

To: All Members of the Council

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Manager

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Date: 15 May 2023

Dear Councillor

COUNCIL MEETING - TUESDAY, 23 MAY 2023

A MEETING of the WAVERLEY BOROUGH COUNCIL will be held in the COUNCIL CHAMBER, COUNCIL OFFICES, THE BURYS, GODALMING on **TUESDAY, 23 MAY 2023** at **6.00 pm** and you are hereby summoned to attend this meeting.

The Agenda for the Meeting is set out below.

Yours sincerely

Susan Sale

Executive Head of Legal & Democratic Services & Monitoring Officer

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AGENDA

1. ELECTION OF MAYOR
2. DECLARATION OF ACCEPTANCE OF OFFICE BY THE MAYOR
3. ELECTION OF DEPUTY MAYOR
4. DECLARATION OF ACCEPTANCE OF OFFICE BY THE DEPUTY MAYOR
5. VOTE OF THANKS TO THE RETIRING MAYOR
6. APOLOGIES FOR ABSENCE

The Mayor to report apologies for absence.

7. MINUTES (Pages 5 - 18)

To confirm the Minutes of the Council meeting held on 21 March 2023 (herewith).

8. DECLARATIONS OF INTEREST

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

9. MAYOR'S ANNOUNCEMENTS

10. ELECTION OF THE LEADER OF THE COUNCIL

11. LEADER'S ANNOUNCEMENTS

12. ESTABLISHMENT OF COMMITTEES 2023/24 (Pages 19 - 30)

Recommendation

That the Council RESOLVES that:

- 1.1 the committees as set out in paragraph 5.6 be established for the 2023/24 municipal year with the committee sizes shown; and
- 1.2 The changes to the terms of reference of the Overview and Scrutiny Committees and the Eastern and Western Planning Committees as shown in paragraph 5.7 be approved.

13. APPOINTMENTS TO COMMITTEES 2023/24 AND OTHER APPOINTMENTS (Pages 31 - 58)

Recommendation

That the Council RESOLVES that:

- 1.1 committee seats be allocated to political Groups and Independent Members as set out in Appendix 1;
- 1.2 the nominations for membership and substitute membership (where applicable) of the committees and joint committees for the 2023/24 municipal year as shown in Appendix 2 (*to follow*) be approved in accordance with the wishes of the political Groups;
- 1.3 the nominations for the election of Chairs and Vice-Chairs of the committees as shown in Appendix 2 (*to follow*) be approved.
- 1.4 That in accordance with Section 28(7) of the Localism Act 2011, the Council appoints the following persons as Independent Persons for a four-year term of office expiring in May 2027:
 - Andrea Armstrong
 - Vivienne Cameron
 - Jane Clarke
 - Bill Donnelly
 - John Smith

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MINUTES of the WAVERLEY
BOROUGH COUNCIL held in
the Council Chamber, Council
Offices, The Burys, Godalming
on 21 March 2023 at 6.00 pm

- * Cllr John Ward (Mayor)
- * Cllr Penny Rivers (Deputy Mayor)

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

*Present

Apologies

Cllr David Beaman, Cllr Simon Dear, Cllr Sally Dickson, Cllr Brian Edmonds, Cllr David Else, Cllr Jenny Else, Cllr Jan Floyd-Douglass, Cllr Daniel Hunt, Cllr Jacquie Keen, Cllr Michaela Martin, Cllr Nick Palmer, Cllr Julia Potts, Cllr John Robini, Cllr Anne-Marie Rosoman, Cllr Michaela Wicks and Cllr George Wilson

Prior to the commencement of the meeting, the Mayor led the Council in a moment of reflection to note the recent passing of two of Waverley's past mayors, Janet Maines and Len Bate.

Prayers were then led by the Rev's Jacqueline Drake-Smith from St Peter's in Wrecclesham.

CNL91/22 APOLOGIES FOR ABSENCE (Agenda item 1.)

Apologies for absence were received from Cllrs David Beaman, Simon Dear, Sally Dickson, Brian Edmonds, David Else, Jenny Else, Jan Floyd-Douglass, Dan Hunt, Jacquie Keen, Michaela Martin, Nick Palmer, Julia Potts, John Robini, Anne-Marie Rosoman, George Wilson and Michaela Wicks.

CNL92/22 MINUTES (Agenda item 2.)

The Minutes of the Extraordinary Council meeting and the Budget Council meeting held on 21 February 2023 were confirmed.

The Leader advised Council that whilst the Minute 86.7 of the Budget Council meeting reported what he had said, he wished to correct his own statement that the government target for EPC-C was 2050 – the target date in fact being 2035. However, he stood by the rest of his statement.

The Mayor agreed that a note be added to Minute 86.7 to reflect the Leader's correction, and would sign the updated Minutes.

CNL93/22 DECLARATIONS OF INTEREST (Agenda item 3.)

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

CNL94/22 MAYOR'S ANNOUNCEMENTS (Agenda item 4.)

94.1 The Mayor updated Council on his activities since the last meeting. He had attended many different events, including:

- An Innovation Summit arranged by the University for the Creative Arts and a number of IT-focussed companies, at which over 30 companies were represented. There were also representatives from Waverley, Guildford and Mole Valley and other local councils present. It was very encouraging to see the UCA, local businesses and local councils coming together in this way.
- Guildford Cathedral, to see the Knife Angel which was a very powerful tool to warn people of the danger of carrying knives.
- Opening night of the Farnham Literary Festival. This was the second Farnham Literary Festival and it had been an outstanding success and something to be built upon for the future.
- Rushmoor Annual Banquet, where the Mayor noted the tradition in Hampshire that Borough Mayors never wear their Mayoral chains outside their own borough, and wear their badge on a ribbon instead.
- The Farnham Repair Café, doing great work to repair items instead of them being thrown away.
- The annual concert of the Farnham Choral Society.
- The annual service of King Edwards's School, Witley at St Bride's Church off Fleet Street in London, which was also attended by the Lord Mayor of London and the Mayor of Godalming, and was followed by a lunch at the Guild Hall.
- A number of civic events in neighbouring boroughs, including East Hants.

- 94.2 The Mayor's Charity Concert on Friday 17 March 2023 at Frensham Heights School, Rowledge had been a hugely enjoyable and happy occasion and a great success. The Mayor thanked all those involved in organising and contributing to the event, and in particular his PA Chloe Mickiewicz.
- 94.3 On Monday 20 March 2023, the Duke of Edinburgh had paid an informal visit to Farnham and the Mayor had been present when the Duke planted the 70th tree in the Jubilee Walk in Farnham which was started to mark the Queen's Jubilee.
- 94.4 Finally, the Mayor reported on his upcoming visits in the last months of his civic year, to the aerial aquarium at St Andrew's Church in Farnham, the installation of the new High Sherriff, the Lord Lieutenant's Kings Awards for Volunteers, the civic day in Epsom & Ewell, and various concerts in Guildford and Farnham.

