

**MINUTES OF A MEETING OF SURREY
HEATH BOROUGH COUNCIL held on
14 October 2020**

+ Cllr Pat Tedder (Mayor)
+ Cllr Sarah Jane Croke (Deputy Mayor)

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

+ Present
- Apologies for absence presented

34/C Apologies for Absence

Apologies for absence were submitted on behalf of Councillor Colin Dougan.

35/C Minutes

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

**RESOLVED that the minutes of the meetings of the Council held
on 22 July and 26 August 2020 be approved as a correct record.**

36/C Mayor's Announcements

The Mayor, on behalf of the Council, congratulated Mrs Aline Poulter, the Council's Operations Manager for Community Services, who had been made a Member of the Order of the British Empire (MBE) in the Queen's Birthday Honours, for services to vulnerable and older people. She paid tribute to Aline's work both as a member of the Community Services team and the work she undertook in a voluntary capacity, including the her role in setting up and running the 'Saturday Club' at Windle Valley Day Centre in Bagshot. The Mayor presented Aline with a bouquet of flowers from the Council.

The Council was informed about a number of the events attended and activities undertaken by the Mayor since July, including:

- commemorating the 75th anniversary of the Battle of Britain and the raising of a flag on the lawn of Surrey Heath House
- celebrating with a resident on her 111th birthday
- attending an event in The Square by Creative Minds Academy
- unveiling a Blue Plaque in Lightwater
- attending the opening of the Secret Stage School in Grace Reynolds Walk, Camberley.

The Mayor was pleased to report that Frimley Lodge Park had received its twentieth Green Flag and Lightwater County Park had received a Green Flag for the second year running. She congratulated the officers who had made these achievements possible.

37/C Leader's Announcements

The Leader extended his congratulations to Mrs Aline Poulter, the Council's Operations Manager for Community Services, who had been made a Member of the Order of the British Empire (MBE) in the Queen's Birthday Honours, for services to vulnerable and older people.

The Council was updated on the recent work on local government reorganisation and plans for unitary authorities. Members were reminded that KPMG had been engaged by the 11 boroughs and districts in Surrey to examine all options for unitary structures. He advised that, since the Government had confirmed its intention to place focus on a pathfinder group of 3 counties, which did not include Surrey, KPMG's brief had been modified to look at how the Surrey borough/district authorities and the County Council could work together better.

Members were advised on the progression of work to address Gypsy and Traveller site provision within the borough and county.

The Leader informed the Council that he continued to work with the Acting Chief Executive to prepare for the expected economic downturn arising from the Covid-19 pandemic.

38/C Questions from Members of the Public

The Leader received a question from Mr Richard Wilson concerning recent changes by Surrey County Council (SCC) to introduce a one-way system in Bagshot High Street; in response to the question, the Leader confirmed that following consultation with the ward councillors officers from this Council had advised SCC in June 2020 that there was no support for this measure. He also confirmed he would write to SCC to advise the Highways Authority of the strength of feeling by residents and businesses about the scheme.

In response to a question from Mr Richard Wilson, the Environment & Heath Portfolio Holder, Councillor David Mansfield, outlined the action being undertaken

to address flooding in the villages and confirmed that funding would be made available as necessary.

On behalf of the Business & Transformation Portfolio Holder, the Leader responded to a question from Mr Alan Ashbery outlining the work being undertaken by the Council to help support Frimley High Street.

In response to a question from Mrs Elisabeth Noble, the Environment & Heath Portfolio Holder, Councillor David Mansfield, undertook to write to Surrey County Council's Highways Authority team to highlight concerns about the phasing of traffic lights, which led to long queues on the A322 and the diversion of traffic through Lightwater village, and the consequent effect on Air Quality.

The Leader, in response to a question from Mr Jacques Olmo, suggested that once the Executive had agreed a revised Community Infrastructure Levy (CIL) scheme, ward councillors could consider the use of CIL to provide Vehicle Activated Signs to help address concerns about speeding in Mytchett. He further advised that residents and/or ward councillors would need to agree a scheme and costings with Surrey County Council, with any timings dependent on these processes.

Councillor Josephine Hawkins, the Support & Safeguarding Portfolio Holder, received a question from Dr Nirmal Kang concerning the Government's plans to change the law regarding on-street parking, including the effect this would have on local schools where there was no car park available. In response, she acknowledged that the management of on-street parking was a County Council function but recognised the impact that pavement parking had on borough residents.

Ms Lisa Finan-Cooke asked a question about Community Infrastructure Levy (CIL) and concerns about wards where no CIL funding was available. The Finance Portfolio Holder, Councillor David Lewis, advised that the Executive would be considering an item at its meeting on 20 October 2020 to review how the Council pooled and spent CIL contributions at the local ward level in order to address such concerns.

