

**MINUTES OF A MEETING OF SURREY
HEATH BOROUGH COUNCIL held on
9 December 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

52/C Apologies for Absence

Apologies for absence were submitted on behalf of Councillor Ben Leach.

53/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 14 October and 4 November 2020 be approved as a correct
record.**

54/C Mayor's Announcements

The Mayor informed the Council about socially distanced Christmas events she had attended, including the switching on of Christmas tree lights in villages, sharing mulled wine and minced pies, and the drawing of the raffle for the Windlesham luncheon club.

The Mayor thanked all volunteers and the Council's Meals at Home staff providing lunches to residents who would be alone on Christmas Day. She also paid tribute to everyone who would be working over the Christmas Period.

55/C Leader's Announcements

The Leader referred to work carried out by the Council and its achievements in 2020, both in response to the Covid-19 pandemic and the work that had continued alongside this response, along with new areas of work and preparing for the issues and challenges in 2021.

56/C Questions from Members of the Public

In response to a question from Mr Richard Wilson concerning fly-tipping in Windlesham, Chobham and Bagshot, the Environment & Heath Portfolio Holder, Councillor David Mansfield, reported on incidences and enforcement action taken since January 2019.

Dr Nirmal Kang asked a question of the Places & Strategy Portfolio Holder, Councillor Rebecca Jennings-Evans, about the progress of the enhancements to security at Heatherside Recreation Ground. In response, the Portfolio Holder informed him that the works would require a planning consent and were expected to be completed by Spring 2021.

In response to a question from Mrs Elisabeth Noble, the Support & Safeguarding Portfolio Holder, Councillor Josephine Hawkins, outlined the provision in place for children in receipt of free school meals over the Christmas period.

The Chairman of Planning Applications Committee, Councillor Edward Hawkins, responded to a question from Mr Jacques Olmo about the progress of the development of the Mindenhurst site in Deepcut.

Councillor Colin Dougan, the Business & Transformation Portfolio Holder, responded to a question from Mr Alan Ashbery on road infrastructure projects in Frimley.

57/C Executive, Committees and Other Bodies

- (a) Executive – 20 October, 17 November and 9 December 2020

It was moved by Councillor Alan McClafferty, seconded by Councillor Colin Dougan, and

RESOLVED that the minutes of the meetings of the Executive held on 20 October and 17 November 2020 be received and the recommendations therein be adopted as set out below:

53/E - Use of CIL to fund the provision of ducting for future CCTV and Internet upgrades in Camberley Town Centre

RESOLVED that a capital bid for £150,000 for the funding of works to provide new ducting for CCTV and Internet cabling in Camberley town centre as part of the current public realm project be agreed.

70/E - Acquisition of Night Stop Property

RESOLVED that

- (i) the acquisition be funded from the funds remaining in the Affordable Housing Reserve; and**
- (ii) any capital works needed be funded from the Affordable Housing Reserve, with a report being taken to Property Investment Working Group to advise of costs.**

71/E - Development of a transit site in Surrey

RESOLVED that an increase to the Capital Programme for the sum of £127,000 as a one off contribution to the construction of a Gypsy and Traveller Transit site at a location in Surrey be agreed.

75/E - The Council Tax Base and the Local Council Tax Support Scheme

RESOLVED that

- (i) the 28 day Council Tax discount for an empty unoccupied and substantially unfurnished property remain at 0% for these properties using the freedoms given in the Local Government Finance Act 2012 and relevant statutory instruments;**
 - (ii) the Local Council Tax Support Scheme for Surrey Heath, approved by Council on 22 January 2013, remain unchanged for 2021/22;**
 - (iii) the Council Tax Exceptional Hardship Policy remains unchanged for 2021/22, subject to a review of the Policy before the deadline for setting the Tax Base;**
 - (iv) the Executive Head of Finance be authorised to make minor changes to the Local Council Tax Support scheme so as to ensure that where applicable to income calculation it remains in line with Housing Benefit / Universal Credit changes introduced by legislation; and**
 - (v) incomes and applicable amounts and non-dependant deductions are uprated in line with the percentages and amounts supplied by DWP and DCLG, and applied to Housing Benefit claims**
- (b) Planning Applications Committee – 15 October and 12 November 2020**

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

RESOLVED that the minutes of the meetings of the Planning Applications Committee held on 15 October and 12 November 2020 be received.

