

**MINUTES OF A MEETING OF SURREY
HEATH BOROUGH COUNCIL held at
Surrey Heath House, Camberley on
8 April 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

91/C Suspension of Council Procedure Rules

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

RESOLVED that Council Procedure Rules 14.5 (length of speech), 14.6 (councillors speaking more than once), and 21.2 (the requirement to stand), be suspended for the meeting in order to allow for freer debate.

92/C Apologies for Absence

Apologies for absence were submitted on behalf of Councillors Tim FitzGerald and Morgan Rise.

93/C Minutes

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

RESOLVED that the open and exempt minutes of the meeting of the Council held on 26 February 2020 be approved as a correct record.

94/C COVID-19

The Council considered a report setting out a number of decisions and delegations requested in order for the Council to perform its statutory duties and support the community during the COVID-19 pandemic.

Members were reminded that, at its meeting on 24 March 2020, the Executive had recommended that a Hardship Fund of £99,000 be agreed to assist individuals and charities during this difficult time. The Council was asked to agree the creation of this fund, to be funded from reserves.

It was proposed to add an additional delegation to the Scheme of Delegation of Functions to Officers so the Chief Executive, or their nominated officer, could act in the event of an emergency. The Executive, at its meeting on 24 March 2020, had agreed this delegation in respect of executive functions; the Council was asked to agree it in respect of non-executive functions. It was emphasised that, whilst the delegation provided for officers to act in emergency situations, decision making would continue in consultation with Members until this became impossible.

In accordance with The Health Protection (Corona, Business Closure) (England) Regulations 2020, it was proposed to appoint the Executive Head of Community as the designated officer for the purposes of the Regulations. Furthermore, the following officers would be appointed for the enforcement of these regulations:

- a) Any Environmental Health Officer
- b) Any Licensing Officer

The Council considered a recommendation to delegate any planning decisions which would ordinarily be considered by the Planning Applications Committee to the Executive Head of Regulatory in consultation with relevant councillors, whilst restrictions on public gatherings were in place. Members considered the proposal and agreed to continue with Planning Applications Committee meetings as virtual meetings. However, public speaking rules would be amended for this period to allow for public speaking to be conducted by video recording or written representation. Furthermore, the Site Visit Protocol would be suspended during this time.

The Council was reminded that Section 85(1) of the Local Government Act 1972 required a Member of a Local Authority to attend at least 1 meeting of that Authority within a six-month consecutive period. If this was not met, the councillor would cease to be a member of the Authority. However, this could be waived and the time limit extended if the reason is agreed by the Authority before the six-month period expired. Although Regulations had been introduced to provide for councillors to attend meetings virtually, it was agreed to waive this requirement in the event that a Member was unable to satisfy the above requirements due to the COVID-19 pandemic.

It was moved by Councillor Colin Dougan, seconded by Councillor Sharon Galliford, and

RESOLVED that

- (i) **£99,000 be agreed as a supplementary estimate to provide a COVID 19 hardship fund;**
- (ii) **this supplementary estimate be funded from revenue reserves;**
- (iii) **the Scheme of Delegation of Functions to Officers at Part 3, Section B of the Constitution be updated as follows:**

4. Urgent Action

- 4.1 The Chief Executive, Executive Head of Service or Head of Service are authorised to determine matters of an urgent nature which cannot wait for the next meeting of the decision-making body which are not key decisions and which do not contravene established policies or budgets,
 - 4.1.1 after consultation with the Leader and Mayor in relation to Council functions;
 - 4.1.2 after consultation with the Leader or relevant Portfolio holder and with the Chairman or Vice-Chairman of the relevant Scrutiny Committee in relation to Executive functions;
 - 4.1.3 after consultation with the Chairman or Vice Chairman of the relevant regulatory or non-Executive Committee.
- 4.2 All matters will be reported to the next meeting of the appropriate decision-making body and will be advised to all Members by email.
- 4.3 In the event of a national emergency declared by the Crown or HM Government where it is considered it will be impractical to hold meetings either in person or by video conference for an extended period of time, the Chief Executive will have authority to exercise all the powers, duties and functions exercised by the Council, the Executive or any of the committees, including the authority and power to delegate such powers, duties and functions.
- 4.4 This authority is time limited to a six-week period, following which any extension must be authorised by the Leader, or in his/her absence, the Deputy Leader.
- 4.5 Where the Chief Executive is unable to act for the purposes of 4.3 above, the Corporate Management Team, both individually and collectively, is authorised to perform this function.