The Leader received a question from Ms Kel Finan-Cooke concerning the Executive's recent decision to undertake an initial feasibility study on the provision of a new Traveller site on land at Watchmoor Nature Reserve. He outlined that the Council would be examining all of the evidence it had on the site and the agencies with which the Council would be consulting as part of the feasibility study.

On behalf of the Business & Transformation Portfolio Holder, the Leader responded to a question from Mr Rob Lee regarding the current works in Camberley Town Centre. Mr Lee was informed that the "business as usual" signs had been displayed throughout the pandemic, the works were on track to be completed by March 2021, and the final costs outturn was unknown but was expected to have increased due to Covid-19 and delays early in the project due to problems with utilities. The Leader also referred to Christmas parking

arrangements and advised that the Council was working with traders to minimise any impact on access to service areas over the festive period.

39/C Questions from Councillors

The Chairman of Planning Applications Committee, Councillor Edward Hawkins, provided a detailed response to Councillor Helen Whitcroft on the reasons and circumstances that had led to the Council's recent decision not to defend a planning appeal at Chapel Lane, Bagshot. In response to a supplementary question from Councillor Whitcroft, he undertook to provide a written response with details on the estimated costs incurred by the Council for the work it had undertaken to defend the appeal and the anticipated costs that would be claimed by the developer.

The Finance Portfolio Holder, Councillor David Lewis, responded to a question from Councillor Morgan Rise on the reserves that would need to be used to fill the funding gap caused by the coronavirus pandemic, and the financial preparation undertaken to mitigate any future potential lockdown in Surrey Heath. In response, he advised on the Government grants and retail discounts; the review of spend and income to date in the current financial year, against the budget set in February 2020; and the 2021/22 budget preparation work. Councillor Lewis undertook to provide a written response to Councillor Rise's supplementary question on the sustainability of the use of reserves.

40/C Executive, Committees and Other Bodies

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

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

RESOLVED that the minutes of the meetings of the Executive held on 21 July, 11 August, and 15 September 2020 be received and the recommendations therein be adopted as set out below:

38/E – Loman Road Playground

RESOLVED that the Capital Programme be increased by £20,000 to fund the works at Loman Road playground.

41/E – Zero Based Budgeting

RESOLVED 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

It was moved by Councillor Edward Hawkins, seconded by Councillor Victoria Wheeler, and

RESOLVED that the minutes of the meetings of the Planning Applications Committee held on 16 July, 13 August and 17 September 2020 be received.

- (c) Employment Committee – 9 July and 8 October 2020

It was moved by Councillor Cliff Betton, seconded by Councillor Alan McClafferty and

RESOLVED that the minutes of the meetings of the Employment Committee held on 9 July 2020 be received and the recommendations from the meeting on 8 October 2020 be adopted as set out below:

16/EC – Member & Officer Protocol

RESOLVED that the revised Member Officer Protocol, as set out at Annex A to the Employment Committee minutes of 8 October 2020, be adopted.

23/EC - Proposal to Enter Into an Agreement with Elmbridge Borough Council to Share the Monitoring Officer Function

RESOLVED that

- (i) the Council enters into an agreement with Elmbridge Borough Council to provide the Monitoring Officer function, on the terms set out in the agenda report, as amended; and**
- (ii) authority be delegated to the Executive Head of Transformation to complete the agreement with Elmbridge Borough Council.**

- (d) Licensing Committee – 29 July 2020

It was moved by Councillor Rodney Bates, seconded by Councillor Vivienne Chapman and

RESOLVED that the minutes of the meeting of the Licensing Committee held on 29 July 2020 be received.

- (e) External Partnerships Select Committee – 8 September 2020

It was moved by Councillor Robin Perry, seconded by Councillor Morgan Rise and

RESOLVED that the minutes of the meetings of the External Partnerships Select Committee held on 8 September 2020 be received.

- (f) Performance and Finance Scrutiny Committee – 9 September 2020

It was moved by Councillor Sashi Mylvaganam, seconded by Councillor Shaun Garrett, and

RESOLVED that the minutes of the meetings of the Performance and Finance Scrutiny Committee held on 9 September 2020 be received.

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

It was moved by Councillor Graham Tapper, seconded by Councillor David Mansfield and

RESOLVED that the minutes of the meeting of the Joint Staff Consultative Group held on 24 September 2020 be received.

41/C Motions

It was moved by Councillor Graham Alleway, seconded by Councillor Victoria Wheeler, and

RESOLVED 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.

42/C Windlesham Community Governance Review

The Council was reminded that, at its meeting on 22 July 2020, it had agreed to proceed to a second stage of consultation on the Windlesham Community Governance Review, to consult on the following proposals:

- a. The creation of a new parish ward co-terminus to the current KC polling district, to be named Windlesham (North) ward of Windlesham Parish Council;
- b. The creation of a new parish ward co-terminus with the KA and KB polling districts, to be named Bagshot Ward of Windlesham Parish Council;
- c. Renaming the Windlesham ward of Windlesham Parish Council as Windlesham (South) ward of Windlesham Parish Council;
- d. Windlesham Parish Council (WPC) be renamed to better reflect its geographical boundaries.