- (c) Employment Committee – 8 October 2020

It was moved by Councillor Cliff Betton, seconded by Councillor Sharon Galliford and

RESOLVED that the minutes of the meetings of the Employment Committee held on 8 October 2020 be received.

- (d) Licensing Committee – 21 October 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 21 October 2020 be received.

- (e) Joint Staff Consultative Group – 26 November 2020

It was moved by Councillor Graham Tapper, seconded by Councillor Josephine Hawkins and

RESOLVED that the minutes of the meeting of the Joint Staff Consultative Group held on 26 November 2020 be received.

Note: In accordance with Council Procedure Rule 17.4, a recorded vote on the recommendation at minute 53/E was taken.

The following Members voted in favour of agreeing recommendation 53/E:

Councillors Dan Adams, Rodney Bates, Richard Brooks, Sarah Jane Croke, Vivienne Chapman, Paul Deach, Colin Dougan, Shaun Garrett, Edward Hawkins, Josephine Hawkins, Rebecca Jennings-Evans, David Lewis, David Mansfield, Alan McClafferty, Emma-Jane McGrath, Charlotte Morley, Adrian Page, Robin Perry, Darryl Ratiram, Pat Tedder, Victoria Wheeler, Valerie White.

The following Members voted against of agreeing recommendation 53/E:

Councillors Graham Alleway, Peter Barnett, Cliff Betton, Tim FitzGerald, Sharon Galliford, Sashi Mylvaganam, Morgan Rise, John Skipper, Graham Tapper, Helen Whitcroft, Kristian Wrenn.

58/C Governance Working Group

The Council was informed that the Governance Working Group had reviewed the procedures for Questions from Members of the Public at meetings of the Full Council and had agreed to propose the procedure rules be updated by:

- a. Increasing the time allocated for Questions from 15 to 30 minutes;
- b. Clarifying that questions would be heard in the order received and, where an individual submitted more than one question, one question would be prioritised and all others heard after any questions from other members of the public;
- c. Clarifying that any questions received that are not able to be heard within the 30 minutes will receive a written response from the relevant Member;
- d. Limiting the length of a question to 125 words, with any words exceeding that cut from the published question;
- e. Clarifying that responses to questions will be published by 2pm on the day of the meeting;
- f. Stating that criticism directed at a named officer will not be accepted; and
- g. Giving authority to the Executive Head of Corporate in consultation with the Monitoring Officer to defer or reject a question received during the pre-election period.

The Working Group had also reviewed Questions from Councillors and had agreed to clarify wording to state that the answer must be published by 2pm on the day of the meeting. Having reviewed Leaders' Question Time, with the exception of a minor typographical change, it was not proposed to make any changes to these procedures.

The Council was informed that the Working Group had proposed additions to the Executive Procedure Rules at Part 4 to reflect the recommendations in the Browne Jacobson report on the decision to award the former Chief Executive an Additional Duties Allowance. The Procedure Rules would now state that, where the Leader or a Portfolio Holder made decisions individually, any advice sought or received by a Member must be recorded.

The Working Group had recommended that the definition of a Key Decision be extended to include the release of securities, plus additions to the Scheme of Delegation of Functions to Officers and Financial Regulations to explicitly state that no officer was permitted to release any security, warranty or guarantee in favour of the council, unless contractually obliged to do so, without the written approval of the Section 151 Officer, or the Executive or relevant committee. These changes had been proposed in response to the Monitoring Officer's report on the decision to release a local land charge on Field 81, Pennypot Lane, Chobham.

