

## SURREY HEATH BOROUGH COUNCIL

Surrey Heath House  
Knoll Road  
Camberley  
Surrey  
GU15 3HD

Tuesday, 6 October 2020

To: The Members of the Surrey Heath Borough Council

Dear Councillor,

You are hereby summoned to attend a meeting of Surrey Heath Borough Council to be held on Wednesday, 14 October 2020 at 7.00 pm. The business which it is proposed to transact at the meeting is set out below.

Please note that this meeting will be recorded and live streamed on  
<https://www.youtube.com/user/SurreyHeathBC>

Yours sincerely

Tim Pashen

(Acting) Chief Executive

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### 1. **Apologies for Absence**

To report apologies for absence.

### 2. **Minutes**

To approve as a correct record, the minutes of the meeting of the Council held on 22 July 2020 and the minutes of the extraordinary meetings of the Council held on 26 August 2020.

### 3. **Mayor's Announcements**

### 4. **Leader's Announcements**

### 5. **Declarations of Interest**

Members are invited to declare any Disclosable Pecuniary Interests and non-pecuniary interests they may have with respect to matters which are to be considered at this meeting.

**6. Questions from Members of the Public**

To answer questions, if any, received under Council Procedure Rule 10 (Paragraph 3 of the Public Speaking Procedure Rules).

**7. Questions from Councillors**

To deal with questions, if any, received under Council Procedure Rule 11.

**8. Executive, Committees and Other Bodies**

To receive the open minutes of the following bodies (minutes reproduced in the Minute Book), to answer questions (if any) in accordance with Council Procedure Rule 11.5 and to consider the recommendations as set out below:

- (a) Executive – 21 July, 11 August and 15 September 2020

**38/E – Loman Road Playground**

**RECOMMENDED to Full Council that the Capital Programme be increased by £20,000 to fund the works at Loman Road playground.**

**41/E – Zero Based Budgeting**

**RECOMMENDED to Full Council that a Zero Based Budget be commenced this autumn for services that are particularly reliant on income from fees and charges, with incremental budgeting process retained for all other services.**

- (b) Planning Applications Committee – 16 July, 13 August and 17 September 2020
- (c) Employment Committee – 9 July and 8 October 2020

**Member & Officer Protocol**

At its meeting on 8 October 2020, the Employment Committee will be advised to RECOMMEND to the Full Council that the revised Member Officer Protocol, as set out at Annex A to its agenda report, be adopted.

**Proposal to Enter into an Agreement with Elmbridge Borough Council to Share the Monitoring Officer Function**

At its meeting on 8 October 2020, the Employment Committee will consider an exempt report on a proposal to enter into an agreement with Elmbridge Borough Council to share the Monitoring Officer function and may make recommendations in relation to this proposal.

- (d) Licensing Committee – 29 July 2020
- (e) External Partnerships Select Committee – 8 September 2020
- (f) Performance & Finance Scrutiny Committee – 9 September 2020

Note: The recommendation of the Performance & Finance Scrutiny Committee contained in minute 15/PF concerning a supplementary estimate of £40,000 is dealt with at Item 12 on this agenda.

- (g) Joint Staff Consultative Group – 24 September 2020

## **9. Motions**

Councillor Graham Alleway to move that

“this Council RESOLVES that

- (i) the Government/Local Government Association guidance that states that councillors should be involved within the pre-application process for planning applications be noted;
- (ii) a process be adopted by no later than 31 December 2020 to ensure that ward councillors are informed about pre-application discussion requests in accordance with this guidance;
- (iii) prior to the implementation of (ii), ward councillors be provided on request with the site and scope of pre-application discussions concerning anything other than domestic extensions, under confidentiality obligations;
- (iv) a register of all pre-application discussions and summary of advice given be held by the Council and available for reasonable inspection by the Chairman and Vice Chairman of the Planning Applications Committee and relevant ward councillors, with the exception of where conflicts of interest may arise with private capacities; and
- (v) ward councillors as a matter of course be informed of all appeals within their ward with immediate effect and invited to assist officers with information to assist the Council’s defence of any such appeals.”

## **10. Windlesham Community Governance Review (Pages 5 - 18)**

To consider the report of the Returning Officer (attached).

## **11. Governance Working Group (Pages 19 - 24)**

To consider the report of the Executive Head of Corporate (attached).

**12. Report from the Performance & Finance Scrutiny Committee** (Pages 25 - 26)

To consider the report of the Executive Head of Corporate (attached).