CNL95/22 LEADER'S ANNOUNCEMENTS (Agenda item 5.)

- 95.1 The Leader advised that he had also visited the Knife Angel and agreed with the Mayor that it was a very impressive structure which encouraged everyone to see. Since the last Council meeting Waverley, alongside Protect Dunsfold and the Good Law Project, had been successful in securing a judicial review against the decision to allow UKOG's exploratory drilling works in Dunsfold. The Leader thanked the Waverley Electoral Services Team for their work preparing for the upcoming elections, and for attending the hustings at Godalming College earlier to talk to students about voter ID and what they needed to do to vote.
- 95.2 As it was the last Council meeting of the current administration, the Leader also took the opportunity to thank all Members, including those who had been lost over the past four years, and especially the Mayor, Cllr Williams and Cllr Palmer and the other Group Leaders of the administration parties for their commitment to the collective vision, and to the Leaders of the Opposition. Finally, he thanked all the officers and staff for their work to deliver the administration's corporate agenda.
- 95.3 The Leader invited Executive Portfolio Holders to provide updates on matters not reported elsewhere on the agenda:
- Cllr Clark reported that the Executive Heads of Service were coming forward with business cases for greater collaboration between Guildford and Waverley. The Farnham Infrastructure Programme was moving towards implementation of some of the changes to Farnham's town centre to create a more pedestrian-friendly environment and tackle traffic congestion and air quality issues.
 - Cllr MacLeod provided an update on the status of Brightwells House and the very positive meeting held the previous week with stakeholders that had identified measures to resolve current issues and ensure that Brightwells House was properly restored. The Environmental Enforcement Team continued to deal with a range of issues including abandoned vehicles, fly-tipping and stray dogs. Finally, car parking income continued to improve and hopefully would soon be back to pre-pandemic levels.

- Cllr Marriott noted the connections between her Community Safety and Equality, Diversity and Inclusion portfolios, and the difficulty that any council had in addressing either other than by looking at and acting on internal policies. Cllr Marriott referred to the damning report on the Metropolitan Police published earlier, and emphasised how important it was that policies were acted on and promoted, and were not just an end in themselves. Waverley officers were active in Safer Waverley Partnership, and in the ongoing development of a new Equality, Diversity and Inclusion Policy for Waverley. Cllr Marriott had also been discussing safety arrangements for officers and councillors visiting members of the public, and this was especially relevant with the pre-election period about to start.
- Cllr Mirylees was delighted to announce that the Council had been awarded a MEND grant of more than £734,000 by the Arts Council to carry out essential repairs to Wilmer House, home of the Farnham Museum. This had been a long-running issue and there had been many setbacks, but the council now would finally have the financial help needed to save this Grade One listed Georgian building that was of national and local importance. Cllr Mirylees extended thanks to all those in Farnham and across the borough who had supported the council's efforts, especially the Farnham Maltings who had a great partner to work with.
- Work was nearing completion on two schemes in Farnham Park, with the improvement of sewage treatment, and re-surfacing and reconfiguration of the main car park. Work was progressing on the feasibility of delivering a pump track playground and bike area in the north-western corner of Sandy Hill; ten tenders had been received for the major pavilion refurbishment at Broadwater Park; and there had been a hugely positive response to the community survey on what people would like to see on the Broadwater Golf Course site.
- Finally, the council continued to deliver on obligations under the Higher Level Stewardship schemes on key protected countryside sites at Frensham Great Pond, Mare Hill, Blackheath Common, and the Lammas Land. The council also continued to undertake biodiversity improvement works across a number of other sites around the borough, with the Countryside Ranger Team supported by the countryside volunteers whose contributions saved the council around £79,000 a year in costs to outside contractors.
- Cllr Merryweather referred to recent enquiries from the Farnham Herald regarding the potential to offer 30 minutes of free parking in Waverley car parks: he noted that parking spaces were already at a premium at peak times, so encouraging more visitors could lead to disappointment; businesses valued 'dwell time' and there was a risk that available spaces would be taken by visitors who stayed briefly and spent little. Parking was already free in the evenings and on Sundays, and the estimated cost of such a scheme could be £4-500,000 per year, equivalent to 4% of council tax receipts.
- Cllr Merryweather noted his disappointment in the Spring Budget and the lack of support for key employment sectors within the borough including education and social care, budget cuts for active travel, and nothing for bus service funding.

- Cllr Townsend reported that work was continuing on schedule on the project to build a new energy efficient leisure centre in Cranleigh, and it would soon be possible to announce the outcome of the tender for the architect project lead and design team and energy specialist.
- In the light of the IPCC report published earlier, Cllr Williams reminded Members that the Council continued to take its climate emergency commitments seriously. He was grateful for the support of the Council in adopting the Climate Change & Sustainability Strategy and Carbon Neutrality Action Plan, and in the sustained opposition from the beginning to the plans to drill for fossil fuels at Dunsfold which had culminated in securing a judicial review of the proposals. He hoped that the outcome would be a legal precedent across the country that would ensure all new onshore fossil fuel resources stayed in the ground.

CNL96/22 QUESTIONS FROM MEMBERS OF THE PUBLIC (Agenda item 6.)

There were no questions from members of the public.

CNL97/22 QUESTIONS FROM MEMBERS OF THE COUNCIL (Agenda item 7.)

97.1 The following question had been received from Cllr Brian Edmonds:

“The very optimistic target of Carbon neutrality by 2030 requires a precise action plan with performance reported annually against delivery objectives.

The 7 January 2023 New Scientist reported Bill Gates note that “avoiding a climate disaster will require a new industrial revolution. Half the technology needed to get to zero emissions either doesn’t exist yet or is too expensive for much of the world to afford.”

Please could the Executive advise why it believes it believes Waverley BC can achieve net zero carbon emissions by 2030 with very few reduction levers and measured in tonnes what has been the reduction so far?”

Response from Cllr Steve Williams, Executive Portfolio Holder for Environment & Sustainability

“I’d like to thank Councillor Edmonds for his question, and I will address each of the issues he raises in turn.

Councillor Edmonds suggests that “The very optimistic target of carbon neutrality by 2030 requires a precise action plan with performance reported annually against delivery objectives.” If Councillor Edmonds is not satisfied with my assertion that Waverley Borough Council’s Action Plan is robust and effective, perhaps I can refer him to the work of the independent organisation, Climate Emergency UK. Climate Emergency UK recently assessed the Climate Plans of all local authorities in the UK according to 28 questions across nine sections, based on the expert-approved checklist for Council Action Plan. Each council was marked against these criteria and given a right to reply before the scores underwent a final audit. This work was completed between June and December 2021. In this

assessment, Waverley Borough Council's Action Plan was ranked fifth out of all the districts and boroughs in the UK. We have subsequently reviewed our action plan and have published our progress against the targets following a review by the Executive, the Climate Emergency Board and our Services Overview and Scrutiny Committee on an annual basis.

