

**MINUTES OF A MEETING OF SURREY
HEATH BOROUGH COUNCIL held at
Surrey Heath House, Camberley on
26 February 2020**

+ Cllr Robin Perry (Mayor)
+ Cllr Valerie White (Deputy Mayor)

+ Cllr Dan Adams	+ Cllr Ben Leach
+ Cllr Graham Alleway	+ Cllr David Lewis
+ Cllr Peter Barnett	+ Cllr David Mansfield
+ Cllr Rodney Bates	+ Cllr Emma-Jane McGrath
+ Cllr Cliff Betton	+ Cllr Charlotte Morley
+ Cllr Richard Brooks	+ Cllr Alan McClafferty
+ Cllr Vivienne Chapman	+ Cllr Sashi Mylvaganam
+ Cllr Sarah Jane Croke	+ Cllr Adrian Page
+ Cllr Paul Deach	+ Cllr Darryl Ratiram
+ Cllr Colin Dougan	+ Cllr Morgan Rise
+ Cllr Tim FitzGerald	+ Cllr John Skipper
+ Cllr Sharon Galliford	+ Cllr Graham Tapper
+ Cllr Shaun Garrett	+ Cllr Pat Tedder
+ Cllr Edward Hawkins	+ Cllr Victoria Wheeler
+ Cllr Josephine Hawkins	- Cllr Helen Whitcroft
+ Cllr Rebecca Jennings-Evans	+ Cllr Kristian Wrenn

+ Present
- Apologies for absence presented

71/C Councillor Sam Kay

The Mayor paid tribute to Councillor Sam Kay, who had died on 4 January 2020 after a short illness. Sam had first been elected to the Council in May 2019 and although he had only been a councillor for 8 months, he would be sadly missed.

The Mayor and Members sent condolences to his family at this difficult time.

Councillor Sashi Mylvaganam, the Leader of the Liberal Democrat Group, also paid his respects to Sam who had been an active and valued member of his group since 2016. Sam had been very calm and collected person and had much to contribute. He would be missed desperately by not only his family but by all who knew him.

Members and officers stood in silence to remember Councillor Sam Kay.

72/C Apologies for Absence

Apologies for absence were submitted on behalf of Councillor Helen Whitcroft.

73/C Minutes

It was moved by the Mayor, seconded by the Deputy Mayor, and

RESOLVED that the open and exempt minutes of the meetings of the Council held on 18 December 2019 and 29 January 2020 be approved as a correct record.

74/C Mayor's Announcements

The Mayor gave a brief overview of the events he had attended since the last meeting. The Christmas period had been a particularly busy time which had included visits to Frimley Park, the Police, Meals at Home, the Fire Station and the Windlesham Pram Race.

Other highlights involved a dinner at the RMAS and attendance at two Holocaust remembrance events. The annual Civic Dinner had provided a valuable platform to network and build closer relationships with the Council's partners.

The Mayor, on behalf of the Council, expressed sincere thanks to Kelvin Menon, the Executive Head of Finance, who would be leaving on 6 March to join the office of the Surrey Police and Crime Commissioner. Kelvin had been with the Council since April 2007.

The Mayor referred to Kelvin's unique ability to the heart of complex financial data and express the key issues in a manner that everyone could understand. His intelligence, insight and wit would be missed. The Mayor thanked him for his contribution to the Council and wished him every happiness and success with his new challenge.

75/C Leader's Announcements

Councillor Alan McClafferty reported that his first 20 days as Leader had been very interesting. He thanked Officers and Councillors for the assistance and advice he had been given. The Leader also thanked residents for taking the time to discuss their issues with him.

The Leader had been pleased to see Councillor Morgan Rise elected as Vice Chairman of the External Partnership Select Committee and was sure that this was the first of many examples of cross party working.

Councillor McClafferty stated that he would be looking at issues relating to gypsies and travellers as a priority. He reported on his first Surrey Leader's meeting which had discussed the need for new funding solutions to pay for vital services as efficiency gains through partnership working and income from property acquisition were not sustainable in the long term.

The Leader announced that he intended to bring forward new initiatives in the next few months aimed at reducing homelessness and poverty and helping the most vulnerable people in society.

76/C Questions from Members of the Public

- (a) The Leader, Councillor Alan McClafferty, responded to a question asked by Tina Richardson, on behalf of Graham Bullen, relating to the Community Governance Review and the need to explore alternative options for the future governance of Windlesham.

The Leader also responded to Ms Richardson's question supplementary and advised that the matter would be discussed later that evening.

- (b) Councillor Rebecca Jennings-Evans, the Places and Strategy Portfolio Holder, responded to a question from Lisa Finan-Cooke regarding the refurbishment of the play area in Orchard Way in Watchetts Ward,

Councillor Jennings-Evans responded to Ms Finan-Cooke's supplementary question and indicated that the refurbishment of the play area would be looked at following the ROSPA inspection due in March.

77/C General Fund Revenue Estimates 2020/21

The Council received a report setting out the Council's revenue budget for the coming financial year. Members were reminded that councils were legally obliged to set a balanced budget and were advised that the budget presented achieved this through a combination of efficiencies, increased returns from investment assets, business rates and an increase in Council Tax.

The net cost of services for 2020/21 at £14,176,572 represented an increased compared to last year. This was due to inflationary pressures in areas such as wages and contracted costs together with reductions in income from a number of areas. This had been offset by increases in investment income, use of grants, business rates and reserves. The budget also included a general savings/income target of £500k which would need to be identified during the year. However, if this was not possible the Council had adequate reserves to cover the shortfall.

The Council continued to receive no Revenue Support Grant and central funding, which included business rates, had fallen by £2.7m in 8 years.

The financial forecast showed that the Council would have future budget pressures if current services were to be maintained. To address these the Council would need to continue to employ a combination of more investment, income generation and efficient working.

Members were reminded that councils would be required to hold a referendum if their Council Tax increase was more than the lesser of 2% or £5. The budget had been prepared on the basis of an increase of £5, the maximum permitted, which represent an increase of 2.29%. It was noted that Surrey County Council and Surrey Police had applied the maximum permitted increases.