**13. Leader's Question Time**

The Leader to answer questions from Members in relation to the Executive functions.

**Windlesham Community Governance Review  
– Round Two Consultation Responses and  
Next Steps**

Portfolio:	Non-executive function
Ward(s) Affected:	Bagshot; Lightwater; Windlesham & Chobham

**Purpose of Report**

To provide the Council with feedback from the second round of consultation in connection with the Community Governance Review for the area currently covered by Windlesham Parish Council and make recommendations on the next steps.

**1. Legislative Background**

- 1.1 In accordance with the Local Government and Public Involvement and Health Act 2007 ('the 2007 Act'), Surrey Heath Borough Council as the 'principal council' has powers to determine parish boundaries and parish electoral arrangements. The way in which the legislation enables principal councils to make such changes is by conducting a community governance review.
- 1.2 Chapter 3 of Part 4 of the 2007 Act devolved the power to make decisions about matters such as the creation of parishes and their electoral arrangements to local government and local communities in England. Subsequently, from 13<sup>th</sup> February 2008, district councils, unitary county councils and London borough councils were given responsibility for undertaking community governance reviews and have been given the power to decide whether to give effect to recommendations made as a result of any such reviews.
- 1.3 This report follows on from previous decisions made by the Council at its meetings on 26<sup>th</sup> February 2020 and 22<sup>nd</sup> July 2020 and sets out feedback from the second round of consultation in respect of a community governance review (CGR) for the area currently covered by Windlesham Parish Council (the villages of Bagshot, Lightwater and Windlesham). The report also provides 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 electoral arrangements for Windlesham Parish Council (WPC).
- 1.4 Whilst consultation findings should inform the Council's final decision, the Council needs to be mindful of its primary duty to secure that community governance within the area under review:
  - i. Reflects the identities and interests of the community in that area, and
  - ii. Is effective and convenient<sup>1</sup>.

<sup>1</sup> Local Government & Public Involvement in Health Act 2007 93(4)

## 2. Consultation

### Background to Consultation

- 2.1 In 2019, the Council received a petition requesting a CGR and seeking the establishment of a standalone parish council for Windlesham village only in the Windlesham parish area. An initial consultation took place across the Windlesham parish area in October/November 2019 and the consultation's findings were considered by the Council at its meeting on 26<sup>th</sup> February 2020. It was subsequently agreed that a consultative group would be established to develop a recommended way forward which would then be subject to a public consultation.
- 2.2 A Consultative Group made up of affected Borough and County ward councillors, Windlesham Parish Council, petitioners' representatives, local community groups and council officers met on 18<sup>th</sup> March 2020. During the meeting it was recognised that the petition to trigger a CGR had been the result of dissatisfaction amongst residents of Windlesham village over what was perceived to be a disconnect between the Parish Council and local residents. Something that, in the petitioners' view, had been compounded by the Local Government Boundary Commission for England's (LGBCE) 2016 review of the Borough and Parish Council boundaries which resulted in the redrawing of WPC's wards and what in the petitioners' view was a reduction in representation at parish level for Windlesham residents.
- 2.3 At the meeting, representatives from WPC acknowledged the concerns of the petitioners; however, it was stressed that parish councillors had always considered themselves to have been elected to serve all residents of the parish area and not just those living in the ward that they were elected to represent and that decisions were made on the basis that each of the three villages were considered to be equal partners in the Parish. It was also the Parish Council's contention that the villages' representation would be stronger if they remained as a single entity and that the Parish Council's size meant that it could leverage certain economies of scale that would not be possible if it was broken up.
- 2.4 As a result of the consultative group's discussions the following compromise position was proposed:
- The parish council's ward boundaries should be redrawn to give each village its own specific councillors and
  - The Parish Council would review its internal governance processes to provide ward councillors with greater say over the decisions that affected the village they represented.
- 2.5 The Consultative Group agreed that this would provide a suitable compromise and that the CGR should be progressed on this basis. However, due to the Covid-19 pandemic and its associated government restrictions, phase two of the consultation process was paused at the end of March for three months.