The council recognises the magnitude of the challenge to achieving net zero by 2030 and also acknowledges that it has limited powers, resources and finances. 2030 is a challenging target when we are failing to get the support we need because our government does not have the same sense of urgency as we do. Our Climate Emergency motion declared, and I quote:

Waverley Borough Council recognises that the achievement of the target will require central government to provide the powers, funding and other resources to achieve the target and therefore calls on the government to provide such powers, funding and other resources as appropriate to facilitate achieving the 2030 target.

We have, more than once, requested that the government funds our carefully costed plan and cross-party attempts in parliament have sought to fund local authorities with robust climate action plans, but such efforts have, to date, simply fallen on deaf ears.

Notwithstanding Covid, the Ukraine war, a Cost of Living crisis, an energy crisis and limited support from central government, we have made significant progress. By 2021-22 Waverley had reduced its carbon emissions to 3500t CO₂ from 5297t CO₂ in our base year 2015-16. This is a 34% reduction.

We have completed our first heat decarbonisation project at the Memorial Hall which aims to achieve a reduction of the building's carbon emissions by 40%. We are looking at renewable generation as a means of offsetting carbon emissions as well as generating an income that can be reinvested in further carbon reduction projects. We are embarking upon the decarbonising our Leisure Centres in Haslemere, Godalming and then Farnham and planning a newbuild Leisure Centre in Cranleigh at minimum of *Passivhaus* standard and aiming for net zero carbon. We are now working on ways of ensuring that our waste collection service has a net zero carbon footprint by the time the current contract comes up for renewal in 2027. The impact of all these changes will come through in the greenhouse gas emissions reporting in future years.

Whatever the many challenges, we are determined to continue to make every effort to achieve net zero carbon emissions by 2030 and do everything in our power to reduce emissions across the borough. There are truly dire consequences unless we act on the climate crisis. We owe it to our children, our grandchildren and future generations to act and to act now. We are definitely trying to do our bit in Waverley whatever the challenges we face."

CNL98/22 LOCAL PLAN PART 2: ADOPTION (Agenda item 8.)

- 98.1 The Mayor invited the Leader to introduce the item. The Leader moved the recommendation from the Executive, which was duly seconded by Cllr Liz

Townsend, Portfolio Holder for Planning & Economic Development. The Leader commended the leadership of Cllr Townsend that had culminated in being able to present Local Plan Part 2 (LPP2) to Council for adoption, and the hard work and diligence of officers throughout the long process of delivering LPP2.

- 98.2 Cllr Townsend presented LPP2, including the Main Modifications recommended by the Inspector as well as the additional modifications identified by the Council, and an updated policies map. Cllr Townsend echoed the Leaders appreciation of officers' expertise and professionalism, and was pleased to see their work rewarded with the Inspector's positive conclusions. Subject to the Main Modifications, the Inspector supported the Council's position on all key issues including in relation to the allocated sites which would make a positive contribution to the Borough's housing supply.
- 98.3 Cllr Townsend emphasised that the Council had no discretion to vary the Main Modifications recommended by the Inspector, and if they were not accepted then LPP2 could not be adopted. That being said, the Main Modifications were considered to improve and strengthen LPP2 and they had been formulated with the input of the Council and then subject to full consultation. In conclusion, Cllr Townsend advised that adoption of LPP2 would complete the development plan and provide extremely welcome policies on design, the environment, biodiversity net gain, and energy efficiencies.
- 98.4 Cllr Carole Cockburn spoke to confirm that she wouldn't be voting against LPP2, but she would not be celebrating its adoption by Council as she felt that the recent decision by Council to update Local Plan Part 1 rendered LPP2 out of date immediately and its usefulness was therefore limited.
- 98.5 Cllrs Mary Forszyszewski, Stephen Mulliner, Jerry Hyman, Val Henry, Michael Goodridge, Ruth Reed, George Hesse, Martin D'Arcy and Christine Baker all spoke in support of adopting LPP2, although they noted a number of reservations about specific sites. Cllr Robert Knowles reiterated his long-standing concerns about the Haslemere Key Site, and while the fire station was now excluded the potential loss of the car park, post office, shops and toilets would be a disaster for Haslemere.
- 98.6 The Mayor put the recommendation to the vote which was carried with 36 votes in favour, none against and 3 abstentions. Council therefore

RESOLVED to:

1. **adopt the Waverley Borough Local Plan Part 2 incorporating the Main Modifications recommended by the Inspector (at Appendix 2 to the report) and Additional Modifications identified by the Council (all as shown in the tracked changes version at Appendix 3 to the report) and agree the consequential changes to the Adopted Policies Map (at Appendix 4).**
2. **authorise the Executive Head of Regeneration and Planning Policy, in consultation with the Planning Portfolio Holder, to make any other**

Additional Modifications (minor corrections, factual updates, and formatting) identified in finalising LPP2 for publication.

CNL99/22 AFFORDABLE HOUSING SUPPLEMENTARY PLANNING DOCUMENT (SPD)
(Agenda item 9.)

- 99.1 The Leader moved the recommendation to adopt the Affordable Housing SPD, which was duly seconded by Cllr Liz Townsend. Cllr Townsend went on to explain that the revised SPD had been updated in accordance with current legislation on First Homes; to revise the tenure split of affordable housing on sites to 60% social/affordable rents, 40% intermediate affordable (First Homes and Shared Ownership); and to clarify the rates for social and affordable rents.
- 99.2 Cllr Stephen Mulliner noted that there had been strong objections from developers regarding proposals on viability, and he hoped that the Council would be rigorous in pursuing the provisions of paragraphs 98 and 99 in seeking clawbacks where developments were more financially profitable than envisaged and affordable housing commitments had been reduced accordingly. Cllr Richard Seaborne noted the continuing tension between capping rents and the impact on rental income available for reinvestment in housing stock. He also noted that there was no set review date for the SPD, and felt that there should be a periodic review regardless of whether there had been changes to national policy; and that document control protocols should be improved.
- 99.3 There were no further speakers, and the Mayor put the recommendation to the vote, and the Council

RESOLVED that the updated Affordable Housing Supplementary Planning Document (SPD) be approved and adopted as a material planning consideration.

CNL100/22 OCKFORD RIDGE REFURBISHMENT PHASE 4 - DEEP RETROFIT INCLUDING GREEN TECHNOLOGY PILOT (Agenda item 10.)

- 100.1 The Mayor invited the Leader to introduce the report, and reminded Members that they should avoid referring to any matters set out in the Exempt papers whilst the meeting was in open session. The Leader moved the recommendations, which were duly seconded by Cllr Paul Rivers, Portfolio Holder for Housing Operations. The Leader commended the project to Council as one that would not only provide affordable and social housing, but truly sustainable affordable and social housing that would benefit residents and provide a huge amount of learning for the council.
- 100.2 Cllr Rivers reminded Council that there had been three previous phases of refurbishments with the Ockford Ridge regenerations programme. The concept for Phase 4 was to deliver refurbishments that were to the same standard as the new build homes, but without the demolition. The homes would contribute to the Council's carbon net zero by 2030 target and benefit tenants directly with reduced energy costs. Inflationary pressure on costs since the original budget was agreed in February 2022 meant that there was a budget shortfall of £784,000 and the Executive was seeking Council

agreement to release this sum from the major repairs reserve to enable the project to proceed. Cllr Rivers advised that based on the valuation for each of the seven properties, the retrofit would give an estimated combined increase in value of £595,000. A new valuation would be carried out when the work was near completion.

