

MINUTES  
OF A SPECIAL MEETING OF THE  
**BOROUGH COUNCIL OF WOKING**

held on 7 January 2021

Present:

Cllr Mrs B A Hunwicks (Chair)  
Cllr S Hussain (Vice-Chair)

Cllr M Ali	Cllr D Harlow
Cllr S Ashall	Cllr K Howard
Cllr A Azad	Cllr D E Hughes
Cllr T Aziz	Cllr I Johnson
Cllr A-M Barker	Cllr C S Kemp
Cllr D J Bittleston	Cllr R N Leach
Cllr J E Bond	Cllr L S Lyons
Cllr A J Boote	Cllr N Martin
Cllr M A Bridgeman	Cllr R Mohammed
Cllr G G Chrystie	Cllr L M N Morales
Cllr G S Cundy	Cllr M I Raja
Cllr K M Davis	Cllr C Rana
Cllr G W Elson	Cllr J R Sanderson
Cllr W P Forster	Cllr M A Whitehand

Also Present: Time Stokes, Independent Person, and Claire Storey, Independent Co-Opted Person.

**1. APOLOGIES FOR ABSENCE.**

Apologies for absence had been received from Julie Fisher, Director of Community Services.

**2. MAYOR'S COMMUNICATIONS.**

The Mayor briefly reported on activities over the recent weeks including the opening of the new Boots and Specsaver Stores. The Mayor gave a statement in respect of the Covid-19 pandemic and the latest restrictions announced by the Government, encouraging all residents to remain vigilant and adhere to the new restrictions.

**3. URGENT BUSINESS.**

No items of Urgent Business were considered.

#### **4. DECLARATIONS OF INTEREST.**

In accordance with the Members' Code of Conduct, Councillor D J Bittleston declared a non-pecuniary interest in any items concerning the companies of which he was a Council appointed director. The companies were listed in an attached schedule. The interests were such that speaking and voting were permissible.

In accordance with the Members' Code of Conduct, Councillor A Azad declared a nonpecuniary interest in any items concerning the companies of which she was a Council appointed director. The companies were listed in an attached schedule. The interests were such that speaking and voting were permissible.

In accordance with the Members' Code of Conduct, Councillor C S Kemp declared a nonpecuniary interest in any items concerning the companies of which he was a Council appointed director. The companies were listed in an attached schedule. The interests were such that speaking and voting were permissible.

In accordance with the Members' Code of Conduct, Councillor D Harlow declared a nonpecuniary interest in any items concerning the companies of which she was a Council appointed director. The companies were listed in an attached schedule. The interests were such that speaking and voting were permissible.

In accordance with the Members' Code of Conduct, Councillor G S Cundy declared a nonpecuniary interest in any items concerning the companies of which he was a Council appointed director. The companies are listed in the attached schedule. The interests were such that speaking and voting were permissible.

In accordance with the Officer Employment Procedure Rules, the Chief Executive, Ray Morgan, declared a disclosable personal interest (non-pecuniary) in any items concerning the companies of which he was a Council-appointed director. The companies were listed in an attached schedule. The interests were such that Mr Morgan could advise the Council on those items.

In accordance with the Officer Employment Procedure Rules, the Deputy Chief Executive, Douglas Spinks, declared a disclosable personal interest (non-pecuniary) in any items concerning the companies of which he was a Council-appointed director. The companies were listed in an attached schedule. The interests were such that Mr Spinks could advise the Council on those items.

In accordance with the Officer Employment Procedure Rules, the Director of Legal and Democratic Services, Peter Bryant, declared a disclosable personal interest (nonpecuniary) in any items concerning the companies of which he was a Council-appointed director. The companies were listed in an attached schedule. The interests were such that Mr Bryant could advise the Council on those items.

In accordance with the Officer Employment Procedure Rules, the Director of Finance, Leigh Clarke, declared a disclosable personal interest (non-pecuniary) in any items concerning the companies of which she was a Council-appointed director. The companies were listed in an attached schedule. The interests were such that Mrs Clarke could advise the Council on those items.

In accordance with the Officer Employment Procedure Rules, the Director of Housing, Louise Strongitharm, declared a disclosable personal interest (non-pecuniary) in any items concerning the companies of which she was a Council-appointed director. The companies

were listed in an attached schedule. The interests were such that Mrs Strongitharm could advise the Council on those items.

In accordance with the Officer Employment Procedure Rules, the Director of Community Services, Julie Fisher, declared a disclosable personal interest (nonpecuniary) in any items concerning the companies of which she was a Council-appointed director. The companies were listed in an attached schedule. The interests were such that Mrs Fisher could advise the Council on those items.