- 2.6 As Covid-19 restrictions eased, a decision was taken to bring the CGR to a conclusion and on 22<sup>nd</sup> July 2020 the Council agreed that a second round of consultation would take place seeking the view of the residents of the Windlesham Parish Council area on the following proposals:
- i. A new parish ward co-terminus to the current KC polling district is created and named Windlesham (North) ward of Windlesham Parish Council
  - ii. A new parish ward co-terminus with the KA and KB polling districts be created and named Bagshot Ward of Windlesham Parish Council
  - iii. The Windlesham ward of Windlesham Parish Council be renamed Windlesham (South) ward of Windlesham Parish Council
  - iv. Windlesham Parish Council be renamed to better reflect its geographical boundaries.
- 2.7 A consultation leaflet, setting out the background to the CGR and the Council's reasoning for the proposals, was developed and this was sent to every household (7,462 households) in the parish area. The leaflet was also published on the Council's website and the consultation was promoted through the Council's social media channels.
- 2.8 In addition, the Council's Marketing and Communications Team:
- Updated the Windlesham CGR webpage
  - Added the CGR to the Consultations 2020/21 webpage and the Top Tasks section of the homepage (for duration of the consultation)
  - Uploaded a press release to the News section of the Council's website and issued the release to key media contacts and Councillors.
  - Shared the link to the press release on the Council's social media channels, Facebook and Twitter, and continued to share information publicising the consultation on social media throughout the consultation period. Including sharing these posts into the relevant Bagshot, Lightwater and Windlesham community groups on Facebook.
  - Updated the Council's Borough Boards in Bagshot, Lightwater and Windlesham with information about the consultation.
  - Provided Windlesham Parish Council's Clerk with posters publicising the CGR for its noticeboards in the three villages.
- 2.9 The consultation ran for a five week period between 4<sup>th</sup> August 2020 and 8<sup>th</sup> September 2020.

### Consultation Responses

- 2.10 By the end of the consultation process a total of 109 responses had been received from residents across the parish area. The breakdown of responses by village area is set out below:

Village Area	Responses Received	<b>Electorate*</b>	Population response rate
Bagshot	18	4,611	0.39%

Lightwater	27	5,466	0.49%
Windlesham	64	3,528	1.81%
Total	109	13,605	0.80%

\*Electorate based on Electoral Register figures as at 1st March 2020

- 2.11 It should be noted that a notable number of responses received included narratives in their responses with a broad theme emerging which related to either concerns over the level of resources that were being expended on a matter that was of little interest to the wider parish community or that the changes were disproportionate.

### Structural Changes

- 2.12 The majority of respondents (76 of the 109 respondents) expressed their support of the proposal to redraw the boundaries of the Bagshot Ward of Windlesham Parish Council to create two new wards (Bagshot Ward of Windlesham Parish Council and Windlesham (North) Ward of Windlesham Parish Council) and to rename the Windlesham Ward of Windlesham Parish Council to Windlesham (South) Ward of Windlesham Parish Council. The Lightwater Ward would remain unchanged under the proposals. A map showing the proposed parish ward boundaries can be found at Annex A
- 2.13 A breakdown of the responses by village can be seen in the table below.

Village Area	In favour	Against	No Opinion
Bagshot	5	8	5
Lightwater	12	14	1
Windlesham	59	4	1
Total	76	26	7

### Councillor Numbers

- 2.14 Approximately three quarters of those responding (76 of the 109 respondents) expressed support for proposals to amend the number of councillors so that the newly created Bagshot ward would have 6 councillors and the newly created Windlesham (North) ward would be represented by 2 councillors. The number of Councillors for the unchanged Lightwater ward and the unchanged but renamed Windlesham (South) wards would remain at 7 and 3 councillors respectively.
- 2.15 A breakdown of the responses by village area is set out in the table below.

Village Area	In favour	Against	No Opinion
Bagshot	6	9	3
Lightwater	12	14	1
Windlesham	58	5	1
Total	76	28	5



### Change of Parish Name

- 2.16 Views on changing the name of Windlesham Parish Council were more mixed with a number of respondents considering a name change to be an unnecessary waste of resources. A breakdown of the responses by village area is set out in the table below.

Village Area	In favour	Against	No Opinion
Bagshot	7	9	2
Lightwater	14	13	1
Windlesham	41	12	11
Total	62	34	13

- 2.17 A number of alternative names were suggested by residents with many referencing local natural phenomena which were common to all three village area for example the Windle Brook and a list of these are set out in Annex B.