- 100.3 Cllrs Cosser, Peter Martin and Mulliner all noted concerns about the robustness of the tender evaluation, and value for money of the scheme. Cllr Anna James and Cllr Jerry Hyman also expressed reservations. Cllr Richard Seaborne noted the responses by officers to questions raised by the Overview & Scrutiny Committee, and that the project should result in seven homes 'as good as new' but 20% less cost than a new build of equivalent standard. Whilst the costs were high, and he hoped that they would come down, he did not consider they were out of line for a full energy-efficient retrofit.
- 100.4 The Leader responded to a number of points made including how the collection of energy data would be part of the tenancy agreement for new tenants, and how the project would cost less if the aims were lowered. The Leader again commended the recommendation to Council.
- 100.5 The Mayor put the recommendation to the vote, which was carried by 35 votes in favour, 4 votes against, and 1 abstention. Council therefore

RESOLVED that that an additional budget allocation of £784,000 be agreed for Phase 4 of the Ockford Ridge Regeneration Project, bringing the total allocated budget to £1.765m, to enable the deep retrofit of seven homes, piloting the use of green renewable energy sources and enhanced fabric, to proceed according to the previously approved specification as detailed in Exempt Annexes 1 – 4.

CNL101/22 DRAFT UPDATED AIR QUALITY ACTION PLAN AND DRAFT CLEAN AIR STRATEGY FOR WAVERLEY (Agenda item 11.)

- 101.1 The Leader moved the recommendation to adopt the updated Air Quality Action Plan (AQAP) and Clean Air Strategy (CAS), which was duly seconded by Cllr Peter Clark.
- 101.2 Cllr Steve Williams, Portfolio Holder for Environment & Sustainability, introduced the report and AQAP and CAS, outlining the lengthy process that had been followed by officers working with consultants and councillors on the Air Quality Steering Group and Overview and Scrutiny Committee. He was happy that the AQAP went as far as was possible given that highways matters were the main barrier to improving air quality in the borough, and that was a Surrey County Council responsibility. Cllr Williams noted that the AQAP specifically addressed air quality issues in the designated Air Quality Management Areas. The Executive considered that the statutory requirements for AQAPs were insufficient to address air quality issues across the borough and a Clean Air Strategy for the whole borough was needed that recognised the greater public concern about the public health impacts of poor air quality. Cllr Williams was pleased to commend both the AQAP and CAS to Council for adoption.

- 101.3 Cllr Seaborne expressed disappointment that the AQAP and CAS had been presented as a package rather than as separate documents. The AQAP was a statutory requirement, and he was happy to support its adoption. The CAS was discretionary and the format had been chosen by officers, and it contained a list of actions without costings, quantified indicative benefits, or prioritisation to direct resources. Whilst the objectives were laudable, the strategy didn't point towards a more detailed plan of actions. Cllr Seaborne was prepared to support the recommendation to adopt the AQAP and CAS, but he felt the CAS could have been a much better document.
- 101.4 Cllr Neale appreciated the amount of work that had gone into the AQAP but had concerns that responsibility for actions effectively were being passed to Surrey County Council to deliver via the Farnham Infrastructure Plan, and he did not have the sense that the county council recognised the urgency of taking action.
- 101.5 Cllr Hyman reminded Members that the Council had a statutory duty to prepare an AQAP and that must have specific measures to reduce exceedances. In his view the AQAP was a plan to have a plan in 6 months when the final plans emerging from the Farnham Infrastructure Plan had been agreed by Surrey County Council. Currently, there were no specific proposals and no specific funding identified for the Farnham Infrastructure Plan. By agreeing the AQAP as proposed, Waverley was giving up its power to agree the actions within the AQAP that would reduce the air quality exceedances in Farnham.
- 101.6 Cllr Hyman proposed an amendment to the recommendation to ensure that proposals from the Farnham Infrastructure Plan had to be approved by Waverley Borough Council so that the Council retained responsibility for the AQAP. Cllr Hyman proposed amending the recommendation by adding the words: *"...subject to the Highways Authority's awaited particular measures for Farnham Town Centre being brought before this Council for approval."*
- 101.7 The amendment was seconded by Cllr George Hesse.
- 101.8 Speaking to the amendment the Leader pointed out that Waverley had no power to approve or not approve Surrey County Council's proposals for the Farnham Infrastructure Plan. Waverley had commissioned an air quality consultant to ensure that Waverley's AQAP was valid document, and he did not think that Waverley had the power to do what Cllr Hyman's amendment proposed.
- 101.9 Cllr Hyman reiterated his point that Waverley had a right to know what was in the AQAP before it was approved and had the power to ensure that Surrey County Council brought forward measures that would address the requirements of the AQAP, which were set out in the Environment Act. Residents had the right to be consulted on the AQAP and by approving it without knowing what was in the Farnham Infrastructure Plan Waverley was removing that right from residents.
- 101.10 Cllr Williams noted that the AQAP had been consulted on widely, including public consultation. It had been professionally produced and was now ready

to go forward to DEFRA who would determine whether it met legal requirements. Cllr Hyman had been saying for many years that they AQAP needed to be updated, but now was seeking to delay it further.

- 101.11 In summing up Cllr Hyman reiterated that currently the AQAP for Farnham wouldn't be available for 6 months, therefore it could not have been consulted on as it didn't exist. In his view DEFRA had been allowing councils to produce AQAPs that did not meet legal requirements, and Waverley should act responsibly and follow the requirements of the law.
- 101.12 The Leader advised Council that Waverley's involvement in the Farnham Board and the Farnham Infrastructure Plan had given the Council more input and influence than ever before over emerging plans, but the separation of powers between county and borough councils meant that Waverley had no statutory powers over highways.
- 101.13 The Mayor put Cllr Hyman's amendment to the vote, and the amendment was lost with 2 votes in favour, 35 votes against, and 3 abstentions.
- 101.14 The Mayor directed Members to comment on the original recommendation, to adopt the AQAP and CAS. Cllr Munro advised that he was the council's representative on the Farnborough Aerodrome Consultative Committee and was disappointed that there was not more emphasis in the Clean Air Strategy on aviation air quality and noise pollution impacts. He asked that the next council administration take a stronger approach on addressing these. Cllr Spence echoed these comments, and Cllr Williams agreed that this was an area that he would be happy to follow-up on if he was part of the next administration. The CAS was not perfect, but it was the first that Waverley had developed and he urged Members to support it as well as press for further improvements.
- 101.15 The Mayor put the recommendation to the vote, which was agreed, with Cllr Hyman asking for his vote against to be recorded. Council therefore,

RESOLVED that the draft updated AQAP (February 2023) and the draft CAS (February 2023), which aligned with the Climate Change and Sustainability Strategy, the Carbon Neutrality Action Plan, and the work underway on the Farnham Infrastructure Plan, be approved.