The Fair Funding Review and the changes to business rates, expected to be implemented in 2020/21, had both been deferred until 2021/22. As a result the "negative grant" had also been deferred. In addition, changes in the payment of the New Homes Bonus meant that the Council was unlikely to receive any significant payments after next year.

It was predicted that the Collection Fund would be in surplus at the end of 2019/20. The Section 151 Officer had therefore determined that a surplus of £1,500,000 could be declared for the year. Of this £1,128,000 would be paid to Surrey County Council, £202,500 to the Police and the remaining £169,500 to this Council. This would be used to support the budget for 2020/21.

All reserves and provisions were considered appropriate and supportive of future expenditure requirements. Revenue Reserves were projected to be around £35m at 31 March 2020. Some of these reserves were needed for future committed expenditure, such as SANGS, but there was also £25m of non-earmarked reserves to offset the financial risks around commercial property and interest rates as well as the potential budgetary funding gap. Members noted that this budget included expenditure totalling £1.5m which had been charged to reserves.

In respect of the General Fund reserve, a risk calculation had indicated that a minimum balance of £2m was needed to provide financial cover for day to day cash flow and any financial emergencies which might occur during the financial year.

Special Expenses reflected the cost of providing certain services to non-parished areas which in parished areas were funded by a parish precept. This charge was billed as a separate item to non-parished areas in a similar way to a precept in parished areas but did, however, fall within the borough's overall capping limit.

The Council generated a significant income from fees and charges, of which £2m came from parking charges. It had been assumed that all charges would increase by at least inflation, 2.00% pa, and this had been incorporated into the forecast.

The Council was required to prepare a Medium term Financial Forecast so as to demonstrate that it could achieve a balanced budget in the future or that it understood the challenges in delivering one. The preparation of the forecast this year had been particularly challenging given there was no information on funding beyond 2020/21. Members reviewed the Financial Forecast and the Financial Strategy.

The Council's Chief Financial Officer confirmed he was satisfied that the preparation of the 2020/21 estimates had been undertaken with rigour and due diligence and provided the appropriate level of resources to meet forecast service requirements. He also reported that the Council's Reserves, Provisions and the General Fund Working Balance, supplemented by the Revenue Capital Reserves were at such levels to meet all known future expenditure requirements and fund any unforeseen or urgent spending which might arise.

The Chief Financial Officer drew attention to the risks within the Budget, particularly around the reliance and volatility of income to fund services and the continuing need to make further savings and increase income, as evidenced by the Medium Term Financial Forecast, if services were to be maintained and the Council remain financially sustainable into the future.

It was moved by Councillor David Lewis and seconded by Councillor McClafferty that the resolution as set out in the agenda paper be approved which included an increase in Council Tax of £5.

An amendment was moved by Councillor Sashi Mylvaganam and seconded by Councillor John Skipper that

- “1. the Council resolves to defer the setting of the 2020/21 budget for a period not exceeding 14 days to
 - i) permit the Chief Finance Officer to produce revised proposal based upon a Council tax increase of 1.99% which will be fairer to lower income Council tax payers than the currently proposed flat rate £5.00 increase
 - ii) the Chief Finance Officer to maintain a balanced budget by, if necessary, reducing (after consultation with the Leader of the Council), amounts budgeted to be paid outside Consultants to the Council, other overhead savings or from the reserves.
2. The Council further resolves to instruct the Interim Deputy Chief Executive to prepare proposals, within the next three months, for the undertaking of a Zero Based Budget (ZBB) exercise, to be carried out in time for the setting of the 2021/22 budget, on all Council Services which, based upon the latest Budget Book, account for more than 0.75% of the gross Council expenditure. Recycling and Refuse is to be excluded from the ZBB process.”

The Council received advice from the Chief Finance Officer relating to the consequences of failing to set a budget by 11 March 2020. Following this advice Councillor Mylvaganam and his seconder, agreed to withdraw the first part of his amendment but to include the second part of the amendment, including reference to the Performance and Finance Scrutiny Committee in relation to the ZBB exercise.

The second part of the amendment, was put to the vote and carried.

The substantive motion was then put to the vote and carried.

RESOLVED

(i) to note that

- a) under delegated powers the Executive Head of Finance calculated the amount of the Council Tax Base as 38,525.86 (Band D Equivalent properties) for the year 2020/21 calculated in accordance with the Local Government Finance Act 1992, as amended;**
- b) expenditure totalling £2,027,000 is being charged directly to reserves;**

- c) **£185,000 is a special expense relating to the non-parished area of the Borough;**
 - d) **the budget includes provision of £200,000 representing a 2% pay increase for all staff;**
 - e) **the comments in respect of the robustness of the 2020/21 Budget and the adequacy of the Council's reserves, provisions and the General Fund Working Balance;**
 - f) **the comments in respect of the financial forecast, strategy and future financial sustainability of the Council;**
- (ii) **that the Budget Requirement for 2020/21 be £14,176,572 as set out at the end of Annex A to the agenda report;**
 - (iii) **that the Council Tax Requirement for the Council's own purposes for 2020/21 be £8,616,693 as set out in Annex A to the agenda report;**
 - (iv) **that the Council Tax for 2020/21 (excluding special expenses and Parish precepts) be set at £223.66 for a Band D property; and**
 - (v) **that the Interim Deputy Chief Executive be instructed to prepare proposals, within the next three months, for consideration by the Performance and Finance Scrutiny Committee, for the undertaking of a Zero Based Budget (ZBB) exercise, and carried out in time for the setting of the 2021/22 budget, on all Council Services which, based upon the latest Budget Book, account for more than 0.75% of the gross Council expenditure. Recycling and Refuse is to be excluded from the ZBB process."**

Note: In accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014, a recorded vote was taken. The following Members voted in favour of the decision:

Councillors Dan Adams, Graham Alleway, Peter Barnett, Rodney Bates, Cliff Betton, Richard Brooks, Sarah Jane Croke, Vivienne Chapman, Paul Deach, Colin Dougan, Tim FitzGerald, Sharon Galliford, Shaun Garrett, Edward Hawkins, Josephine Hawkins, Rebecca Jennings-Evans, Ben Leach, David Lewis, David Mansfield, Alan McClafferty, Emma McGrath, Charlotte Morley, Sashi Mylvaganam, Adrian Page, Robin Perry, Darryl Ratiram, Morgan Rise, John Skipper, Graham Tapper, Pat Tedder, Victoria Wheeler, Valerie White, Kristian Wrenn.