## **3 Next Steps**

### Ward Boundary Changes and Councillor Numbers

- 3.1 Notwithstanding, the low response rate, the proposals to redraw the ward boundaries of the Parish Council and review and alter the number of councillors representing each of the newly created wards were ones that the Consultative Group considered to be an appropriate compromise between retaining the status-quo and separating WPC. Furthermore, the Parish Council itself has indicated that the structural changes would provide a workable compromise solution to a situation which was making decision making at parish level difficult and enable more local decision making to take place. It is therefore recommended that this proposal is pursued.
- 3.2 Council is reminded that the current electoral arrangements for WPC were put in place by the Local Government Boundary Commission for England (LGBCE) during their 2016 review of the Borough Council's ward boundaries. Legislation protects electoral arrangements that have been put in place by either the Secretary of State, the Electoral Commission or the LGBCE for a period of five years from the date that a reorganisation order is made. If at any point within this five year period a principal authority wishes to change these arrangements then the consent of the LGBCE is required. The electoral arrangements for WPC fall within this five year window and consequently these changes would require the consent of the LGBCE
- 3.3 It is therefore recommended that the Council seeks the LGBCE's consent for the following proposals:
- i. A new parish ward co-terminus to the current KC polling district is created and named Windlesham (North) ward of Windlesham Parish Council
  - ii. A new parish ward co-terminus with the KA and KB polling districts be created and named Bagshot Ward of Windlesham Parish Council

- iii. The Windlesham ward of Windlesham Parish Council be renamed Windlesham (South) ward of Windlesham Parish Council.
- iv. The number of councillors for the revised warding of Windlesham Parish Council be set at:

<u>Ward</u>	<u>Number of Councillors</u>
Bagshot	6
Lightwater*	7
Windlesham (North)	2
Windlesham (South)	3
Total	18
*No changes are being proposed for the Lightwater ward	

A map illustrating the proposed Parish Council ward boundaries set out above is attached to this report as Annex A.

#### Timing of Implementation of New Electoral Arrangements

- 3.4 If the consent of the LGBCE for these changes is obtained it is intended that the alterations would come into effect at the Parish Council's next scheduled elections which are due to take place in May 2023.
- 3.5 Although CGR guidance does allow for changes to be implemented outside the normal parish council election timetable early elections would, depending on the length of time before the normal expiration of a councillor's term of office require either:
  - i. In the event that there was more than 1 year to go until the next scheduled elections, those parish councillors sitting in the affected wards agreeing to have their electoral term of office shortened. A standalone election would then need to be held for vacancies for a term of office fixed to run until the next round of normal elections; or
  - ii. If there was one year or less to run until the next scheduled elections, those parish councillors sitting in the affected wards agreeing to have their electoral term of office shortened. A standalone election would then need to be held for the subsequent vacancies on the basis of a five year term of office to take the newly elected parish councillors' terms of office to the next normal election cycle.
- 3.6 When deciding when new electoral arrangements should be implemented, the Council should be mindful of the LGBCE's published advice which makes it clear that the LGBCE gives priority to the electoral reviews that they have

scheduled and resources available to devote to considering requests for, and making related, Alteration Orders (The legal documents which effect any changes) are limited.

- 3.7 In previous years, which have not been impacted by the constraints of the Covid-19 pandemic, the LGBCE has made it clear that unless they receive requests for alterations to be made to electoral arrangements before 1<sup>st</sup> October they cannot guarantee that any subsequent Alteration Orders would be made in time for the requested changes to be implemented in elections in the subsequent May. It should therefore be assumed that there is no guarantee that any alterations would be consented to in time for them to coincide with the County Council and Police and Crime Commissioner elections scheduled for May 2021.
- 3.8 Furthermore, when making its decision the Council should be mindful of the views of local residents who in responding to the consultation questioned the level of resources that was being put into something that was, in their view, of relevance to only a very small minority of the local community particularly in the current economic climate. Consequently any decisions should be proportionate.

#### Parish Council Name Change

- 3.9 At the current time, it is not felt that there is sufficient public support to justify pursuing proposals to change the name of Windlesham Parish Council.
- 3.10 It should be noted that Community Governance Reviews are not the only mechanism by which the name of a parish council can be altered. Section 75 of the Local Government Act 1972 gives a Borough Council the statutory authority to change the name of a parish or town council at any time through the laying down of a Statutory Order.
- 3.11 It is therefore proposed that the list of alternative names suggested be passed to the Clerk of WPC for the Parish Council to consider in its own time. If at a future point, WPC felt that a name change was appropriate the Borough Council would work with the Parish Council to take these changes forward.

## **4 Alternative Options**

- 4.1 The Council has the option to:
- i. Agree the proposals as set out at paragraphs 3.3 and 3.11
  - ii. Agree the proposals set out in paragraphs 3.3 and 3.11, but with amendments.
  - iii. To make no changes to the electoral arrangements of Windlesham Parish Council.