CNL102/22 MATTERS ARISING FROM THE FORMAL REVIEW OF THE INTER-AUTHORITY AGREEMENT AND THE COLLABORATION RISK REGISTER (DECEMBER 2022)
(Agenda item 12.)

- 102.1 The Leader introduced the recommendations arising from the Joint Governance Committee's review of the Inter-Authority Agreement and the Collaboration Risk Register at its meeting last December, which were duly seconded by Cllr Merryweather.
- 102.2 At the meeting on 9 December 2022, the Joint Governance Committee noted that the terms of reference of the Joint Appointments Committee did not allow for substitutions, and agreed to recommend to the Guildford and Waverley Councils that the terms of reference be amended so that members

of the Joint Appointments Committee could nominate a substitute if they were unable to attend a meeting. This would bring it into line with the terms of reference of the Joint Governance Committee which already allowed for substitute members.

- 102.3 The second recommendation proposed a minor change to the Inter-Authority Agreement provisions addressing Termination for Cause. The Leader confirmed that following the initial discussion at the Joint Governance Committee in December, legal advice had been taken and reported to the Joint Governance Committee meeting on 17 March 2023. The Joint Governance Committee had agreed the recommendation now before Waverley Council, to amend clause 21.1 of the Inter-Authority Agreement as set out in the agenda papers. Guildford Council would be considering the same report and recommendations at their meeting on 22 March 2023.
- 102.4 Cllr Peter Martin asked the Leader to elaborate on his statement made at the Godalming Town Annual Meeting regarding potential future co-location of Waverley and Guildford council offices, and whether it was still proposed to build houses on Crown Court Car Park. The Leader advised that the original draft vision statement for the Guildford and Waverley collaboration had envisaged the potential for some level of co-location, and that was part of the consideration of how Waverley's land assets could be used more efficiently and cost residents less in maintenance. The outcome of the public engagement on the Godalming Town Centre regeneration had been clear that residents did not like the idea of building on Crown Court Car Park, but financial pressures remained and alternative options for addressing the capital requirements of The Burys would need to be considered, including the potential for co-location of council offices with Guildford.
- 102.5 Cllr Cosser asked whether a joint statement with Guildford was imminent, as that had been the impression given at the Annual Meeting. He went on to express concern about his perception that officers were leaving Waverley, recruitment was difficult, and temporary staff costs were high. He asked for an early report to Council in the new administration on the financial costs of the collaboration. Cllr Mulliner spoke to confirm that he was in support of the recommendations, but added his concerns to those expressed regarding the Guildford collaboration.
- 102.6 The Leader summed up and responded to Cllr Cosser's comments on staff turnover, referring to benchmarking that showed that Waverley was experiencing the same challenges as other local councils in retaining and recruiting staff. He also noted Cllr Merryweather's offer to brief any Members on the finances of the collaboration.
- 102.7 The Mayor put the recommendations to the vote and they were agreed, with Cllr Anna James and Cllr Patricia Ellis asking that their vote against be recorded in the Minutes. Council therefore

RESOLVED that,

- 1. The Terms of Reference of the Joint Appointments Committee be amended as follows:**

(a) Delete the following:

“SUBSTITUTES: Substitutes shall not be appointed”

(b) Insert the following:

“SUBSTITUTES: Substitutes may be appointed. Guildford Borough Council may appoint two substitute members. Waverley Borough Council may appoint two substitute members, with one being nominated by the Leader of the council, and one nominated by the Leader of Waverley’s Principal Opposition Group.”

2. **Clause 21.1 of the Inter-Authority Agreement be amended to read:**

“21 TERMINATION FOR CAUSE

21.1 Without affecting any other right or remedy available to it, any Party may terminate this Agreement with immediate effect by giving written notice to a minimum of three months’ notice in writing to the other Party”

CNL103/22 APPOINTMENT OF A DEPUTY ELECTORAL REGISTRATION OFFICER (Agenda item 13.)

Council noted that, under Section 8(2) of the Representation of the People Act 1983, the Council must appoint an Officer to the position of Electoral Registration Officer (ERO). This position was responsible for maintaining the Electoral Register for the area. Robin Taylor, Executive Head of Organisational Development had been appointed ERO for Waverley Borough Council.

Under Section 52(2) of the 1983 Act, the Council may approve the appointment of Deputy EROs to perform and exercise any of the duties and powers of the ERO. Due to recent changes in electoral legislation being likely to increase demand for urgent decisions by the ERO, it would be necessary to appoint Deputy EROs to assist with the effective discharge of duties to deliver the forthcoming local elections, and subsequent elections.

In order to provide maximum flexibility in respect of such appointments, and to avoid the necessity of bringing further reports to Council whenever such appointments were required, the Council was requested to delegate authority to appoint Deputy Electoral Registration Officers to the Electoral Registration Officer. This delegation mirrored that in respect of Mr Taylor’s role as Returning Officer in that he may appoint Deputies as required.

Upon the motion of the Mayor, Council

RESOLVED that authority be delegated to the Electoral Registration Officer to appoint Deputy Electoral Registration Officers, subject to such appointees holding satisfactory qualifications and experience as required.

CNL104/22 MOTIONS (Agenda item 14.)

There were no Motions submitted by Members of Council.

CNL105/22 MINUTES OF THE EXECUTIVE (Agenda item 15.)

On the recommendation of the Leader of the Council, and duly seconded by Cllr Merryweather, Council

RESOLVED to receive and note the Minutes of the Meetings of the Executive held on 29 November 2022, 17 January 2023 and 7 February 2023.

There were no Members registered to speak on matters set out in the Minutes.

CNL106/22 MINUTES OF THE AUDIT COMMITTEE (Agenda item 16.)

On the recommendation of the Chairman of the Audit Committee, Cllr Peter Marriott, and duly seconded by Cllr Davidson, Council

RESOLVED to receive and note the Minutes of the Meeting of the Audit Committee held on 28 November 2022.

There were no Members registered to speak on matters set out in the Minutes.

The meeting concluded at 8.46 pm

Mayor

Waverley Borough Council

Report to: Council

Date: 23 May 2023

Ward(s) affected: All

Report of Director: Transformation & Governance

Author: Susan Sale, Executive Head of Legal and Democratic Services and Monitoring Officer

Tel: 01483 444022

Email: susan.sale@waverley.gov.uk

Report Status: Open

Establishment of Committees 2023/24 and Review of Political Proportionality

1. Recommendation to Council

That the Council RESOLVES that:

- 1.1 the committees as set out in paragraph 5.6 be established for the 2023/24 municipal year with the committee sizes shown; and
- 1.2 The changes to the terms of reference of the Overview and Scrutiny Committees and the Eastern and Western Planning Committees as shown in paragraph 5.7 be approved.