78/C Setting of Council Tax 2020/21

Having determined its Council Tax Requirement for 2020/21, The Council was now required to formally approve the Council Tax for the area taking into account precepts received from Surrey County Council, Surrey Police and Crime Commissioner and the Parishes.

In approving the Council Tax for 2020/21, the Council noted that the Executive, at its meeting on 17th December 2019, had approved the draft Council Tax base for 2020/21 but had delegated the final setting of the base to the Executive Head of Finance. The tax base had been set at 38,525.86 Band D equivalent properties.

It was moved by Councillor Lewis, seconded by Councillor McClafferty and

RESOLVED

- (i) to note that the Council Tax Base for 2020/21 calculated in accordance with regulations made under Section 33(5) of the Local Government Finance Act 1992:**
 - a) for the whole Council area as 38,525.86 (Item T in the formula in Section 31B of the Local Government finance Act 1992, as amended (the “Act”)); and**
 - b) for dwellings in those parts of its area to which a Parish precept relates as in Table B below:**

Bisley	1,676.50
Chobham	2,058.83
Frimley and Camberley	24,283.22
West End	2,313.69
Windlesham	8,193.62

being the amounts calculated by the Council in accordance with regulation 6 of the Regulations, as the amount of its Council Tax base for the year for dwellings in those parts of its area to which special items relate;

- (ii) that the Council Tax requirement for the Council’s own purposes for 2020/21 (excluding parish precepts and special expenses) is £8,616,693;**
- (iii) that the following amounts be calculated for the year 2020/21 in accordance with Sections 31 to 36 of the Act:**
 - a) 57,360,836 being the aggregate of the amounts which the Council estimates for the items set out in Section 31(A)2 of the Act taking into account all precepts issued to it by Parish Councils.**
 - b) 48,956,312 being the aggregate of the amounts which**

the Council estimates for the items set out in Section 31A(3) of the Act.

- c) **9,404,524** being the amount by which the aggregate at 7(a) above exceeds the aggregate at 7(b) above, calculated by the Council in accordance with Section 31A(4) of the Act as its Council Tax requirement for the year. (Item R in the formula in Section 31B of the Act).
- d) **£244.11** being the amount at 7(c) above (Item R), as divided by Item T (4(i) above) calculated by the Council, in accordance with Section 31B of the Act, as the basic amount of its Council Tax for the year (including Parish precepts)
- e) **787,831** being the aggregate amount of all special items referred to in Section 34(1) of the Act (as per para 1 below)
- f) **£223.66** being the amount at 7(d) above less the result given by dividing the amount at 7(e) above by Item T (4(i) above), calculated by the Council in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no Parish precept relates.

- (iv) to note that the County Council and the Police Authority have issued precepts to the Council in accordance with Section 40 of the Local Government Finance Act 1992 for each category of dwellings in the Council's area as indicated in the table below:

Surrey County Council Basic Precept

Precept	Valuation Bands							
	A	B	C	D	E	F	G	H
	£	£	£	£	£	£	£	£
Basic	920.00	1,073.33	1,226.67	1,380.00	1,686.67	1,993.33	2,300.00	2,760.00
Adult Social Care	87.64	102.25	116.85	131.46	160.67	189.89	219.10	262.92
Total	1,007.64	1,175.58	1,343.52	1,511.46	1,847.34	2,183.22	2,519.10	3,022.92

The Adult Social Care precept levied by Surrey County Council can only be used to fund that service.

Surrey Police and Crime Commissioner

Valuation Bands							
A	B	C	D	E	F	G	H
£	£	£	£	£	£	£	£
180.38	210.44	240.51	270.57	330.70	390.82	450.95	541.14

- (v) that the Council, in accordance with sections 30 and 36 of the Local Government Finance Act 1992, hereby sets the aggregate amounts shown in the tables below as the amounts of Council Tax for 2020/21 for each part of its area and for each of the categories of dwellings:

Parish precepts and special expenses

Valuation Band								
	A	B	C	D	E	F	G	H
Part of Area	£	£	£	£	£	£	£	£
Bisley	41.31	48.20	55.08	61.97	75.74	89.51	103.28	123.94
Chobham	26.48	30.89	35.30	39.71	48.54	57.37	66.19	79.43
Frimley and Camberley	5.08	5.93	6.77	7.62	9.31	11.00	12.70	15.24
West End	31.06	36.24	41.42	46.59	56.95	67.30	77.66	93.19
Windlesham	25.17	29.37	33.56	37.76	46.15	54.54	62.93	75.51

Surrey Heath Borough Council

Valuation Bands							
A	B	C	D	E	F	G	H
£	£	£	£	£	£	£	£
149.11	173.86	198.81	223.66	273.36	323.06	372.77	447.32

Aggregate of Parish and Surrey Heath Borough Council

Valuation Band								
	A	B	C	D	E	F	G	H
Part of Area	£	£	£	£	£	£	£	£
Bisley	190.42	222.16	253.89	285.63	349.10	412.57	476.05	571.26
Chobham	175.59	204.85	234.11	263.37	321.90	380.43	438.96	526.75
Frimley and Camberley	154.19	179.89	205.58	231.28	282.67	334.06	385.47	462.56
West End	180.17	210.20	240.23	270.25	330.31	390.36	450.43	540.51
Windlesham	174.28	203.33	232.37	261.42	319.51	377.60	435.70	522.83

Total of all Precepts

Valuation Band								
	A	B	C	D	E	F	G	H
Part of Area	£	£	£	£	£	£	£	£

Bisley	1,378.4 4	1,608.1 8	1,837.9 2	2,067.66	2,527.1 4	2,986.6 1	3,446.1 0	4,135.32
Chobham	1,363.6 1	1,590.8 7	1,818.1 4	2,045.40	2,499.9 4	2,954.4 7	3,409.0 1	4,090.81
Frimley & Camberley	1,342.2 1	1,565.9 1	1,789.6 1	2,013.31	2,460.7 1	2,908.1 0	3,355.5 2	4,026.62
West End	1,368.1 9	1,596.2 2	1,824.2 6	2,052.28	2,508.3 5	2,964.4 0	3,420.4 8	4,104.57
Windlesham	1,362.3 0	1,589.3 5	1,816.4 0	2,043.45	2,497.5 5	2,951.6 4	3,405.7 5	4,086.89

- (vi) to note that the Council's basic amount of Council Tax for 2020/21 is NOT excessive in accordance with the principles approved under Section 52ZB Local Government Finance Act 1992.

