

**MINUTES OF A MEETING OF SURREY  
HEATH BOROUGH COUNCIL held at  
Surrey Heath House, Camberley on  
12 April 2017**

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+ Cllr John Winterton (Mayor)  
+ Cllr Valerie White (Deputy Mayor)

+ Cllr Dan Adams	+ Cllr Oliver Lewis
+ Cllr David Allen	- Cllr Jonathan Lytle
+ Cllr Rodney Bates	Cllr Katia Malcaus Cooper
+ Cllr Richard Brooks	+ Cllr Bruce Mansell
- Cllr Nick Chambers	+ Cllr David Mansfield
+ Cllr Bill Chapman	- Cllr Charlotte Morley
+ Cllr Mrs Vivienne Chapman	+ Cllr Alan McClafferty
- Cllr Ian Cullen	+ Cllr Max Nelson
+ Cllr Paul Deach	+ Cllr Adrian Page
+ Cllr Colin Dougan	- Cllr Robin Perry
Cllr Craig Fennell	+ Cllr Chris Pitt
+ Cllr Surinder Gandhum	+ Cllr Joanne Potter
+ Cllr Moira Gibson	+ Cllr Nic Price
+ Cllr Edward Hawkins	+ Cllr Wynne Price
+ Cllr Josephine Hawkins	+ Cllr Darryl Ratiram
+ Cllr Ruth Hutchinson	+ Cllr Ian Sams
+ Cllr Paul Ilnicki	Cllr Conrad Sturt
Cllr Rebecca Jennings-Evans	+ Cllr Pat Tedder
+ Cllr David Lewis	+ Cllr Victoria Wheeler

+ Present  
- Apologies for absence presented

**68/C Kevin Cantlon**

The Chief Executive reported the sad news of the death of Kevin Cantlon on 3 April. Kevin had worked for the Council for 29 years and had been the Economic Development Officer at the time of his death. The Chief Executive paid tribute to his tremendous contribution to the development of the Council's Economic Development Strategy and to his close working with the Business Community to grow Surrey Heath as a place for business. Kevin had met his wife, Natalie whilst working at the Council and they had married in 2004.

The Mayor reported that he had been shocked and saddened on learning of Kevin's death and he referred to the considerable advice and guidance Kevin had given to him in his role when he became Deputy Mayor. He declared that Kevin would be sadly missed by all who knew him.

The Council stood in silence for one minute to remember Kevin.

**69/C Apologies for Absence**

Apologies for absence were submitted on behalf of Councillors Nick Chambers, Ian Cullen, Jonathon Lytle, Charlotte Morley and Robin Perry.

**70/C Minutes**

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

**RESOLVED that the minutes of the meeting of the Council held on 22 February 2017 be approved as a correct record.**

**71/C Mayor's Announcements**

The Mayor told Members of the events he had attended recently, the majority of which had involved youth awards and the voluntary services. He had opened the new gym at Camberley Judo Club and had presented awards at the Surrey Heath Business Awards 2017 and at the Camberley Rugby Club.

The Mayor had given 3 talks entitled "Rain Gauges to Robes" and had attended a number of Civic Days at other Councils.

**72/C Leader's Announcements**

The Leader updated the Council in relation to the discussions at recent meetings of the Surrey Leaders' Group. She reported that Surrey County Council had made a bid to become an NNDR pilot. The Surrey District Councils had agreed to an expression of interest subject to more details on the benefits or disadvantages.

From the experience of other Surrey Authorities it was evident that in producing Local Plans local authorities would be required to provide more houses and that it was not an option not to consider Green Belt sites. There would be a need to look at every available site otherwise the developers would be likely to put them forward to the Plan Inspector.

In relation to property acquisitions, this Council had been quite conservative in its acquisitions compared to a number of other Surrey Local Authorities.

**73/C Questions from Members of the Public**

A question had been received from Ms Philippa Anderson under Council Procedure Rule 10 relating to a second Expression of Interest for a Garden Village at Fair Oaks.

The Leader of the Council gave an oral response. Ms Anderson asked a supplementary question to which the Leader responded.