2. Reasons for Recommendation:

- 2.1 To establish the Council's committees for the 2023/24 municipal year and to agree their size, in accordance with Council Procedure Rules 1.2 and 1.3.

3. Purpose of Report

- 3.1 This report asks the Council to establish a number of committees to discharge various non-executive functions and to agree their respective size.

4. Background

- 4.1 Council Procedure Rule 1.3 requires the Council, at its Annual meeting each year to establish such committees as it shall determine are necessary to carry out non-executive functions, and to agree their respective size and terms of reference.
- 4.2 Except in relation to the Licensing Committee and its sub-committees where the Council has absolute discretion as to whether they are politically balanced, the membership of each of the Council's committees and sub-committees shall be in accordance with statutory requirements for political balance. As far as possible the number of seats allocated to a political Group on each committee or sub-committee will reflect the size of that Group in proportion to the Council membership.
- 4.3 The Council is required to review the allocation of seats on committees to political Groups at its Annual meeting and as soon as reasonably practicable following any change in the political constitution of the Council. Wherever such a review is required, a report will be submitted to the Council showing what allocation of seats would best meet the requirements for political balance.

Political composition of the council

4.4 Following the Borough Council elections on 4 May 2023, the political composition of the Council is now:

Conservative Party	10
Farnham Residents	13
Green Party	1
Labour Party	2
Liberal Democrats	22
Independent	2

4.5 A political Group has to consist of at least two councillors and must be formally constituted in accordance with Regulations. The Monitoring Officer has been notified of the constitution of the following Groups:

Group	No. of members	Proportion of total members
Conservative Party	10	20%
Farnham Residents	13	26%
Labour/Green	3	44%
Liberal Democrats	22	6%

4.6 There are two Independent Members who are un-grouped, and who each represent 2% of the Membership of the Council.

Establishment of committees

4.7 The Council is invited to establish the following committees for the municipal year 2023/24, with size of committee and restrictions on membership as shown in the table below:

Committee	No. of voting members	No. of reserve members
Audit Committee	8 councillors [see note 1, below]	None

Standards & General Purposes Committee	9 councillors [see notes 2 and 3, below]	3 reserves in total in political balance
Licensing & Regulatory Committee	12 councillors	8 reserves in total in political balance
Overview & Scrutiny Committee - Resources	11 councillors [see note 4, below]	5 reserves in total in political balance
Overview & Scrutiny Committee - Services	11 councillors [see note 4, below]	5 reserves in total in political balance
Eastern Planning Committee	15 councillors [see note 5, below]	8 reserves in total in political balance
Western Planning Committee	15 councillors [see note 5, below]	8 reserves in total in political balance
Joint Appointments Committee (with Guildford)	3 councillors (including the Leader and the Leader of the Principal Opposition Group)	2 reserves
Joint Governance Committee (with Guildford)	6 councillors (Leader plus 5)	Unlimited

Notes:

1. Members of the Audit Committee must not be Executive members.
2. The Leader of the Council may not be a member of the Standards & General Purposes Committee, and the membership may include no more that one Executive member.
3. The Standards & General Purposes Committee will co-opt two Town/Parish councillors from within the Waverley Borough who are not also Waverley Borough Councillors and who will serve until the next Town and Parish elections. At least one Town/Parish co-optee

must be present when matters relating to Town and Parish Councils or their members are being considered. Town/Parish co-optees may not participate in matters that do not relate to Town and Parish Councils or their members.

4. Members of the Executive may not be members of the Overview and Scrutiny Committees.

5. Members of the Planning Committees are appointed on a politically proportional basis in relation to the political balance of the council wards covered by each committee.

4.8 Council is also asked to approve the following changes to committee terms of reference:

1. The service areas that fall within the remit of each of the Overview and Scrutiny Committees are revised to reflect the service areas under the new Joint Management Team:

Committee	Service Areas covered
Overview & Scrutiny Committee – Resources	Communication & Customer Services Housing Services Assets & Property Finance Legal & Democratic Services Organisational Development
Overview & Scrutiny Committee - Services	Community Services Environmental Services Regulatory Services Commercial Services Regeneration & Planning Policy Planning Development

2. To take account of the ward changes that came into effect with the Borough elections on 4 May 2023, the Eastern and Western Planning Committees to cover the following borough wards:

Eastern Planning Committee	Western Planning Committee
Alfold, Dunsfold & Hascombe Bramley & Wonersh Cranleigh East & West Elstead & Peper Harow Ewhurst & Ellens Green Godalming (all Wards) Witley & Milford	Chiddingfold Farnham (all Wards) Haslemere East & West Hindhead & Beacon Hill Western Commons

Requirement for political balance and numerical allocation of seats on committees

4.9 Section 15 of the Local Government and Housing Act 1989 sets out how committees must be constituted when the Council is divided into one or more political Groups. The Council must give effect, as far as reasonably practicable, to the following four principles in constituting its committees:

- (a) that not all of the seats on any committee are allocated to the same political Group;
- (b) that if a political Group has a majority on the Council, it must have a majority of seats on all committees;
- (c) that, subject to (a) and (b) above, the number of seats allocated to a political Group across all the committees must reflect their proportion of the authority's membership; and
- (d) that, subject to (a) and (c) above, the number of seats allocated to a political Group on each committee is as far as possible in proportion to the Group's membership of the authority.

4.10 Once the allocation of seats to the political Groups has been determined, section 16 of the 1989 Act places a duty on the Council to allocate those seats in accordance with the wishes of the political Groups. Details of the numerical allocation of seats on the committees to the political Groups together with each political

Groups nominations to fill those seats are set out in the following agenda report at Item 13.

5. Consultations

- 5.1 In order that Group Leaders can appoint Group members to the Council's committees, details of the political proportionality of the council and the committees proposed to be established have been shared with Group Leaders.
- 5.2 The Leader of the Council, Cllr Follows, has proposed a number of amendments to the size and terms of reference to the Council committees that he will put forward at the Annual meeting of Council as an amendment to the recommendations set out above. The proposed amendments are as follows:

- (a) That to take account of the reduction in the size of the Council from 57 members to 50, there is a similar reduction in the size of certain committees:

Audit Committee reduces from 8 members to 7 members.

Standards & General Purposes Committee reduces from 9 members to 7 members.

Eastern and Western Planning Committees each reduce from 15 member to 11 members.

Licensing & Regulatory Committee reduces from 12 members to 11 members.

The overall effect of the above changes in committee size would be to reduce the total number of committee seats available from 90 to 78.

- (b) That the Audit Committee be renamed Audit and Risk Management Committee.