Relevant amount of Council Tax 2019/20 for the basis of the referendum - £223.52

Relevant amount of Council Tax 2020/21 for the basis of the referendum - £228.46

Increase of £4.94

As this increase of £4.94 is less than the greater of £5 or less than 2% of the 2019/20 level it is NOT deemed to be excessive.

NB: Parishes are not subject to the "Excessiveness Principles" and so are free to levy any increase they wish.

Note: In accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014, a recorded vote was taken. The following Members voted in favour of the decision:

Councillors Dan Adams, Graham Alleway, Peter Barnett, Rodney Bates, Cliff Betton, Richard Brooks, Sarah Jane Croke, Vivienne Chapman, Paul Deach, Colin Dougan, Tim FitzGerald, Sharon Galliford, Shaun Garrett, Edward Hawkins, Josephine Hawkins, Rebecca Jennings-Evans, Ben Leach, David Lewis, David Mansfield, Alan McClafferty, Emma McGrath, Charlotte Morley, Sashi Mylvaganam, Adrian Page, Robin Perry, Darryl Ratiram, Morgan Rise, John Skipper, Graham Tapper, Pat Tedder, Victoria Wheeler, Valerie White, Kristian Wrenn.

79/C Business Rates Relief Schemes

The Government had announced that it would provide a Business Rates Retail Discount to apply, in 2020/21, to occupied retail properties with a rateable value of less than £51,000. The value of the Retail Discount would be 50% of the 2020/21 rates bill. In the same Ministerial Statement the Financial Secretary to the

Treasury had announced a £1,000 business rate discount for public houses with a rateable value of less than £100,000 in 2020/21.

The schemes were aimed at helping retail premises in town (and village) centres and recognising, in a small way, the important role that pubs played in urban and rural communities.

Rather than introducing the new discounts nationally in 2020/21, the Government had decided that each Council should set its own local relief schemes under the powers of section 47 of the Local Government Finance Act 1988 (as amended). Whilst the Council was free to set any criteria for reliefs it wished, the Government had made it clear it would only reimburse Councils for the cost of these reliefs if the schemes met set criteria. These criteria were reflected in the schemes proposed in Annexes A and B.

RESOLVED that

- (i) the Local Discretionary Business Rates Retail Discount scheme, as set out in Annex A to the agenda report, be approved from 1 April 2020;**
- (ii) the Local Discretionary Business Rates Pub Discount scheme, as set out in Annex B to the agenda report, be approved from 1 April 2020; and**
- (iii) the Executive Head of Finance in consultation with the Portfolio Holder for Finance be authorised to make changes to the schemes to ensure that the costs remain fully funded by Government and do not fall on the Council.**

80/C Executive, Committees and Other Bodies

- (a) Executive – 17 December 2019 and 21 January 2020**

It was moved by Councillor Josephine Hawkins, seconded by Councillor Adrian Page, and

RESOLVED that the minutes of the meetings of the Executive held on 17 December 2019 and 21 January 2020, be received and the recommendations of the meeting of 18 February be adopted as set out below:

86/E - Corporate Capital Programme 2020/21 – 2022/23

RESOLVED that

- (i) new capital bids for £1.479m in Annex A to the Executive agenda report for 2020/21 be approved, and that they be incorporated into the Capital Programme;**

- (ii) the Prudential Indicators summarised below and explained in Annex C to the Executive report, including the MRP statement, for 2020/21 to 2022/23 in accordance with the requirements of the Chartered Institute of Public Finance and Accountancy's (CIPFA) Prudential Code for Capital Finance in Local Authorities 2011 be approved.

Prudential Indicator	2020/21 Estimated £m	2021/22 Estimated £m	2022/23 Estimated £m
Capital Expenditure	1.479	1.0	1.0
Capital Financing Requirement	224	221	219
Ratio of net financing costs to net revenue stream	19.18%	18.75%	18.25%
Financing Costs	2.067	2.077	2.079
Operational Boundary	230	230	230
Authorised Limit	235	235	235

87/E - Treasury Management Strategy 2020/21

RESOLVED that the following be adopted

- (i) the Treasury Management Strategy for 2020/21, as at Annex A to the Executive agenda report;
- (ii) the Treasury Management Indicators for 2020/21 at Annex C to the Executive agenda report;
- (iii) the Minimum Revenue Provision policy statement and estimated minimum revenue provision payment table at Annex F to the Executive agenda report; and
- (iv) the Treasury Management Policy Statement at Annex G to the Executive agenda report.

88/E - Investment Strategy 2020/21

RESOLVED that the Investment Strategy, as set out at Annex A to the Executive agenda report, be agreed.

89/E - Capital Strategy 2020/21

RESOLVED that Capital Strategy, as set out at Annex A to the Executive agenda report, be agreed.

90/E - Mytchett Skate Park, Camberley

RESOLVED that £54,000 be added to the Capital Programme, to be funded by Developer Contributions, for the replacement of the ramps at Mytchett Skate Park.

- (b) Planning Applications Committee – 5 December 2019, 9 January and 6 February 2020

It was moved by Councillor Edward Hawkins, seconded by Councillor Valerie White, and

RESOLVED that the minutes of the meetings of the Planning Applications Committee held on 5 December 2019, 9 January and 6 February 2020, be received

- (c) Employment Committee – 7 January, 30 January and 12 February 2020

It was moved by Councillor Colin Dougan, seconded by Councillor Rodney Bates and

RESOLVED that the minutes of the meetings of the Employment Committee held on 7 January, 30 January and 12 February 2020, be received and the recommendations adopted as set out below:

11/EC - Pay Policy Statement 2020/21

RESOLVED that the Pay Policy Statement 2020/21, as set out at Annex A to the Employment Committee agenda report, as amended, be adopted.