In accordance with the Officer Employment Procedure Rules, the Director of Finance, Leigh Clarke, declared a disclosable personal interest (non-pecuniary) in any items concerning Woking Football Club and/or the GolDev Woking Limited development. The interest arose from (i) her husband having a small shareholding in Woking Football Club and (ii) being a Council-appointed director of Kingfield Community Sports Centre Limited. The interest was such that Mrs Clarke could advise the Council on those items.

In accordance with the Officer Employment Procedure Rules, the Director of Legal and Democratic Services, Peter Bryant, declared a disclosable personal interest (nonpecuniary) in any items concerning Woking Football Club and/or the GolDev Woking Limited development. The interest arose from (i) him being a member of the Cards Trust (the supporters' club for Woking Football Club), (ii) providing occasional unpaid assistance to Woking Football Club, e.g. acting as returning officer at the election of directors and (iii) being a Council-appointed director of Kingfield Community Sports Centre Limited. The interest was such that Mr Bryant could advise the Council on those items.

In accordance with the Members' Code of Conduct, Councillor I Johnson declared an interest in respect of the Item 6 – Independent Investigation of the Woking Football Club and Associated Development. The interest arose from his wife's position as Chairman of Woking Football Club and was such that Councillor Johnson left the meeting during the determination of the item.

## **5. APPOINTMENT OF CHIEF EXECUTIVE WBC21-002.**

The Council received a report on the appointment of Chief Executive which set out the process adopted for the recruitment of a new Chief Executive. At the end of the process, the Interview Panel had identified two candidates who were both considered to be well suited for the position. The Leader of the Council had agreed to put both candidates forward for a further interview by the Appointment Panel with all Members of the Council prior to the formal Council meeting. Both candidates were invited to attend the further interview, one of whom subsequently withdrew from the process. As a result, the additional interview was cancelled and the report recommended the appointment of the remaining candidate, Julie Fisher.

Several concerns over the process adopted were raised and Councillor Barker advised that a number of Councillors felt that a further interview should be held with Julie Fisher before the Council reached a decision to enable those Councillors not involved in the interview process to ask questions. In view of this, Councillor Barker moved and Councillor Hughes seconded that:

“Council notes

Council is the determining authority in the appointment of a new CEO.

Councillors were anticipating the opportunity to choose between two candidates.

We must consider both the individual involved and the future operation of the Council in making any decision.

A number of councillors would like to know more about the final candidate before reaching a decision.

Council resolves

To defer the CEO appointment today and facilitate a session, such as would have been arranged for 2 candidates, for the remaining candidate, within the next month.”

The amendment was debated before moving to the vote. In accordance with Standing Order 10.8 the names of Members voting for and against the amendment were recorded. The Mayor advised that, in accordance with the provisions of the Constitution, she would be voting.

In favour: Councillors M Ali, T Aziz, A-M Barker, J Bond, A Boote, M Bridgeman, G Chrystie, W Forster, K Howard, D Hughes, I Johnson, R Leach, L Lyons, L Morales, M I Raja and J Sanderson.

Total in favour: 16

Against: The Mayor, Councillor Mrs Hunwicks, Councillors S Ashall, A Azad, D Bittleston, G Cundy, K Davis, G Elson, D Harlow, S Hussain, C Kemp, N Martin, R Mohammed, C Rana, and M Whitehand.

Total against: 14

Present not voting:.

The amendment was therefore carried by 16 votes in favour to 14 votes against.

**RESOLVED**

That the CEO appointment be deferred and a session facilitated such as would have been arranged for 2 candidates, for the remaining candidate, within the next month.

The Leader of the Council advised that, in light of the decision taken, an opportunity for all Members to ask questions of Julie Fisher would be arranged in advance of the Executive meeting on 14 January 2021. A further Special Meeting of Council would be held on the evening of 19 January 2021 to confirm the appointment of Chief Executive.

**6. INDEPENDENT INVESTIGATION OF THE WOKING FOOTBALL CLUB AND ASSOCIATED DEVELOPMENT WBC21-003.**

In July 2020 the Council had agreed to ask the Local Government Association to nominate a professional person or experienced organisation to investigate and review the processes and actions of the Council in respect of Woking Football Club and associated development. Dr. Gifty Edila was subsequently appointed to undertake the investigation and make appropriate recommendations to the Council.

The report set out the recommendations of Dr Edila together with the proposed ways in which the issues raised would be addressed. It was noted that some of the recommendations identified by Dr Edila had previously been adopted by the Council and were therefore not included in the recommendations set out in the Council report. Furthermore, the report set out proposals for taking forward some of the Independent Investigator's recommendations. A copy of the full report by Dr Edila was appended to the report.