- (c) That the Eastern and Western Planning Committees are abolished and replaced by two new Planning Committees: Planning Committee A and Planning Committee B.
 - (d) That the terms of reference for Planning Committee A and B to include determination of planning applications from anywhere in the borough ie the committees are non-geographical.
 - (e) That Planning Committees A and B to each comprise 11 members, to be appointed in accordance with political balance rules.
 - (f) That any member of Planning Committee A and B may be substituted by any member of the Council who has complied with the mandatory Planning training requirements and is from the same Group as the absent committee member.
 - (g) That no Executive members be appointed nor substituted to either Planning Committee A or B.
 - (h) That Ward members not to be permitted to participate in the debate nor vote for the determination of any applications in their Ward, but may make representations to open and close the committee debate on such applications.
- 5.3 The outcome of Council's consideration of the proposed amendments, and in particular (a) which alters the total number of committee seats available, affects the allocation of committee seats to the Groups in accordance with the political balance of the Council.
- 5.4 Details of the numerical allocation of seats on the committees to the political Groups based on the two potential scenarios (90 available committee seats, or 78 available committee seats) together with each political Groups' nominations to fill those seats are set out in the following agenda report at Item 13.

6. Financial Implications

- 6.1 Councillors who are elected as Chairs and Vice-Chairs of committees are entitled to receive a Special Responsibility Allowance (SRA) in accordance with the Council's adopted scheme of allowances for councillors, all of which can be contained within existing budgets.
- 6.2 There are no other financial implications arising from consideration of the matters set out in the report.

7. Legal Implications

- 7.1 As the Council's membership is divided into political groups, it is required by sections 15 and 16 of the Local Government and Housing Act 1989 and related regulations to ensure that appointments to fill seats on committees are allocated in the same proportion as that in which the Council as a whole is divided. There is also a duty to review annually the allocation of seats on committees to political Groups or following any change in the political constitution of the Council.
- 7.2 The Council has wide powers in the Local Government Act 1972 to appoint committees and delegate non-executive functions to them. As the Council operates executive arrangements it is required under the Local Government Act 2000 to establish at least one overview and scrutiny committee.
- 7.3 The Council should ensure the separation of roles between the Council as developer and the Council as Local Planning Authority so as to ensure there is no conflict of interests or perception of pre-determination or bias.
- 7.4 It is recognised good practice that the Leader and Executive Portfolio Holders on the Executive do not sit as members of the Planning Committees given the potential conflict of interest that is likely to exist in respect of planning applications in respect of the Council's own developments, or developments that directly affect the Council's land or property holdings.

8. Human Resource Implications

8.1 There are no human resources implications arising from this report.

9. Equality and Diversity Implications

9.1 There are no equality and diversity implications arising from this report.

10. Climate Change/Sustainability Implications

10.1 There are no climate change or sustainability implications.

11. Summary of Options

11.1 Council may decide to establish the non-executive committees as set out in paragraph 4.7, above. If the proposed amendments as set out in section 5 above, are formally proposed and duly seconded at the Annual Council meeting Members will have the opportunity to debate and vote on the individual proposals and agree to some or all of them.

11.2 The proposed re-alignment of the remit of the Overview and Scrutiny committees (paragraph 4.8.1) with current service areas of the council is not affected by the proposed amendment.

11.3 The proposed re-alignment of borough wards to the Eastern and Western Planning Committees would fall away if the amendment to abolish the committees is agreed by Council.

12. Conclusion

12.1 Subject to the consideration by Council of the amendments outlined above, and any other amendments put forward, Council is recommended to establish non-executive committees for the 2023/24 municipal year as set out in paragraphs 4. 7 and 4.8 above.

13. Background Papers

13.1 None

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Waverley Borough Council

Report to: Council

Date: 23 May 2023

Ward(s) affected: All

Report of Director: Transformation & Governance

Author: Susan Sale, Executive Head of Legal and Democratic Services and Monitoring Officer

Tel: 01483 444022

Email: susan.sale@waverley.gov.uk

Report Status: Part exempt

Appointments to Committees 2023/24 and other Appointments

1. Recommendation to Council

That the Council RESOLVES that:

- 1.1 committee seats be allocated to political Groups and Independent Members as set out in Appendix 1;
- 1.2 the nominations for membership and substitute membership (where applicable) of the committees and joint committees for the 2023/24 municipal year as shown in Appendix 2 be approved in accordance with the wishes of the political Groups;
- 1.3 the nominations for the election of Chairs and Vice-Chairs of the committees as shown in Appendix 2 be approved.

1.4 That in accordance with Section 28(7) of the Localism Act 2011, the Council appoints the following persons as Independent Persons for a four-year term of office expiring in May 2027:

- Andrea Armstrong
- Vivienne Cameron
- Jane Clarke
- Bill Donnelly
- John Smith

2. Reasons for Recommendation:

2.1 To enable the Council to comply with its obligations under the Local Government and Housing Act 1989 in respect of the political proportionality and the allocation of committee seats to Groups.

2.2 To comply with Council Procedure Rules in respect of the appointment of members to committees and election of Chairs and Vice-Chairs.

2.3 To enable the Council to comply with its obligations under Section 28(7) of the Localism Act.

3. Exemption from publication

3.1 The content of Appendix 3 is to be treated as exempt from the Access to Information publication rules because it contains the personal information of the applicants for appointment as Independent Persons and is therefore exempt from publication by virtue of paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972 as follows: "Information relating to an individual".

3.2 The content is restricted to all councillors. The exempt information is not expected to be made public as it is personal information. The decision to maintain the exemption may be challenged by any person at the point at which the Council is invited, if necessary, to pass a

resolution to exclude the public from the meeting to consider the exempt information.

4. Purpose of the report

4.1 This report asks the Council to:

- (a) agree the numerical allocation of committee seats to political Groups in line with the overall political proportionality of the Council.
- (b) appoint councillors to the committees established under the previous agenda item, in accordance with the statutory requirements for political balance;
- (c) to elect committee Chairs and Vice-Chairs; and
- (d) to agree the appointment of Independent Persons for a four-year term.

5. Background

- 5.1 Following on from agenda item 12 at which Council has agreed on the committees to be established for the 2023/24 municipal year and their sizes, the allocation of seats to the political Groups has been determined as set out in Appendix 1. NB. Allocations based on a total of 90 committee seats, and a total of 78 committee seats, are shown.
- 5.2 Once the allocation of seats to the political Groups has been determined, section 16 of the 1989 Act places a duty on the Council to allocate those seats in accordance with the wishes of the political Groups. Details of each political Groups' nominations to fill those seats are set out in Appendix 2.
- 5.3 Where adjustments to allocations of seats have been required to accommodate rounding errors in the calculations, as shown in Appendix 1, these have been agreed between the Group Leaders and Independent Members.

- 5.4 Following the appointment of committees, Council Procedure Rules require the Council to elect the Chairs and Vice-Chairs of the committees. Nominations for election of Chairs and Vice-Chairs are advised by Group Leaders and shown on Appendix 2 (to follow).