12/EC - Pay Settlement 2020/21

RESOLVED that a Pay Award of 2% for all staff be agreed for 2020/21.

- (d) Performance and Finance Scrutiny Committee – 27 November 2019 and 29 January 2020

It was moved by Councillor David Lewis, seconded by Councillor Shaun Garrett and

RESOLVED that the minutes of the meetings of the Performance and Finance Scrutiny Committee held on 27 November 2019 and 29 January 2020 be received.

- (e) External Partnerships Select Committee – 11 February 2020

It was moved by Councillor Sarah Jane Croke, seconded by Councillor Morgan Rise and

RESOLVED that the minutes of the meetings of the External Partnerships Select Committee held on 11 February 2020 be received.

- (f) Joint Staff Consultative Group – 16 January 2020

It was moved by Councillor Rebecca Jennings-Evans, seconded by Councillor Victoria Wheeler and

RESOLVED that the notes of the meetings of the Joint Staff Consultative Group held on 16 January 2020 be received.

81/C Motions

It was moved by Councillor Morgan Rise and seconded by Councillor Sarah Jane Croke that the Council

- (i) notes that
- a) under the Equality Act 2010 the Council has a legal duty to eliminate discrimination, advance equality of opportunity and foster good relations between people who share a relevant protected characteristic and those that do not share it;
 - b) hate crimes towards LGBTQ+ people have increased across the country, with a 25% increase in sexual orientation hate crimes (to 14,491) and a 37% increase in transgender identity hate crimes (to 2,333);
 - c) LGBTQ+ people are often some of the most vulnerable people in our society, and at higher risk of mental illness, homelessness, domestic violence, substance abuse and experiencing a lower quality of life
 - d) the Council in collaboration with members, residents and local groups demonstrated a clear commitment to LGBTQ+ equality with the raising of the pride flag ceremony last year on the lawn of Surrey Heath House;
- (ii) reconfirms its commitment to the Equality Act 2010 in promoting equality and eliminating discrimination for all minority groups within the borough of Surrey Heath;
- (iii) commits to an annual pride flag raising at Surrey Heath House and to fly the Pride flag for the entirety of pride month in Surrey (August) to show visible support from the Council for the LGBTQ+ community and share in the hope that things will become easier against the challenges the LGBTQ+ community faces;
- (iv) joins other local authorities, including Surrey County Council, in supporting Pride in Surrey's delivery of community events across the county, including a planned Pride Picnic in Surrey Heath;

- (v) supports local groups, organisations and charities delivering inclusive services for LGBTQ+ young people; and
- (vi) commissions the Equality Working Group to carry out an audit of the Council's work to promote LGBTQ+ equality and inclusivity.

The following amendment was moved by Councillor Josephine Hawkins and, as it was accepted by Councillor Morgan Rise as the mover of the motion, added to original motion:

- (vii) to task the Equality Working Group with outlining an annual work plan for approval by the Executive in order to balance the Council's resources and community priorities within the whole range of the defined characteristics of the Equality Act 2010.

A further amendment was proposed by Councillor Darryl Ratiram and seconded by Councillor Shaun Garrett that

“the Council recognises that the progress of the lesbian, gay, bisexual and transgender community generates different views and opinions. In this regard it also recognises that the freedoms of thought and expression are fundamental British freedoms.”

It amendment was put to the vote and carried.

The substantive motion was put to the vote and carried

RESOLVED to

- (i) **note that**
 - a) **under the Equality Act 2010 the Council has a legal duty to eliminate discrimination, advance equality of opportunity and foster good relations between people who share a relevant protected characteristic and those that do not share it;**
 - b) **hate crimes towards LGBTQ+ people have increased across the country, with a 25% increase in sexual orientation hate crimes (to 14,491) and a 37% increase in transgender identity hate crimes (to 2,333);**
 - c) **LGBTQ+ people are often some of the most vulnerable people in our society, and at higher risk of mental illness, homelessness, domestic violence, substance abuse and experiencing a lower quality of life**
 - d) **in collaboration with members, residents and local groups demonstrated a clear commitment to**

LGBTQ+ equality with the raising of the pride flag ceremony last year on the lawn of Surrey Heath House;

- (ii) reconfirm its commitment to the Equality Act 2010 in promoting equality and eliminating discrimination for all minority groups within the borough of Surrey Heath;**
- (iii) commit to an annual pride flag raising at Surrey Heath House and to fly the Pride flag for the entirety of pride month in Surrey (August) to show visible support from the Council for the LGBTQ+ community and share in the hope that things will become easier against the challenges the LGBTQ+ community faces;**
- (iv) join other local authorities, including Surrey County Council, in supporting Pride in Surrey's delivery of community events across the county, including a planned Pride Picnic in Surrey Heath;**
- (v) support local groups, organisations and charities delivering inclusive services for LGBTQ+ young people;**
- (vi) commission the Equality Working Group to carry out an audit of the Council's work to promote LGBTQ+ equality and inclusivity;**
- (vii) task the Equality Working Group with outlining an annual work plan for approval by the Executive in order to balance the Council's resources and community priorities within the whole range of the defined characteristics of the Equality Act 2010; and**
- (viii) recognise that the progress of the lesbian, gay bisexual and transgender community generates different views and opinions. In this regard it also recognises that the freedoms of thought and expression are fundamental British freedoms.**

82/C Community Governance Review

Members were reminded that the Council had received of a petition from electors within Windlesham village asking the Council to conduct a Community Governance Review (CGR) to "create separate and devolved Parish Council for Windlesham Village and residents only." The Council at its meeting on 24 July 2020 had agreed that a CGR of the Windlesham area within the parish of Windlesham be conducted.

The Council received a report which analysed the feedback from the initial consultations and provided further guidance on the statutory community

governance review process in order to assist the Council in determining a way forward in relation to the future arrangements for Windlesham Parish Council (WPC).