- 4.6 Decision making, as set out at paragraph 4.3, will continue to be exercised in consultation with the Leader or Deputy Leader, or relevant Committee Chairman or Vice Chairman and, where appropriate, ward councillors where possible, but this provides for officers to continue to act in the event that this is not feasible.;
- (iv) the Executive Head of Community be appointed as the designated officer for the purposes of The Health Protection (Corona, Business Closure) (England) Regulations 2020:**
 - (v) the following officers be appointed for the purposes of the enforcement of The Health Protection (Corona, Business Closure) (England) Regulations 2020:**
 - a. Any Environmental Health Officer**
 - b. Any Licensing Officer;**
 - (vi) until May 2021, or the lifting of restrictions on large public gatherings, whichever is earlier, the Public Speaking at Planning Applications Committee undertaken in accordance with Part 4, Section E of the Constitution be conducted by video recordings or written representations to be read to the meeting by an officer, to be submitted no later than 48 hours before a meeting;**
 - (vii) the Committee Site Visit Protocol at Part 5, Section E, Appendix A of the Constitution be suspended until May 2021, or the lifting of restrictions on large public gatherings, whichever is earlier; and**
 - (viii) in accordance with Section 85 of the Local Government Act 1972, in the event that a Member of the Council is unable to satisfy the requirement to attend a meeting of the authority within a six month consecutive period due to the COVID-19 pandemic, their non-attendance be approved until the lifting of restrictions on public gatherings preventing them from attending or participating in meetings.**

95/C Community Governance Review

The Council was reminded that, at its meeting on 26 February 2020, it had agreed to continue to the second stage of the Community Governance Review (CGR). At this meeting it had been agreed to establish a Working Group to consider options for the next stage of the review. The Working Group had met on 18 March 2020 and agreed in principle a way forward for the next stage of the review.

Members were advised that, due to the Covid-19 pandemic, consideration had been given to whether the Council could continue to meet all of its obligations in respect of the CGR. In particular there was concern that continuing with the CGR

during the expected peak of the pandemic may not afford all of those affected a reasonable opportunity to participate in the consultation.

The Local Government and Public Involvement in Health Act 2007 required that a principal council must conclude the review within the period of 12 months starting with the day on which the council began the review. Legislation did not appear to provide for a CGR to be extended beyond this 12 month period. However, legal advice had been sought on whether, in these exceptional times, the Council could extend the timetable of the review. The advice had concluded that the Council could lawfully postpone the completion of the review.

It was emphasised that the Council was committed to reaching an outcome and would resume with the CGR as soon as considered reasonably practicable in order for the review to be concluded in a timely manner.

Members discussed the proposed deferral and noted that part of the proposed way forward was for Windlesham Parish Council to review its committee structure. It was suggested that the Parish Council should be encouraged to pursue this review as soon as possible.

It was moved by Councillor Colin Dougan, seconded by Councillor Sashi Mylvaganam, and

RESOLVED that the Community Governance Review be postponed due to the COVID-19 pandemic and the timetable be amended, as set out at Annex A to the agenda report.

Note 1: In accordance with the Members' Code of Conduct, Councillors Peter Barnett, Sharon Galliford, Rebecca Jennings-Evans and Valerie White declared non-pecuniary interests as they were members of Windlesham Parish Council;

Note 2: It was noted for the record that Councillors Alan McClafferty, Emma-Jane McGrath, Pat Tedder and Victoria Wheeler declared they had met and discussed the Community Governance Review with residents.

96/C Clapping for Carers

The Council expressed its support for all NHS workers, key workers and other carers during the challenging times presented by the Covid-19 pandemic.

97/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:

Minute

Paragraphs

93/C (part)	3
98/C	1
99/C	1

98/C HR Matter

The Council made decisions in relation to a Human Resources matter.

99/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