Members were informed that it was proposed to make a minor update to the licensing functions in the Scheme of Delegation of Functions to Officers to include reference to two pieces of legislation that had been inadvertently missed. It was also proposed to update the General Principles of the Scheme to delegate authority to officers to act in response to any legislation relating to the Covid-19 pandemic and any future pandemics.

RESOLVED that

- (i) Paragraph 3 of Public Speaking Procedure Rules at Part 4, Section E of the Constitution be amended, as set out at Annex A to this report;
- (ii) Paragraph 11 of Council Procedure Rules at Part 4, Section A of the Constitution be amended as follows:

11.3 Response

The question will be put and answered without discussion. An answer given may be given:

~~(a) orally;~~

~~(a)~~ by reference to published material of the Council or that which is readily available to the members; or

~~(b)~~ in writing.

The question and the written response will be circulated to Councillors by no later than 2.00pm on the day of the Council meeting;

- (iii) Paragraph 11A of Council Procedure Rules at Part 4, Section A of the Constitution be amended as follows

11A.1 The purpose of Leader's Question Time is to allow Members to ask questions of the Leader which relate to his/her area of responsibility.;

- (iv) paragraph 10.3 of the Executive Procedure Rules at Part 4, Section B of the Constitution be updated as follows:

*"As soon as reasonably practicable after an Executive decision has been taken by the Leader or an individual member of the Executive or a key decision taken by an officer, the Chief Executive will prepare a record of the decision, a statement of the reasons for it, **any advice sought or received from officers**, and the options considered".;*

- (v) Paragraph 13.3 (b) (i) of Article 13 of the Constitution be updated as follows:

Key Decisions

(i) Key decisions are those:

- likely to result in expenditure, **release of any securities (except where any release is pursuant to a contractual obligation)** or savings of at least £100,000 or £100 million if it

relates to treasury management matters **or there may otherwise be an impact on the Council's financial standing**; or

- likely to have a significant impact on people or organisations in two or more wards within the Borough
- which are made in the course of developing proposals to the Council to amend the policy framework;

(vi) Paragraph 5 of the General Principles of the Scheme of Delegation of Functions to Officer at Part 3, Section B of the Constitution be updated as follows:

5. **Finance and Budgets**

5.1 **Financial Regulations at Part 4 of this Constitution contain a number of authorisations to officers. All financial decisions made by officers must be taken in accordance with Financial Regulations or as otherwise authorised in this Scheme of Delegation.**

5.2 **No officer may release any security, warranty or guarantee in favour of the Council, unless contractually obliged to do so, without the written approval of the Council's Section 151 officer or the Executive/ relevant Committee;**

(vii) paragraph 6.6 of Financial Regulations at Part 4, Section H of the Council's Constitution be updated to include the following:

6. **Debt Write-Off and Release of Securities**

6.6.3 **No officer may release any security, warranty or guarantee in favour of the Council, unless contractually obliged to do so, without the written approval of the Council's Section 151 officer or the Executive/ relevant Committee.**

(viii) the Scheme of Delegation of Functions to Officers at Part 3, Section B of the Constitution be updated as follows:

- a) The Executive Head of Community's licensing delegations be updated to include the following Acts:
 - a. The Town and Police Clauses Act 1847
 - b. Local Government (Miscellaneous Provisions) Act 1976; and
- b) The following section be inserted in the Appendix to the General Principles

10. Response to Pandemics

10.1 The Executive Head of Community is appointed as the designated officer for the purposes of the following legislation:

- 1) The Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 (as amended)**
- 2) The Health Protection (Coronavirus, Restrictions) (No.2) (England) Regulations 2020 (SI 2020/684), as amended**
- 3) The Health Protection (Coronavirus, Restrictions) (Obligations of Undertakings) (England) Regulations 2020 (SI 2020/1008) (as amended)**
- 4) The Health Protection (Coronavirus, Restrictions) (Self-Isolation) (England) Regulations 2020**
- 5) The Health Protection (Coronavirus, Collection of Contact Details etc and Related Requirements) Regulations 2020 (SI 2020/1005)**
- 6) The Health Protection (Coronavirus, Wearing of Face Coverings in a Relevant Place) (England) Regulations 2020 (SI 2020/791), as amended.**

and any subsequent relating legislation.