## 5 Resource Implications

- 5.1 There are no specific resource implications arising from the proposals set out at paragraph 3.3 above which cannot currently be met from within existing resources.
- 5.2 Notwithstanding paragraph 5.1 above, it should be noted for transparency that in addition to the officer time expended on, but not limited to, developing consultation documents, publicity material and collating the consultation responses received the Windlesham Community Governance review has incurred the following expenditure which was not part of the Council's agreed budgets:
- Round One consultation postage costs – £3,500
  - Round Two consultation postage costs – £3,500
  - Legal Advice - £2,900
  - Subtotal to date - £9,900
- 5.3 It is expected that a further £3,500 would be expended writing to all residents in the Windlesham Parish Council area to inform them of any boundary changes.
- 5.4 Whilst the guidance advising community governance reviews allows for changes to be implemented outside the normal parish council election timetable, if a decision was taken to implement any new electoral arrangements earlier than 2023 then it should be noted that pursuing either of the options outlined at paragraph 3.5 would incur an additional expense for Windlesham Parish Council which the Parish Council would not have currently budgeted for. There would also be resource implications for the Borough Council in respect of officer time administering any standalone elections.

## 6 Recommendations

- 6.1 The Council is advised to RESOLVE that, subject to the agreement of the Local Government Boundary Commission for England, the following changes be made to the electoral arrangements of Windlesham Parish Council:
- i. A new parish ward co-terminus to the current KC polling district be created and named Windlesham (North) ward of Windlesham Parish Council;
  - ii. A new parish ward co-terminus with the KA and KB polling districts be created and named Bagshot Ward of Windlesham Parish Council;
  - iii. The Windlesham ward of Windlesham Parish Council be renamed Windlesham (South) ward of Windlesham Parish Council; and
  - iv. The number of councillors for the revised warding of Windlesham Parish Council be set at:

<u>Ward</u>	<u>Number of Councillors</u>
Bagshot	6

Lightwater*	7
Windlesham (North)	2
Windlesham (South)	3
Total	18

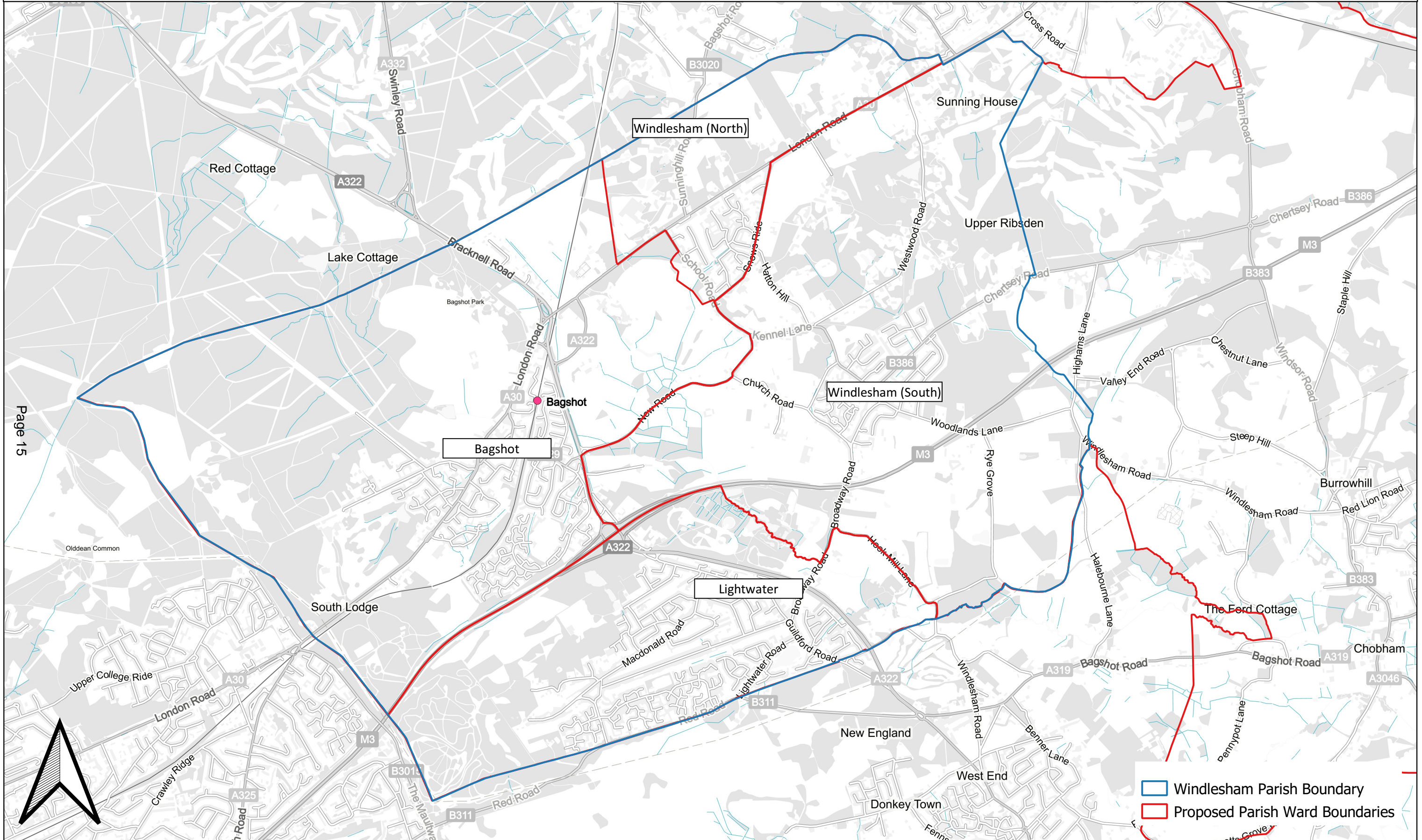
\*No changes are being proposed for the Lightwater ward