**74/C Executive, Committees and Other Bodies**

(a) Executive – 7 March and 4 April 2017

It was moved by Councillor Moira Gibson, seconded by Councillor Richard Brooks, and

**Resolved that the minutes of the meetings of the Executive held on 7 March and 4 April 2017 be received and the recommendations therein be adopted as set out below:**

- (i) **the Capital Programme for 2017/18 be increased by £613,000 in relation to the Allocation and Expenditure of Planning Infrastructure Contributions; and**
- (ii) **a 2% pay award be made for 2017/18, to be funded from within the existing salaries budget.**

- (b) External Partnerships Select Committee – 16 February 2017

It was moved by Councillor Paul Deach, seconded by Councillor Dan Adams and

**Resolved that the minutes of the meetings of the External Partnerships Select Committee held on 16 February 2017 be received.**

- (c) Planning Applications Committee – 9 March and 5 April 2017

It was moved by Councillor Edward Hawkins, seconded by Councillor David Mansfield, and

**Resolved that the minutes of the meetings of the Planning Applications Committee held on 9 March and 5 April 2017 be received.**

- (d) Licensing Committee – 15 March 2017

It was moved by Councillor Bill Chapman, seconded by Councillor Ian Sams and

**Resolved that the minutes of the meeting of the Licensing Committee held on 15 March 2017 be received.**

- (e) Joint Staff Consultative Group – 16 March 2017

It was moved by Councillor Josephine Hawkins, seconded by Councillor Moira Gibson and

**Resolved that the notes of the meeting of the Joint Staff Consultative Group held on 16 March 2017 be received.**

- (f) Appointments Committee – 21 March 2017

It was moved by Councillor Moira Gibson, seconded by Councillor Richard Brooks and

**Resolved that the minutes of the meeting of the Appointments Committee held on 21 March 2017 be received.**

- (g) Performance and Finance Scrutiny Committee - 22 March 2017

It was moved by Councillor Alan McClafferty, seconded by Councillor Paul Innicki, and

**Resolved that the minutes of the meeting of the Performance and Finance Scrutiny Committee held on 22 March 2017 be received.**

- (h) Audit and Standards Committee – 30 March 2017

It was moved by Councillor Edward Hawkins, seconded by Councillor Bruce Mansell and

**Resolved that the minutes of the meeting of the Audit and Standards Committee held on 30 March 2017 be received.**

## **75/C Members' Allowances Scheme**

The Local Government Act 2000 required all local authorities to appoint an Independent Remuneration Panel (IRP), to advise on the terms and conditions of the Scheme of Councillors' Allowances.

Members' allowances had been reviewed in 2012. At that point, allowances had been frozen for a period of one year, then indexed to Consumer Price Index for 4 years, that period finishing at the end of the 2016/17 municipal year. A review was therefore now required.

The Chief Executive, under delegated authority, had appointed the following members of the IRP, following consultation with party group leaders:

- ◆ Lucy Brown – Chief Executive, Disability Initiative
- ◆ Ian Hylan – Executive Principle, Tomlinscote School and 6<sup>th</sup> Form College
- ◆ Robin Lennie – MD, Stihl
- ◆ Paul Marcus – MD, Eagle Radio Ltd
- ◆ Mark Selby – EM3 LEP Growth Hub

The IRP had met on 6 February 2017 and had reviewed the Council's Members' Allowance Scheme. Members received the report of the IRP and were advised of its recommendations. The Chief Executive, on behalf of the Council, thanked the members of the IRP for their work on reviewing Members' Allowances.

**Resolved that**

- (i) the basic allowance for Members, currently £4,990, be increased annually by 1% in May 2017 and May 2018;
- (ii) a new Special Responsibility Allowance be established for the Deputy Leader, to commence at £8,600 on 17 May 2017 and to increase by 1% in May 2018 in line with other allowances;
- (iii) a Special Responsibility Allowances for the Chairman and Vice-Chairman of the Audit and Standards Committee be commensurate with those of the Chairmen and Vice-Chairmen of Scrutiny/Select Committees; and
- (iv) Special Responsibility Allowances, currently as set out below (with exception of the arrangements for Deputy Leader proposed at (ii), above), be retained and be increased by 1% per annum in May 2017 and May 2018:

	Current Allowances £	New Allowances £
<b>The Leader</b>	<b>13,591</b>	<b>13,727</b>
<b>Political Group Leader</b>	<b>4,534</b>	<b>4,580</b>
<b>Member of the Executive</b>	<b>4,534</b>	<b>4,580</b>
<b>Scrutiny/Select Committee Chairmen</b>	<b>3,627</b>	<b>3,663</b>
<b>Scrutiny/Select Committee Vice-Chairmen</b>	<b>1,448</b>	<b>1,463</b>
<b>Planning Applications Committee Chairman</b>	<b>4,199</b>	<b>4,241</b>
<b>Planning Applications Committee Vice-Chairman</b>	<b>2,099</b>	<b>2,120</b>
<b>Licensing Committee Chairman</b>	<b>3,627</b>	<b>3,663</b>
<b>Licensing Committee Vice-Chairman</b>	<b>1,813</b>	<b>1,831</b>
<b>Audit and Standards Committee Chairman</b>	<b>3,627</b>	<b>3,663</b>
<b>Audit and Standards Committee Vice-Chairman</b>	<b>1,448</b>	<b>1,463</b>
<b>Mayor</b>	<b>4,728</b>	<b>4,775</b>
<b>Deputy Mayor</b>	<b>1,575</b>	<b>1,591</b>

- (v) subsistence allowances match those received by Borough Council Officers; and
- (vi) car mileage payments be at the maximum rate per mile that can be paid tax-free as defined by HM Revenue and Customs or the rate for Officers, whichever is the lower.

- (vii) **subject to the proof of payment being submitted with all claims, child and dependant carer's allowances be paid as follows:**

**Childcare – Up to £7.00 per hour**

**Carers of Dependents – up to £17.50 per hour**

- (viii) **in the event that a decision on allowances cannot be made before the start of the municipal year, allowances payable to Borough Councillors for 2017/18 be backdated to 17 May 2017.**

## **76/C Governance Working Group**

The Council received a report from the Governance Working Group which had met on 17 February and 31 March 2017. The Working Group had considered a number of issues and made recommendations for consideration by the Council.

The Council did not currently have a Protocol for Member training. As a result, there was not a clear policy against which any individual requests from Members for training could be considered. As a result the Working Group had recommended the adoption of a Member Training Policy Statement which set out a framework for providing training which supported ongoing Member development and assisted councillors with conducting their roles, whilst balancing these needs against a restricted budget.

The Working Group had reviewed the Council's Public Speaking Scheme for the Planning Applications Committee. The Working Group had recommended that the length of time allocated to each speaker be a maximum of 4 minutes. The Working Group also considered the arrangements for the circulation of material at meetings of the Planning Applications Committee and recommended an amendment.

In considering the arrangements for public speaking at meetings of the Planning Applications Committee, the Working Group had received information in relation to the number of applications called in by Members over the previous 12 months. It had been noted that on some occasions there had been a relatively high number of applications called-in by Members.

The Working Group had considered that it should only be the prerogative of ward councillors to call-in applications in their ward and had recommended that the ability to call-in an application should be limited to relevant ward councillors, the Chairman and Vice Chairman of the Planning Applications Committee. The Working Group had also recommended that the "calling-in" Member should be required to provide broad planning reasons for the call-in.

In reviewing the Planning Code of Practice for Councillors and Officers, the Working Group had recommended that, in accordance with the Probity in Planning Guidelines, all references to planning decisions being "quasi-judicial" decisions be removed and that the wording be replaced with wording from the Guidelines.

In addition the Working Group had recommended that at meetings of the Planning Applications Committee, the time restrictions within Council Procedure Rules be applied to non-committee members speaking on an application, namely that the first non-committee members could speak for up to 8 minutes, with subsequent non-committee members able to address the committee for up to 5 minutes.

In relation to the Planning Notification of an Approach form the Working Group had recommended that this requirement should be removed as it was recognised that Members routinely declared any such approaches at the meeting.

The Working Group had reviewed the wording of Paragraph 2.1 of Part 4 – Section C of the Scrutiny Committee Procedure Rules and had recommended an amendment to clarify the process for the appointment of Councillors to Scrutiny Committees.