10.2 The following officers are appointed for the purposes of the enforcement of the above regulations:

- a. Any Environmental Health Officer**
- b. Any Licensing Officer.**

10.3 The Executive Head of Community will be appointed as the designated officer or equivalent in response to a national or local pandemic, as declared by the Government or Surrey Local Resilience Forum. The Executive Head of Community and Head of Legal will be authorised to appoint officers to undertake any necessary enforcement arising from the pandemic.

59/C Food Poverty in Surrey Heath

The Council was reminded that, at its meeting on 4 November 2020, it had agreed as a last resort to allocate up to £20,000 from the Community Fund Grant Scheme specifically for charities and community groups to provide meals and a healthy food provision for vulnerable children during the school holiday periods until 31 May 2021. This had been a last resort position as the holiday meal provision primarily resided with the Government and Surrey County Council. The Government had amended its policy on 9 November 2020 to provide the necessary funds to Surrey County Council to enable it to supply a school meal service during the holiday periods for those eligible, until December 2021, thus making this Council's decision less immediately relevant.

Members considered a proposal to amend the decision agreed on 4 November 2020 to broaden the scheme criteria to enable local registered organisations to apply for the allocated funds to provide food, to those experiencing poverty within Surrey Heath. This would not preclude the funds being used for the purpose agreed on 4 November 2020, in the event that the situation on Government funding for holiday meal provision changes. This decision would enable local organisations to apply for grants to address immediate need, pending the review of the grants schemes by the Executive in February 2021.

It was recognised that, if the £20,000 was found to be insufficient, further funding for this purpose would be considered.

RESOLVED that the criteria for awarding grants from the £20,000 allocated from the Community Fund Grant Scheme, for providing meals and healthy food provision for vulnerable children and families during school holiday periods until May 2021, be broadened to enable local registered organisations to apply for funds to provide food to those experiencing poverty within Surrey Heath.

Note: In accordance with Council Procedure Rule 17.4, 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, David Lewis, David Mansfield, Alan McClafferty, Emma-Jane 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.

60/C Urgent Action

The Council noted Urgent Action undertaken in accordance with the Scheme of Delegation of Functions to Officers.

61/C Leader's Question Time

The Leader agreed to meet with Councillor Sashi Mylvaganam to discuss a review of releasing exempt information.

In response to questions from Councillors Edward Hawkins and Victoria Wheeler, the Leader undertook to write two letters to Surrey County Council regarding road safety near schools. The first letter would specifically concern the installation of a Zebra Crossing near Ravenscote School on Upper Chobham Road; the second would refer to a review of wider issues concerning road safety across the borough.

The Leader responded to a suggestion from Councillor Morgan Rise by agreeing to ensure that the Council provided a response to the Surrey County Council's consultation on the reduction for Special Educational Needs.

Following a question from Councillor Sharon Galliford, the Council was updated on the progress of the review of the JPUT arrangements.

In response to a question from Councillor Dan Adams, the Leader supported a suggestion to investigate the option of bringing a short-term car sharing service to the borough. The Leader suggested this could be looked at by the Climate Change and the Local Plan Working Groups.

62/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>
63/C	3
64/C	3

63/C Executive and Committees - Exempt

Executive – 9 December 2020

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

RESOLVED that the Capital Programme be increased by the amount identified to reflect the estimated total costs of the acquisition, as set out at minute 77/E and the associated agenda report.

64/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.

RESOLVED that the decision be made public following the completion of the acquisition, but all contractual information to remain exempt for the present time, to be reviewed periodically by the Monitoring Officer.

Mayor