Four possible options had been put forward for public consultation:

- Option 1: To create a new parish in Windlesham and create a new Parish Council covering the area as per the petitioners' request.
- Option 2: To re-instate an equal number of councillors representing each village within Windlesham Parish Council. This option reflected a request received from WPC in January 2019.
- Option 3: To create a new parish ward for North Windlesham and amend the councillor representation in the parish wards to best reflect electoral equality in the parish.
- Option 4: To make no change to the current arrangements.

The consultation had run for an eleven week period between 5 August and 28 October 2019. Letters had been sent to all households in the WPC area and to elected representatives, WPC, Surrey County Council and the Windlesham Society. In addition, information about the consultation had published on the Council's website and publicised through the Council's social media channels and the Council's residents Heathscene magazine.

At the close of the consultation period, 668 individual responses had been received, which equated to 4.9% of electorate in the whole of the WPC area. Of these, a total of 507 responses were received from Windlesham residents which equated to 14.7% of the electors registered in Windlesham. The Council received a breakdown of responses by area.

Members were advised that 74.7% of respondents had chosen Option 1, 7.0% Option 2, 3.9%, Option 3 and 14.4% for Option 4. The comments made in relation to each of these options had been examined and set out in detail together with examples of community governance reviews undertaken by other local authorities.

It was noted that although the Windlesham Community Governance Review had generated considerable interest within Windlesham, 95% of electors in the current WPC area (and 85.31% of electors in Windlesham village) had not responded to the consultation. Government guidance was clear that community governance arrangements should reflect and be sufficiently representative, of people living across the whole community and not just a discrete cross section of it.

As a result the Returning Officer, after careful consideration, had come to the conclusion that at this juncture a 5% overall response rate, and a less than 15% response rate from residents of Windlesham village, did not represent significant support for the creation of a standalone parish council, either within the Windlesham village area or within the broader community. He had therefore recommended not to proceed to a further stage of the Community Governance Review process.

It was moved by Councillor Fitzgerald and seconded by Councillor Morgan Rise that the recommendation as set out at (iii) on the agenda paper be amended to read

“To proceed with Option 3 - to create a new parish ward for North Windlesham and amend the councillor representation in the parish wards to best reflect electoral equality in the parish.”

However following debate Councillor Tim Fitzgerald, with the consent of his seconder agreed to withdraw his motion.

It was proposed by Councillor Victoria Wheeler and seconded by Councillor Rodney Bates that

“The Council continues to the next stage of the Review, that a working party that included representatives from the various residents associations, the petitioners, officers and all impacted Borough Councillors and representatives from WPC be formed to agree the terms of reference and the options to consider.”

The motion was put to the vote and carried.

RESOLVED that

- (i) the Council continues to the next stage of the Community Governance Review;**
- (ii) a Working Group be formed to agree the terms of reference and the options to consider in the next stage of the review; and**
- (iii) the Working Group includes representatives from the various residents associations, the petitioners, officers, all impacted Borough Councillors and representatives from Windlesham Parish Council.**

Note 1: In accordance with the Members' Code of Conduct, the following declarations were made:

- (i) Councillors Peter Barnett, Sharon Galliford, Rebecca Jennings-Evans and Valerie White declared non-pecuniary interests as they were members of Windlesham Parish Council;
- (ii) Councillor Emma-Jane McGrath and Councillor Pat Tedder declared non-pecuniary interests as they were members of the Windlesham Society and also declared they had met with residents.

Note 2: It was noted for the record that Councillor Alan McClafferty and Councillor Victoria Wheeler declared they had met with residents.

83/C Independent Remuneration Panel

The Local Government Act 2000 required all local authorities to appoint an Independent Remuneration Panel (IRP) to advise on the terms and conditions of their Scheme of Councillors' Allowances. The Local Authorities (Members Allowances) (England) Regulations 2003, as amended and the Guidance on Consolidated Regulations for Local Authorities, determined how the Panels were to operate. A Members Allowances Scheme could apply for up to 4 years and indexed to the Retail Price Index (RPI), the Consumer Price Index (CPI) or another formula, for example in line with staff pay awards.

Members' allowances had previously been reviewed in 2017. At that time it had been agreed that allowances would be increased by 1% in May 2017 and May 2018, with a further review to be held in late 2019.

The following comprised the IRP:

- Lucy Brown – Chief Executive, Disability Initiative
- Robin Lennie- Managing Director, Stihl
- Paul Marcus – Managing Director, Eagle Radio Ltd
- Mark Palmer – Development Director, South East Employers (Chair)
- Mark Selby – EM3 LEP Growth Hub 5.

Robin Lennie had withdrawn from the Panel due to a potential conflict of interest.

The Council received the report of the IRP in relation to the proposed Council's Members' Allowance Scheme. A separate report would be sent to Parish Councils on the IRP's recommendations on Members' allowances for those Councils.

The Council had to have regard to the IRP's report when making a new Allowance Scheme, but did not have to agree with all or any of the elements thereof.

Members noted the Panel's approach to calculating allowances, namely the formula used to calculate the basic allowance and the tiered approach taken in respect of calculating Special Responsibility Allowances (SRA). Members also noted the IRP's recommendation that the maximum number of SRAs at any one time should not exceed 50% of Council Members. The report also proposed that no councillor be entitled to receive at any time more than one SRA.

It was proposed by Councillor Rodney Bates and seconded by Councillor Victoria Wheeler that

(a) the wording of recommendation (iii) be amended to read

“the maximum number of Members receiving a Special Responsibility Allowances payable at any one time not to exceed 50% of Council Members, equivalent to 17 Members”

(b) (xii) be amended so as to include “ group leaders with less than 10% of Council membership to receive an allowance at the Tier 5 role”.

The amendment was put to the vote and carried.

The recommendation, as amended, was subsequently put to the vote and carried.