The Working Group had also reviewed the Council Procedure Rules in relation to Rule 11 – Questions by Members. The Working Group had recommended that, in order to allow the Councillor submitting the question sufficient time to consider the response prior to the meeting, all councillors should be notified of the written question and the response by no later than 2.00pm on the day of the Council meeting.

In relation to Rule 11A- Portfolio Holder Question Time, the Working Group was of the view that the scrutiny of Portfolio Holders was covered effectively by the Performance and Finance Scrutiny Committee. The Working Group had therefore recommended that the Portfolio Holder Question Time be changed to the Leader's Question Time.

#### **Resolved that**

- (i) the Member Training Policy Statement, as attached at Annex A to the agenda report, be adopted;**
- (ii) the Public Speaking Procedural Rules at Part 4, Section E of the Constitution, insofar as they refer to Public Speaking at Planning Applications Committee, be amended as set out at Annex B to the agenda report;**
- (iii) the Scheme of Delegation of Functions to Officers at Part 3, Section B of the Constitution be amended as follows;**

**Executive Head of Regulatory – Development Management**

***(Applications which are reserved for decision by the Planning Applications Committee)***

**“F 3 (b) any planning application, where within 28 days of the publication of the weekly list of planning applications, the Chairman or Vice Chairman of the Planning Applications Committee or a relevant ward councillor makes a request,**

supported by broad planning reasons, asking the Executive Head of Regulatory to refer an application to the next appropriate meeting of the Planning Applications Committee for determination.”

(iv) the Planning Code of Practice for Councillors and Officers at Part 5 - Section D of the Constitution, be amended as set out at Annex C to the agenda report;

(v) the Committees, Sub Committees and Others Procedural Rules at Part 4 - Section D of the Constitution, insofar as it relates to the Planning Applications Committee, be amended as follows:

“18.2.2 Any councillor in attendance may speak at the meeting in relation to an item. In circumstances where members are not members of the Planning Applications Committee, the first councillor may speak for up to 8 minutes, with any subsequent councillors for up to 5 minutes.”

(vi) Scrutiny Committee Procedure Rules at Paragraph 2.1 of Part 4, Section C of the Constitution be amended as follows:

“2.1 Only members, who are not members of the Executive, may be appointed to one or more scrutiny committee by the Council in accordance with the political proportionality requirements of the Local Government and Housing Act 1989. However, no member may scrutinise a decision which she/he has been directly involved in.”

(vii) The Council Procedural Rules, at Rule 11.3, Part 4, Section A of the Constitution be amended as follows;

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

(a) orally;

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

(c) 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.”

- (viii) **The Council Procedural Rules, at Rule 11A, Part 4, Section A of the Constitution be amended so as to remove all references to Portfolio Holder Question Time and replaced with the Leader's Question.**

**77/C Leader's Question Time**

The Leader responded to a question relating to the Council's membership of the Local Government Association following Surrey County Council's withdrawal from the Association.

**78/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 items of business on the grounds that they 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>
79/C	1,3 and 5
80/C	1,3 and 5

**79/C Council, Executive and Committees - Exempt**

- (a) Executive – 7 March 2017

It was moved by Councillor Moira Gibson, seconded by Councillor Richard Brooks, and

**Resolved that the exempt minutes of the meeting of the Executive held on 7 March 2017 be received.**

- (b) Planning Applications Committee – 9 March 2017

It was moved by Councillor Edward Hawkins, seconded by Councillor David Mansfield, and

**Resolved that the exempt minutes of the meetings of the Planning Applications Committee held on 9 March 2017 be received.**

- (c) Appointments Committee – 21 March 2017

It was moved by Councillor Moira Gibson, seconded by Councillor Richard Brooks, and

**Resolved that the exempt minutes of the meeting of the Appointments Committee held on 7 March 2017 be received.**

## **80/C Review of Exempt Items**

The Council reviewed the minutes 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**

- (i) Minute 92/E and the associated agenda report remain exempt until the completion of lease negotiations;**
- (ii) Minute 67/P and the associated agenda report remain exempt;**
- (iii) Minute 3/A be made public following the acceptance of the appointment.**

Mayor