vice-Chairman of the Overview and Scrutiny Committee shall usually not be from the same political group as the Chairman. Without consent of the Council, no member can be Chairman or Vice-Chairman of more than one Overview and Scrutiny Committee.

4.0 Meetings of the Overview and Scrutiny Committees

There shall be at least ~~six~~ FIVE ordinary meetings of each Overview and Scrutiny Committee in each year. In addition, extraordinary meetings may be called from time to time as and when appropriate. An Overview and Scrutiny Committee meeting may be called by the Chairman and Vice-Chairman together of the relevant Overview and Scrutiny Committee or by the Coordinating Board if they consider it necessary or appropriate.

16.0 (c) During that period, the Head of Policy and Governance shall call-in a decision for scrutiny by the committee if so requested by any ~~three~~ five non-Executive members (~~including Substitute Members~~) of the ~~Committee~~ Council where reasons as stated in the call-in form attached at Annexe 6, are valid in the context of Article 13 of the Constitution. Should any Substitute Member be one of those proposing a call-in, he shall have a right to attend the Committee and speak, but not to vote unless he is substituting at that meeting for another Member. The Head of Policy and Governance shall call a meeting of the relevant Overview and Scrutiny Committee on such date as he/she may determine or as reserved in the calendar of meetings, where possible after consultation with the chair of the committee, and in any case within 5 working days of the decision to call-in.

HOUSING LANDLORD SERVICES ADVISORY BOARD

The Council has established a Landlord Services Advisory Board under the Executive Working Group protocol to promote tenant and leaseholder engagement in decisions relating to the Council's housing stock and to provide assurance of the Council's commitment to the Charter for Social Housing Residents.

The Board will consist of:

- The Executive Portfolio Holder with responsibility for Housing (Chairman)
- Three non-Executive members (politically balanced)
- Three co-opted members, two of which will be Waverley tenants, and one which will be a Waverley lease-holder

Co-opted members of the Board will be selected from the Tenants Panel (via application and interview process) during year 1, with arrangements for elections of co-optees to be developed and agreed by the Board by the first anniversary of its constitution.

Substitutes are not permitted.

The Board will normally meet 5 times a year, co-ordinated with meetings of the Overview and Scrutiny Committees and Executive, but the Chairman may call ad hoc meetings as required.

Meetings of the Board will normally meet in the absence of the press and public unless the Board agrees alternative more flexible arrangements for part or all of its meetings.

Specific terms of reference

The Landlord Services Advisory Board will receive reports on matters relating to the Council's landlord functions. These will include:

- The HRA Business Plan and budget, the Housing Delivery Programme, and the Housing Service Plan
- Other matters relating to the delivery of the housing landlord function, with an emphasis on meeting the requirements of the Charter for Social Housing Residents
- Reviews of existing policies or the introduction of new policies relating to or affecting Council's tenancies
- Matters relating to tenant scrutiny and challenge as part of delivering co-regulation of the housing landlord service
- Performance of the housing landlord function

Where those reports relate to items which will be submitted to the Council's Executive, the comments and recommendations of the Landlord Services Advisory Board will be submitted to the Executive with the officer report.

The Landlord Services Advisory Board has an advisory role only and cannot itself take decisions.

STANDARDS AND GENERAL PURPOSES COMMITTEE

REMIT

In addition to existing responsibilities for oversight of the Council's Constitution and Ethical Standards, add:

General Purposes

Authority to oversee the Council's arrangements, and make recommendations to Council as appropriate, with regard to non-Executive functions (as defined in The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended)) which are not otherwise reserved to Council and are not within the terms of reference of any other committee and which are not delegated to an officer.

To consider any issues, which in the opinion of the Leader of the Council, Chief Executive or Chief Officers, should be referred to the Committee, and to report back decisions and recommendations.

EXECUTIVE WORKING GROUP PROTOCOL

1. Executive Working Groups are intended to assist the Executive, through the appropriate Portfolio Holder, to:
 - (a) develop policy;
 - (b) examine specific service proposals in depth; and
 - (c) progress major projects.
2. Executive Working Groups have an advisory role only and cannot themselves take decisions.
3. Any Executive member can propose to the Executive that an Executive Working Group should be established, and when making a proposal should:
 - (a) propose terms of reference and the scope of the task; and
 - (b) set out a timescale for the duration of the SIG.
4. The decision to establish an Executive Working Group is for the Executive. All Executive Working Groups must be reviewed by the Executive to confirm that they are still needed before being reappointed at the start of a Council year.
5. Membership of Executive Working Groups will be based on enabling those with the best skills and knowledge of the matter to contribute and will be appointed by the Executive based on recommendations by the appropriate Portfolio Holder. The appropriate Portfolio Holder will convene and chair an Executive Working Group unless they choose to delegate the chairmanship. Substitutes are not permitted.
6. Executive Working Groups may include non-councillors or members from other Councils as non-voting members.
7. Within the overall framework of Waverley's Procedure Rules, Executive Working Groups will be able to develop flexible working arrangements best suited to their task.
8. Executive Working Groups will normally meet in the absence of the press and public.
9. Executive Working Groups will be serviced by officers and Democratic Services will record their meetings in report form and these reports will form background papers to the eventual reports to the Executive on matters they have discussed.
10. Reports to Executive Working Group meetings will not normally be published, and both reports and discussion at meetings will be treated as exempt. They can, however, be requested by Overview and Scrutiny Committees as part of their work, at which time the Monitoring Officer will decide whether any of the reports should be defined as exempt under access to information legislation.
11. Other members of the Council may attend as observers.
12. If a member has taken part in policy development as part of an Executive Working Group, and subsequently is involved in an Overview and Scrutiny Committee review of this policy, they may have a conflict of interest. In this case they should seek the advice of the Monitoring Officer.