RESOLVED that

- (i) a basic allowance of £5,288 per annum for all Members be agreed;**
- (ii) no councillor be entitled to receive at any time more than one Special Responsibility Allowance;**
- (iii) the maximum number of Members receiving Special Responsibility Allowances payable at any one time does not exceed 50% of Council Members, equivalent to 17 Members;**
- (iv) a Special Responsibility Allowance of 260% of the basic allowance be paid to the Leader as a Tier 1 role, equating to £13,749 per annum;**
- (v) a Special Responsibility Allowance of 60% of the Leader's Special Responsibility Allowance be paid to the Deputy Leader as a Tier 2 role, equating to £8,249 per annum;**
- (vi) a Special Responsibility Allowance of 40% of the Leader's Special Responsibility Allowance be paid to all Tier 3 roles, namely the Mayor and members of the Executive, equating to £5,500 per annum per role;**
- (vii) a Special Responsibility Allowance of 35% of the Leader's Special Responsibility Allowance be paid to all Tier 4 roles, namely the Chairman of Planning Applications Committee and Political Group Leaders, equating to £4,812 per annum per role;**
- (viii) a Special Responsibility Allowance of 27% of the Leader's Special Responsibility Allowance be paid to all Tier 5 roles, namely the Chairman of Performance & Finance Scrutiny Committee, the Chairman of External Partnerships Select Committee, the Chairman of Licensing Committee, the Chairman of Audit & Standards Committee, and the Chairman of the Employment Committee, equating to £3,712 per annum per role;**
- (ix) a Special Responsibility Allowance of 30% of the Mayor's Special Responsibility Allowance be paid to the Deputy Mayor, equating to £1,650 per annum;**
- (x) a Special Responsibility Allowance of 50% of the Chairman of Planning Application Committee's Special Responsibility**

Allowance be paid to the Vice Chairman of the Planning Applications Committee, equating to £2,406 per annum;

- (xi) no Special Responsibility Allowances be paid to the Vice Chairman of the Performance & Finance Scrutiny Committee, the Vice Chairman of the External Partnerships Select Committee, the Vice Chairman of the Licensing Committee, the Vice Chairman of the Audit & Standards Committee, and the Vice Chairman of the Employment Committee;**
- (xii) a threshold of 10% of the Council membership be required in order for a Political Group Leader to be eligible for a Political Group Leader Allowance (Tier 4 role); for Political Group Leaders with less than 10% of Council membership, a Tier 5 allowance be payable;**
- (xiii) car and motorcycle mileage payments be at the maximum rate per mile that can be paid tax-free as defined by HM Revenue and Customs or the rate for officers, whichever is the lower;**
- (xiv) the amounts payable in respect of taxi travel, travel by air and European Travel, and the terms and conditions of those payments, be as those set for officers of the Council;**
- (xv) eligibility for Travel and Subsistence Allowances continue to be payable to councillors and any co-opted members in connection with any Approved Councillor Duties;**
- (xvi) dependant carer's allowances be paid as follows:**
 - Childcare – Up to £11.00 per hour, with no monthly maximum claim, subject to the production of receipts;**
 - Specialist Care – based on cost, subject to the production of receipts and evidence that this type of care is required;**
- (xvii) eligibility for Dependants' Carers' Allowances continue to be payable to councillors and any co-opted members in connection with any Approved Councillor Duties;**
- (xviii) the Members' Allowances Scheme be amended to include the following provisions for parental leave for councillors:**
 - a. 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**

b. 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

c. 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

d. 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;

(xix) The basic allowance, Special Responsibility Allowances and the Dependants' Carers Allowances be increased annually in line with the percentage increase in staff salaries until 2024, at which time the Scheme be reviewed again by an Independent Remuneration Panel; and

(xx) The new scheme of allowances be implemented with effect from the beginning of the 2020/21 financial year, at which time the current scheme will be revoked.

84/C Governance Working Group

The Council considered a report setting out the recommendations of the Governance Working Group in relation to:

- (i) the adoption of a Civic and Ceremonial Protocol;
- (ii) amendments to the Petition Scheme;
- (iii) the Mayor's casting vote; and
- (iv) amendments to the Substitution Procedure Rules

The Working Group had given consideration to the formal adoption of a Civic and Ceremonial Protocol to clarify and regulate the role of the Mayor and Deputy Mayor. Currently there was no formally adopted protocol which covered all aspects of the civic role. Until now the Mayor had operated in accordance with tradition, custom and practice.

The Working Group had reviewed the Council's Petitions Scheme, particularly in respect of the thresholds required to trigger a debate at the Executive or the Full Council. The Working Group had considered that the current threshold for debate at Council was too high and could prevent a number of valid community issues from benefitting from a public debate. In addition it was felt that as the Council,

the Executive, and if appropriate, the relevant standing committee, were all decision making bodies in their own right, the threshold for each should be the same.

The Working Group had, therefore, proposed that the Petition Scheme be amended to provide for a reduction number of signatures to trigger rebate at the Executive, the Council or the relevant standing committee to 500 or more; the removal of the minimum threshold to constitute a petition; and amendments to the threshold to receive a response from the relevant Portfolio Holder.

Members were reminded that under the provisions of the Local Government Act 1972 Schedule 2, the chairman (or Mayor) of every local authority meeting had a second or casting vote that might be exercised where there was an equality of votes. Accordingly, the Constitution at Council Procedure Rules, Paragraph 17.2 reflected this provision and provided that there would be no restriction on how the Mayor chooses to exercise a casting vote.

As result, in certain circumstances, the Mayor would be in the position of being the final decision maker. As a result of this power the Mayor was usually chosen from the majority party. However, by convention for the mayoral year the role was strictly non-political and representative of every section of the community, particularly focusing on cultivating the positive image of the borough.

The Working Group had discussed the following options to restrict the second or casting vote of the Mayor by

- (i) restricting the second or casting vote of the Mayor to being used in favour of the administration or leading group; or
- (ii) providing that no Mayor should allow himself or herself to use their casting vote to take a decision which the Council cannot subsequently overturn (Speaker Dennison Rules).

The Working Group had agreed by a majority to propose that Council Procedure Rules be updated to provide for the Mayor's casting vote to be cast in favour of the administration or leading group.

The Working Group had considered a report relating to the attendance of substitutes at meetings of Working Groups when the appointed Member was also present.

Currently Councillors who were not appointed Members of a Working Group might attend a meeting at the discretion of the Chairman. This provision had appeared to have worked reasonably well and the Working Group proposed that no change should be made subject to the requirement to notify to the Democratic Services Manager.