Councillor Barker proposed that the Council should adopt the recommendations set out in Dr Edila's report in full, rather than the recommendations set out in the Council report. Accordingly, Councillor Barker moved and Councillor Chrystie seconded that:

"Council resolves that

1. The recommendations set out in the Independent report by Dr Gifty Edila are accepted.
2. Officers are to report back to Council at the July meeting on progress made against the recommendations.
3. The Council expresses its appreciation for the work undertaken by Dr Gifty Edila."

It was acknowledged that all the recommendations of Dr Edila were to be accepted and that the report outlined the way in which the Council would measure how they had been taken forward. It was therefore agreed that the amendment would be supported nem con.

#### **RESOLVED**

- That (i) the recommendations set out in the Independent report by Dr Gifty Edila and outlined below be accepted;**
- (ii) Officers report back to Council at the July meeting on progress made against the recommendations; and**
- (iii) the Council expresses its appreciation for the work undertaken by Dr Gifty Edila.**

#### Recommendations of the Independent Investigation

##### Recommendation 1:

- (i) All major development projects however initiated should be recognised as a project and the Council's project management tools such as Prince 2 should be adopted to manage the project.
- (ii) Internal training on project management should be provided to the Corporate Management team and their deputies.

##### Recommendation 2:

- (i) The report writing template for committees, the Executive and Full Council should be amended to include legal implications comments section. All reports should have legal implications comments and when proposals in a report do not have any

legal implications, the comment 'None' should be inserted to provide clarity.

- (ii) If the WFC project proceed to implementation in the event of planning permission being obtained, an updated report should go to the Executive and Full Council and it should include confirmation of the legal powers on which the agreements were made.

Recommendation 3:

All major projects should have a completed risk management template that identifies all the relevant risks, and which should be supported with contingency plans for managing risks.

Recommendation 4:

- (i) Major development projects should have project groups with scheduled meetings and minutes taken.
- (ii) Legal Services should seek Lexcel accreditation from the Law Society of England and Wales.

Recommendation 5:

- (i) WBC should be joint partners on community engagement on development projects in the borough. If necessary, a developer could be asked to fund any additional staff needed to support the community engagement task.
- (ii) WBC should set up a Residents' Panel to facilitate regular consultations with residents and to use the panel to commence wider community engagement on development projects.

Recommendation 6:

Part II confidential information in reports dealing with development projects should be limited to information that should not be in the public domain at the point in time and should not apply to the entire report.

Recommendation 7:

WBC to consider amending the Ostensible Authority arrangements and instead delegate powers to Officers when considering reports and to stipulate the use of the delegated power in consultation with a named councillor.

Recommendation 8:

- (i) In future development projects where a Special Purpose Vehicle company is set up to deliver a project, a risk template must be produced, and a presentation made to councillors,

particularly addressing viability and identified risks to the project.

- (ii) Consideration should be given to SPV companies providing a bond, insurance or a parent company guarantee, if there is a parent company. If none of these are realistic or achievable, other assurance and protection should be sought and put in place.

Recommendation 9:

When purchasing land in the borough, an internal or external valuation should be sought to assist councillors in making a prudent decision on the purchase.

Recommendation 10:

The Council should avoid appointing statutory officers, especially the Section 151 Finance Officer and the Monitoring Officer onto external companies or trusts with whom the Council has or is likely to have an association.

Recommendation 11:

External training should be organised for Officers and councillors on the Code of Conduct, the Nolan principles and sitting on external bodies as directors of companies or trustees on trusts.

Recommendation 12:

- (i) Members of Planning Committee should not participate in an Overview and Scrutiny Committee's review of a proposed development in which a planning application would be submitted.
- (ii) Members of Planning Committee should not sit on an Overview and Scrutiny Committee or Task Group meeting reviewing a development which had been determined by Planning committee. They can only give evidence at such meeting.
- (iii) WBC should adopt the Local Government Association's guidance document 2019 called 'probity in Planning' and arrange a presentation on it to Planning Committee members.
- (iv) External training should be arranged for members of Planning Committee on the Code of Conduct, the Nolan principles and the guidance called Probity in Planning.

Recommendation 13:

- (i) WBC should allocate a reasonable budget to Overview and Scrutiny Committee for their work.

- (ii) WBC should allocate a part-time Scrutiny Officer post to Overview and Scrutiny Committee to assist with their work.

Recommendation 14:

WBC should appoint an external facilitator to work with those involved in the project – Officers and the Executive, and the Task Group to rebuild the good working relationships that previously existed.

The meeting commenced at 7.00 pm  
and ended at 8.55 pm

Chairman: \_\_\_\_\_

Date: \_\_\_\_\_