A second round of consultation had been undertaken in Windlesham parish between 4 August and 8 September 2020, to which 109 responses had been received from across the parish area.

The consultation responses had broadly supported the proposals in respect of the revised warding arrangements and the councillor allocations to the wards. However, it was not felt that there had sufficient public support to justify pursuing proposals to change the name of Windlesham Parish Council (WPC).

Members were reminded that Section 75 of the Local Government Act 1972 gave 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. As a result, it was not proposed to change WPC's name at this time but the list of alternative names suggested in the consultation would 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 this Council would work with the Parish Council to take these changes forward.

The Council was reminded that the Local Government Boundary Commission for England (LGBCE) had put the current electoral arrangements for WPC in place during its 2016 review of the Borough Council's ward boundaries. Legislation protected electoral arrangements that had been put in place by the LGBCE for a period of five years from the date that a reorganisation order was made. If at any point within this five year period a principal authority wished to change these arrangements then the consent of the LGBCE was required. The electoral arrangements for WPC fell within this five year window and consequently these changes would require the consent of the LGBCE.

RESOLVED 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

43/C Governance Working Group

The Council received a report from the Governance Working Group. The Working Group had reviewed the restrictions on the application of the Mayor's casting vote introduced in February 2020 and had proposed that the wording be updated in order to clarify how this would be exercised in practice. It had also reviewed the current automatic application of this Procedure Rule for meetings the Executive, the Committees, and Sub Committees.

Having discussed the matter, the Working Group had proposed that, with the exception of the Planning Applications Committee, the provision for the Mayor's casting vote should continue to be applied to the Executive, Committees and sub committees; there would be no restriction placed on how the Chairman of the Planning Applications Committee exercised a casting vote.

The Council was informed that the Working Group had reviewed the Committees, Sub Committees and Other Bodies Procedure Rules regarding attendance at Employment Committee meetings when the Committee considered items in Part II of the agenda. The Procedure Rules currently restricted attendance at Employment Committee meetings to committee members only when it was considering items in Part II of the agenda. The Working Group had recommended that this Rule be altered 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.

It was moved by Councillor Alan McClafferty, seconded by Councillor Sashi Mylvaganam, and

RESOLVED 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

12.2 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.

44/C Report from the Performance & Finance Scrutiny Committee

The Council was reminded that, at its meeting on 22 July 2020, it had referred a motion concerning historic property acquisitions to the Performance & Finance Scrutiny Committee for consideration (minute 20/C refers).

The Committee had considered the motion at its meeting on 9 September 2020 and had 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. It had also agreed that the information provided in the relevant reports and workshops ought to be reviewed in order to inform future decision making.

The Council was informed that a Member Task & Finish Group had been established to review the information and advice available at the time of the decision and a progress update would be given to the Performance & Finance Scrutiny Committee at its meeting on 25 November 2020.

The Committee had also recommended that a budget of up to £40,000 be requested in order to procure an external consultant to complete a desktop review of the property acquisitions set out in Annex B to the Performance & Finance Scrutiny Committee report.

It was moved by Councillor Sashi Mylvaganam, seconded by Councillor Shaun Garrett, and

RESOLVED 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.**

45/C Leader's Question Time

The Leader received questions from Councillor Sashi Mylvaganam on the Covid-19 pandemic. In response, the Leader advised that he was confident that the Council's response to a second wave would mirror the excellent response earlier that year. He also reported that the Council had strong reserves and that Business Rates and Council Tax collection rates remained high. He undertook to provide details on rental income collected during the pandemic in writing.

In response to a question from Councillor Victoria Wheeler, the Leader advised that he had not received a reply to his recent letter on cuts to the Fire Service from the Leader of Surrey County Council or the Chief Fire Officer of Surrey Fire and Rescue Service. If no reply was forthcoming soon, he would seek a response.

The Leader, in response to a question from Councillor Victoria Wheeler, indicated that he was confident that this Council would encourage joint working between the borough/ districts authorities and Surrey County Council in response on future unitary proposals.

In response to a question from Councillor Kristian Wrenn, the Leader undertook to circulate details on increases to Universal Credit applications in Surrey. He also referred to the approach being taken to prepare for any potential reduction of

collection rates for Council Tax and Business Rates caused by the economic downturn.

The Leader, in response to a question from Councillor Rodney Bates, supported a suggestion to review the last few potential Gypsy and Traveller sites looked at by the Local Plan Working Group in order to ascertain whether there was any new evidence available about any of those sites.

Following a question from Councillor Rodney Bates, the Leader confirmed that a review of governance matters regarding planning appeals, as referred to at minute 39/C, would be added to the Governance Working Group's Work Programme.

Mayor