In relation to the position of substitute Members attending Workings Group meetings, when the appointed member was also present, it had been felt substitutes were in a slightly different position as they might be called upon to act in the absence of the appointed member. The Working Group had therefore

proposed that provision be made to clarify that appointed substitutes were able to attend working group meetings without prior approval of the Chairman.

The Working Group had also considered changes to the number of appointed substitutes allocated to each political group but had agreed that no changes be made unless any issues were subsequently identified.

It was moved by Councillor Alan McClafferty and seconded by Cllr Paul Deach that

- (i) the Civic and Ceremonial Protocol, as set out at Annex A to this report, be adopted and it be included as a document which supports the Constitution;
- (ii) the Petition Scheme at Part 4, Section L of the Constitution be amended, as shown in Annex B to this report;
- (iii) Paragraph 17.2 of Council Procedure Rules at Part 4, Section A of the Constitution be amended as follows:
 - (c) with the exception of where parties declare that the vote will not be subject to the whip, the Mayor's casting vote will be cast in favour of the administration or leading group.
- (iv) the Constitution at Part 4 Section D paragraph 26 be amended as follows:
 - 26.2 Councillors who are not appointed Members of a Working Group may attend a meeting at the discretion of the Chairman subject to the prior approval of the Chairman and notification to the Democratic Services Manager.
 - 26.3 Councillors who are the appointed substitutes of a Working Group may attend any meeting of the Working Group, whether or not the appointed Member is present

It was moved by Councillor Kristian Wrenn and seconded by Councillor Rodney Bates that

“in relation to the recommendation at (iii) that the second or casting vote of the Mayor be used in favour of the administration or leading group be deleted and replaced with a provision which would require that no Mayor should allow himself or herself to use their casting vote to take a decision which the Council cannot subsequently overturn (Speaker Dennison Rules)”.

The amendment was put to the vote and carried. The recommendation, as amended, was subsequently put to the vote and carried.

RESOLVED that

- (i) **the Civic and Ceremonial Protocol, as set out at Annex A to the agenda report, be adopted and it be included as a document which supports the Constitution;**
- (ii) **the Petition Scheme at Part 4, Section L of the Constitution be amended, as shown in Annex B to the agenda report;**
- (iii) **Paragraph 17.2 of Council Procedure Rules at Part 4, Section A of the Constitution be amended as follows:**
 - (c) **the Mayor's casting vote must be used to vote in favour of further debate, or, where it has been previously decided to have no further debate or in some specific instances, to vote in favour of the status quo; and**
- (iv) **the Constitution at Part 4 Section D paragraph 26 be amended as follows:**
 - 26.2 Councillors who are not appointed Members of a Working Group may attend a meeting at the discretion of the Chairman subject to the prior approval of the Chairman and notification to the Democratic Services Manager.**
 - 26.3 Councillors who are the appointed substitutes of a Working Group may attend any meeting of the Working Group, whether or not the appointed Member is present;**

85/C Review of Political Proportionality

As a result of a change in the division of members into political groups, the Council reviewed the proportional political allocation of places on committees and considered revised schemes of proportionality.

The possible schemes of proportionality had been discussed informally with the Group leaders and 2 options which had been formulated taking into account the some of the preferences expressed. Both of the schemes achieved the required balance between the five political groups on the Council.

RESOLVED to

- (i) **adopt the revised scheme of proportionality at Option B, as set out in Annex A to the agenda report; and**
- (ii) **note that the revised memberships of the standing committees of the Council be agreed by the Interim Deputy Chief Executive on the nomination of the Group Leaders.**

86/C Statutory Officers

The Council was required by Section 5 of the Local Government and Housing Act 1989 to designate one of its officers as the officer responsible for performing the duties imposed by this section (known as the Monitoring Officer).

At its meeting on 18 December 2019, the Council had agreed that Mr Richard Payne be appointed as the Council's Monitoring Officer until further notice, pending the appointment of the Head of Legal Services. Members were advised that the Appointments Sub Committee had agreed to appoint Gavin Ramtohal as the Head of Legal Services and had recommended that he be appointed as the Council's Monitoring Officer.

In accordance with Section 151 of the Local Government Act 1982 and Section 113 of the Local Government Finance Act 1988 there was a statutory requirement on the Council to designate one of its officers as its Section 151 Officer/Chief Finance Officer.

The current Section 151 Officer, Mr Kelvin Menon, would be leaving the Council's employment on 8 March 2020. The Appointments Sub Committee had agreed to appoint Simon Little as the Interim Executive Head of Finance and had recommended that he be appointed as the Section 151 Officer. The current Deputy Section 151 Officer, Mr Adrian Flynn, would be asked to act as Section 151 Officer in the period from 9 March 2020 until such time Mr Little commenced employment with the Council.

RESOLVED that

- (i) Mr Gavin Ramtohal be appointed as the Council's Monitoring Officer upon him commencing his employment with the Council as Head of Legal Services;**
- (ii) Mr Simon Little be appointed as the Section 151 Officer/Chief Finance Officer upon him commencing his employment with the Council as Interim Executive Head of Finance; and**
- (iii) Mr Adrian Flynn be appointed as the Section 151 Officer from 9 March until such time as Mr Simon Little takes up his employment.**

87/C Leader's Question Time

The Leader answered questions relating to the status of the Annual Audit, the next meeting of the Audit and Standards Committee and an examination of the cost of the Council's legal and professional consultants for the past year.

88/C Exclusion of Press and Public

In accordance with Section 100(A)(4) of the Local Government Act 1972, the press and public were excluded from the meeting for the following item of business on the ground that it involved the likely disclosure of exempt information as defined in the paragraphs of Part 3 of Schedule 12A of the Act as set out below:

<u>Minute</u>	<u>Paragraphs</u>
73/C (part)	3
89/C	3
90/C	3

89/C Executive and Committees - Exempt

Executive – 21 January 2020

It was moved by Councillor Josephine Hawkins and seconded by Councillor Adrian Page and

RESOLVED that the exempt minutes of the Executive held on 21 January 2020 be received and that the recommendations, including those of the Executive made at its meeting on 18 February 2020, be adopted.

90/C Review of Exempt Items

The Council reviewed the items which had been considered at the meeting following the exclusion of members of the press and public as they involved the likely disclosure of exempt information.

Mayor