<b>Annexes:</b>	Annex A: Map of proposed new parish ward boundaries
	Annex B: List of suggested alternative names for Windlesham Parish Council
<b>Background Papers:</b>	Local Government and Public Involvement in Health Act 2007 Report to Council 26 <sup>th</sup> February 2020 Report to Council 22 <sup>nd</sup> July 2020
<b>Author:</b>	Katharine Simpson – Senior Democratic Services Officer <a href="mailto:katharine.simpson@surreyheath.gov.uk">katharine.simpson@surreyheath.gov.uk</a>
<b>Executive Head of Service:</b>	Richard Payne – Electoral Registration Officer and Returning Officer

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# Windlesham Parish Proposed



Page 15

- Windlesham Parish Boundary
- Proposed Parish Ward Boundaries

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**Suggested Alternative Names for Windlesham Parish Council**

- 3 Villages Parish Council
- Bagshot, Lightwater and Windlesham Parish Council
- BLW Three Villages Parish
- East Heath Parish Council
- Light Wind Bag Parish Council
- Three Villages Parish Council
- Windle Brook Parish Council
- Windle Valley Parish Council
- Windlebrook Parish Council
- Windlesham Parish Council (incorporating the villages of Bagshot, Lightwater & Windlesham)

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**Governance Working Group**

Portfolio:	Non-executive function
Ward(s) Affected:	all

**Purpose:**

The Council is asked to consider the recommendations of the Governance Working Group in relation to:

- (i) the Mayor’s casting vote and its application in the Executive Procedure Rules and the Committees, Sub Committees and Other Bodies Procedure Rules; and
- (ii) attendance at meetings of the Employment Committee when considering items in Part II of the agenda.

**1. Background**

- 1.1. The Working Group met on 20 August 2020. At this meeting it considered a number of issues and made recommendations which are addressed below.

**2. Mayor’s Casting Vote**

- 2.1. Members will recall that, at its meeting on 26 February 2020, the Council agreed to amend Council Procedure Rule 17 (c), which concerns how the Mayor’s casting vote is exercised. The Procedure Rule now provides that 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.

- 2.2. The Working Group has reviewed the wording of this Procedure Rule in order to clarify how it is applied during meetings and is recommending that it is updated to state the following:

“In the event of a tied vote, the proposer of the matter under debate shall have the opportunity of making a further speech of no more than 3 minutes. A further vote will then immediately be taken. If deadlock has not been broken, the Mayor must cast a vote in favour of the status quo. The status quo will usually be interpreted as the motion falling.”

- 2.3. The Working Group has indicated that in cases where there was no obvious status quo, for example when deciding on an appointment, the Mayor would exercise the casting vote without restriction.

**3. Application of Council Procedure Rules – Voting at Meetings**

- 3.1. The Working Group reviewed the current arrangement for Council Procedure Rule 17 – Voting to be automatically applied to the Executive Procedure Rules and the Committees, Sub Committees and Other Bodies Procedure Rules, with any references to ‘the Mayor’ being substituted with ‘the Chairman’. As a

result of this provision, any restrictions on how the Mayor exercises a casting vote are automatically applied to the chairmen of the Executive, committees and any sub committees.