6. Appointment of Independent Persons

- 6.1 The current ethical standards framework for councillors was established in 2012 following the enactment of the Localism Act ('the Act'). The Act require the Council to appoint at least one Independent Person who views must be sought and taken into account before a decision is made on an allegation of misconduct by a councillor (or a parish councillor) which the Council has decided to investigate. At Waverley, the Monitoring Officer decides after consultation with the Independent Person whether a complain merits formal investigation. The Independent Person's views may be sought by the Council at any other stage in a misconduct complaint, or by a councillor against who an allegation has been made.
- 6.2 The Council is also required to use an appointed Independent Person in respect of dismissal or disciplinary procedures against the Head of Paid Service, Monitoring Officer or Chief Finance Officer in accordance with the provisions of The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015.
- 6.3 It has often been challenging to recruit suitable volunteers to serve as Independent Persons. Due to the nature of the role, there are parameters set out in legislation regarding who and who may not be appointed. Consequently, the Council has adopted a pragmatic approach to recruitment of Independent Persons by entering into joint arrangements with six other Surrey councils. These joint arrangements have been in place since 2012.
- 6.4 The term of office of those Independent Persons who were appointed jointly in 2019 by this Council, plus Epsom & Ewell, Guildford, Mole Valley, Reigate & Banstead, Spelthorne, and Surrey Heath, has now ended.

- 6.5 An advertisement including a person profile for the appointment of Independent Persons was placed on the websites of the seven participating councils in January 2023, with a deadline date of 24 February 2023 for receipt of applications. In addition, the details of the appointments were publicised via those councils' social media channels.
- 6.6 The current Independent Persons were each asked if they would be happy to continue in the role until 2027 and, if so, were invited to apply for re-appointment. Following the advertisement, applications were received from ten candidates, three of whom were existing Independent Persons (namely Vivienne Cameron, Bill Donnelly, and John Smith). The Monitoring Officers of the participating councils undertook a shortlisting process and following interviews by a small panel of Monitoring Officers in early March, the following candidates have been recommended to each of the participating councils for appointment as Independent Persons for those councils for a four-year term ending in May 2027:
- Andrea Armstrong
 - Vivienne Cameron
 - Jane Clarke
 - Bill Donnelly
 - John Smith
- 6.7 Copies of the candidates' CVs in support of their applications are attached to this report as "Not for Publication" Appendix 3.

7. Financial Implications

- 7.1 Councillors who are elected as Chairs and Vice-Chairs of committees are entitled to receive a Special Responsibility Allowance (SRA) in accordance with the Council's adopted scheme of allowances for councillors, all of which can be contained within existing budgets.
- 7.2 There are no other financial implications arising from consideration of the matters set out in the report.

- 7.3 The Independent Persons appointed by the Council shall not be entitled to receive any remuneration other than travelling expenses which will be paid at the same rate as currently provided for councillors under the adopted scheme of allowances.

8. Legal Implications

- 8.1 As the Council's membership is divided into political groups, it is required by sections 15 and 16 of the Local Government and Housing Act 1989 and related regulations to ensure that appointments to fill seats on committees are allocated in the same proportion as that in which the Council as a whole is divided. There is also a duty to review annually the allocation of seats on committees to political Groups or following any change in the political constitution of the Council.
- 8.2 The Council has wide powers in the Local Government Act 1972 to appoint committees and delegate non-executive functions to them. As the Council operates executive arrangements it is required under the Local Government Act 2000 to establish at least one overview and scrutiny committee.
- 8.3 The Council should ensure the separation of roles between the Council as developer and the Council as Local Planning Authority so as to ensure there is no conflict of interests or perception of pre-determination or bias.
- 8.4 It is recognised good practice that the Leader and Executive Portfolio Holders on the Executive do not sit as members of the Planning Committees given the potential conflict of interest that is likely to exist in respect of planning applications in respect of the Council's own developments, or developments that directly affect the Council's land or property holdings.

9. Human Resource Implications

- 9.1 There are no human resources implications arising from this report.

10. Equality and Diversity Implications

10.1 There are no equality and diversity implications arising from this report.

11. Climate Change/Sustainability Implications

11.1 There are no climate change or sustainability implications.

12. Summary of Options

12.1 Under section 16 of the Local Government and Housing Act 1989 places a duty on the Council to allocate those seats in accordance with the wishes of the political Groups. Council may elect the Chairs and Vice-Chairs of the committees in accordance with Group Leaders' nominations, or consider other nominations submitted and duly seconded.

12.2 With regard to Independent Persons, Council may decide to appoint all or only some of the nominated candidates.

13. Conclusion

13.1 Council is recommended to appoint members to established committees in accordance with Groups Leaders' nominations, and to appoint the Independent Persons following the recruitment process carried out earlier this year.

14. Background Papers

14.1 None

15. Appendices

Appendix 1 Numerical allocation of committee seats in accordance with political balance

Appendix 2 Group Leaders' nominations for committee appointments and Chairs and Vice-Chairs (to follow)

Appendix 3 [EXEMPT] CVs submitted by Andrea Armstrong, Vivienne Cameron, Jane Clarke, Bill Donnelly, and John Smith in support of their applications for appointment as Independent Persons

Appendix 1 – Allocation of committee seats to Groups

Total committee seats available = 90

	Conservative	Farnham Residents	Labour/Green	Liberal Democrat	Independent Members	Total
No. of members	10	13	3	22	2	50
Proportion of total	20%	26%	6%	44%	4%	100%
Allocation of seats (rounded)	18	23	5	40	4	90

Committee seat allocations	Conservative	Farnham Residents	Labour/Green	Liberal Democrat	Independent Members	Total
Audit Committee	2	2	0	4	0	8
Standards & GP	2	2	1	4	0	9
Licensing & Regulatory	2	3	1	5	0	12
Overview & Scrutiny Committee - Resources	2	3	1	5	0	11
Overview & Scrutiny Committee - Services	2	3	1	5	0	11
Eastern Planning	4	0	1	8	1	15
Western Planning	2	8	1	5	1	15
Joint Appts Committee	1	1	0	1	0	3
Joint Governance Committee	1	2	0	3	0	6
Total	18	24	6	40	2	90
Adjustments required		-1	-1		+2	

Total committee seats available = 78 (indicative, subject to passing of amendment)

	Conservative	Farnham Residents	Labour/Green	Liberal Democrat	Independent Members	Total
No. of members	10	13	3	22	2	50
Proportion of total	20%	26%	6%	44%	4%	100%
Allocation of seats (rounded)	16	20	4	34	4	78

Committee seat allocations	Conservative	Farnham Residents	Labour/Green	Liberal Democrat	Independent Members	Total
Audit Committee	2	2	0	3	0	7
Standards & GP	1	2	1	3	0	7
Licensing & Regulatory	2	3	0	5	1	11
Overview & Scrutiny Committee - Resources	3	3	1	4	0	11
Overview & Scrutiny Committee - Services	2	3	1	5	0	11
Planning Committee A	2	3	0	5	1	11
Planning Committee B	2	3	1	5	0	11
Joint Appts Committee	1	1	0	1	0	3
Joint Governance Committee	1	2	0	3	0	6
Total	16	22	4	34	2	78
Adjustments required	0	-2	0	0	+2	

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