- 3.2. The Working Group was in agreement that no restriction should be placed on casting votes when Members are making planning or other quasi-judicial decisions. In practice, it recognised that this is only likely to affect planning decisions, as all other such matters will be decided at meetings where a defined, uneven number of Members is required to make a decision. The Group otherwise supported the continued application of Council Procedure Rule 17 (c) for the Executive, committees and sub committees.
- 3.3. The Working Group therefore proposes that
  - a. no changes are made to Executive Procedure Rules and the application of Council Procedure Rule 17 (c) continues to apply; and
  - b. The Committees, Sub Committees and Other Bodies Procedure Rules are updated to reflect the recommendation that no restriction is placed on the chairman of a Planning Applications meeting, but the application of Council Procedure Rule 17 (c) otherwise continues to apply.

#### **4. Attendance at Employment Committee Meetings**

- 4.1. The Working Group considered revisions to the Committees, Sub Committees and Other Bodies Procedure Rules regarding attendance at Employment Committee meetings when the Committee considers items in Part II of the agenda.
- 4.2. When the Employment Committee was established in December 2019, it was agreed to restrict attendance at meetings to committee members only when considering items in Part II of the agenda. At the time of introducing this rule, it was not intended to restrict non-committee members from attending when considering strategic items.
- 4.3. The Committee's Terms of Reference include both strategic matters, such as the recruitment process for the Chief Executive or senior management restructures, where it is appropriate for non-committee members to be included in discussions, and matters such as the authority to agree to suspend a statutory officer, or agreeing any incremental rises for the Chief Executive, where it would be appropriate to restrict attendance to decision making members only.
- 4.4. The Working Group proposes that the wording in the Committees, Sub Committees and Other Bodies Procedure Rules at Part 4, Section D of the Constitution is updated, as set out below, to allow flexibility to restrict attendance where considered appropriate, but otherwise allow non-committee members to attend during consideration of items in Part II of the agenda:

#### **12. Who May Attend**

12.2 With the exception of an Appointments Sub Committee, a Hearing Sub Committee, an Appeals Sub Committee, the Joint Staff Consultative Group or the Employment Committee when considering any items on Part II of the agenda **that in the view of the Monitoring Officer and Executive Head of Transformation, in consultation with the Chairman and Vice Chairman of the Employment Committee, directly affect an individual's employment**, any councillor may attend any committee or sub-committee meeting.

## **5. Member & Officer Protocol**

5.1. The Working Group reviewed the Member & Officer Protocol and endorsed a number of recommendations, in particular concerning the insertion of a new section to reflect recent changes to the Speak Up Policy. These changes were submitted to the Joint Staff Consultative Group and Employment Committee for consideration and the recommendations are dealt with at Item 8 of this agenda.

## **6. Options**

6.1. The Council has the option to agree the changes proposed, not agree these proposals, or propose any other alternatives as considered appropriate.

## **7. Resource Implications**

7.1. Any resource implications relating to the proposals relate to opportunity costs which can met from within existing budgets.

## **8. Recommendation**

8.1. The Council is advised to RESOLVE that

- (i) the Council Procedure Rules at Part 4, Section A of the Constitution be updated as follows:

### **17. Voting**

#### **17.2 Mayor's casting vote**

~~(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~~ In the event of a tied vote, the proposer of the matter under debate shall have the opportunity of making a further speech of no more than 3 minutes. A further vote will then immediately be taken. If deadlock has not been broken, the Mayor must cast a vote in favour of the status quo. The status quo will usually be interpreted as the motion falling.

- (ii) No change be made to the current arrangements for the Mayor's casting vote provision to apply to Executive procedures;

- (iii) Paragraph 13 of the Committee, Sub Committees and other Bodies Procedure Rules at Part 4, Section D of the Constitution be updated to remove Voting – Rule 17 from the application of Council Procedure Rules to Committees and Sub Committees; and
- (iv) the following Rule be included in the Committees, Sub Committees and Other Bodies Procedure Rules:

**“12A. Voting**

12A.1 Unless this Constitution provides otherwise, any matter will be decided by a simple majority of those members voting and present in the room at the time the question was put.

12A.2 (a) If there are equal numbers of votes for and against, the Chairman will have a second or casting vote.

(b) If the Chairman fails to vote when the main vote is taken, an equality of a vote cannot be achieved by the Chairman casting an original vote and following that action with a casting vote. The Chairman’s casting vote may be used whether or not the Chairman has already voted.

(c) with the exception of (d) below, in the event of a tied vote, the proposer of the matter under debate shall have the opportunity of making a further speech of no more than 3 minutes. A further vote will then immediately be taken. If deadlock has not been broken, the Chairman must cast a vote in favour of the status quo. The status quo will usually be interpreted as the motion falling.

(d) There will be no restriction on how the Chairman of the Planning Applications Committee chooses to exercise a casting vote.

12A.3 The Chairman will take the vote by show of hands, or if there is no dissent, by the affirmation of the meeting.”

12A.4 If, before the Chairman begins to take a vote, three members present at the meeting demand it, the names for and against the motion or amendment or abstentions from voting will be taken down in writing and entered into the minutes. Each member present will be called by name and asked to indicate whether they are voting in favour of, or against the motion or amendment or abstaining from voting.

12A.5 Where any member requests it immediately after the vote is taken, their vote will be recorded in the minutes to show whether they voted for or against the motion or abstained from voting.

- (v) the Committees, Sub Committees and Other Bodies Procedure Rules at Part 4, Section D of the Council's Constitution be updated as follows:

## 12. Who May Attend

12.3 With the exception of an Appointments Sub Committee, a Hearing Sub Committee, an Appeals Sub Committee, the Joint Staff Consultative Group or the Employment Committee when considering any items on Part II of the agenda **that in the view of the Monitoring Officer and Executive Head of Transformation, in consultation with the Chairman and Vice Chairman of the Employment Committee, directly affect an individual's employment**, any councillor may attend any committee or sub-committee meeting.

<b>Annexes</b>	None
<b>Background Papers:</b>	None
<b>Author:</b>	Rachel Whillis – Democratic Services Manager <a href="mailto:Rachel.whillis@surreyheath.gov.uk">Rachel.whillis@surreyheath.gov.uk</a>
<b>Executive Head of Service:</b>	Richard Payne – Executive Head of Corporate

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**Report from the Performance and Finance Scrutiny Committee**

Portfolio:	Finance
Ward(s) Affected:	all

**Purpose:**

To note the proposed actions of the Performance & Finance Scrutiny Committee in relation to the motion referred to it by the Council in July 2020 and consider a request for a budget to undertake this work.

**1. Background**

- 1.1. The Council at its meeting on 22 July 2020 agreed to refer a motion concerning historic property acquisitions to the Performance & Finance Scrutiny Committee.

**2. Response to the Motion and Proposed Further Actions**

- 2.1. The Committee considered the motion at its meeting on 9 September 2020. Having discussed the matter at length, it was agreed that concerns raised that there had been insufficient information available at the time for Members to make a fully informed decision on the Mall's purchase did warrant further investigation and that the information provided in the relevant reports and workshops ought to be reviewed in order to inform future decision making.
- 2.2. It was agreed that a Member Task and Finish Group should be established to review the information and advice available at the time of the decision and a progress update be given to the Performance and Finance Scrutiny Committee at its meeting on 25 November 2020.
- 2.3. It was also agreed that a budget of up to £40,000 would be requested in order to procure an external consultant to complete a desk top review of the property acquisitions set out in Annex B to the Performance & Finance Scrutiny Committee report.

**3. Options**

- 3.1. The Council has the option to agree a budget of up to £40,000 for the proposed work, not agree a budget, or propose an alternative amount.

**4. Resource Implications**

- 4.1. At the Committee meeting it was clarified that the projected £110,000 cost of the budget required for all stages of the work set out in the Motion, as referred to in the Council meeting, was made up of a mix of external consultant costs and officer time. Of this it was felt that officer time would take up approximately £50,000. It was suggested that a funding request for up to £40,000 be made to Council to pay for the services of an external consultant

to complete a desk top review of the property acquisitions set out in Annex B of the report.

4.2. The Committee is therefore requesting a budget of up to £40,000 to complete the proposed work.

## **5. Recommendation**

5.1. The Council is advised to RESOLVE that

- (i) The Performance & Finance Scrutiny Committee's response to the motion referred to it by the Council be noted; and
- (ii) a budget of up to £40,000 be agreed for the provision of an external consultant to complete a desk top review of the property acquisitions set out in Annex B to the Performance & Finance Scrutiny Committee report.

<b>Annexes</b>	None
<b>Background Papers:</b>	None
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