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Friday, 11 March 2016

To: The Members of the **EXECUTIVE**  
(Councillors: Moira Gibson (Chairman), Richard Brooks, Mrs Vivienne Chapman,  
Colin Dougan, Craig Fennell, Josephine Hawkins and Charlotte Morley)

Dear Councillor,

A meeting of the **EXECUTIVE** will be held at Surrey Heath House on Tuesday, 22 March 2016 at 6.00 pm. The agenda will be set out as below.

Please note that this meeting will be recorded.

Yours sincerely

Karen Whelan

Chief Executive

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## AGENDA

Pages

### Part 1 (Public)

**1. Apologies for Absence**

**2. Minutes**

To confirm and sign the minutes of the meeting held on 1 March 2016 (to follow).

**3. Declarations of Interest**

Members are invited to declare any interests they may have with respect to matters which are to be considered at this meeting. Members who consider they may have an interest are invited to consult the Monitoring Officer or the Democratic Services Officer prior to the meeting.

**4. Questions by Members**

The Leader and Portfolio Holders to receive and respond to questions from Members on any matter which relates to an Executive function in

accordance with Part 4 of the Constitution, Section B Executive Procedure Rules, Paragraph 16.

<b>5.</b>	<b>Community Fund Grant Applications</b>	<b>3 - 16</b>
<b>6.</b>	<b>Response to the Technical Consultation on the Implementation of Planning Changes</b>	<b>17 - 36</b>
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<b>9.</b>	<b>Camberley International Festival</b>	<b>61 - 64</b>
<b>10.</b>	<b>Quarterly Financial Report</b>	<b>65 - 70</b>
<b>11.</b>	<b>Pay Award 2016/17</b>	<b>71 - 72</b>
<b>12.</b>	<b>Exclusion of Press and Public</b>	<b>73 - 74</b>

**Part 2  
(Exempt)**

<b>13.</b>	<b>Surrey County Council Verges, Roundabouts and Highway Weedspraying</b>	<b>75 - 82</b>
<b>14.</b>	<b>Review of Exempt Items</b>	

## Community Fund Grant Applications

### Summary:

**To consider grant applications to the Council's Community Fund Grant Scheme received by 31 December 2015.**

### Portfolio: Cllr Josephine Hawkins (Corporate)

Date Signed Off: 16 February 2016

**Wards Affected: All**

### Recommendation

**The Executive is asked to consider awarding a grant to the applicants from the Council's Community Fund Grant Scheme.**

## 1. Resource Implications

- 1.1 The Council has its own Community Fund from which it provides grants of up to £25,000 to assist local 'not for profit organisations' with the delivery of community projects. Total project costs of up to £2,000 can attract 75% funding and total project costs over £2,001 can attract up to 50% funding from the scheme.
- 1.2 There are two submission deadlines each year namely 30 June and the 31 December. This report includes the applications received by 31 December 2015.
- 1.3 Nine applications have been made to the Community Fund Grant Scheme in this round. An analysis of each of the bids is included in Annex A.
- 1.4 The Member Panel met on 16 February 2016. Of the nine bids that were submitted six bids were supported and the summary information is included in Annex B. Three bids were discounted as set out in Annex C. One application relates to a Surrey Community Building Grant which is explained further in paragraph 3.1.
- 1.5 The total amount requested from all nine applications total £73,503.92. However, Officers are recommending a total spend of £45,838.60 at this meeting. No payments are made until after evidence is submitted that the work is completed.

## 2. Additional Information

- 2.1 To qualify for a grant from the Community Fund, applications must meet the Council's objectives from our 2020 Strategy and must demonstrate a benefit to the local community. All awards are made at the discretion of the Executive. Each of the applicants is a not for profit

organisation. Each project recommended for a grant must be well planned with a sound financial basis.

- 2.2 Feedback is given to each applicant as to why their bid was rejected and support is offered to re-submit bids. Reasons why these were not valid usually include: not meeting the 2020 Strategy objectives; lack of a sound business case; the project is already underway; or there has been a lack of supporting information which is required to allow the bids to be properly assessed.
- 2.3 Information on the Community Fund Grant scheme is provided on the Council's website and articles are regularly published in the Council's Heathscene magazine promoting recent successful awards. The scheme is further promoted by Voluntary Support North Surrey to ensure greater involvement and wider representation from voluntary groups in the Borough.
- 2.4 All decisions on grant awards rest with the Executive. The Executive can also add conditions to the awarding of any grants as it sees fit.

### **3. Surrey Community Buildings Grants Scheme**

- 3.1 The Surrey Community Buildings Grant Scheme is managed by Surrey Community Action on behalf of Surrey County Council. Surrey Heath Borough Council has agreed to be part of the scheme whereby applicants can apply to both the Borough Council and County Council for three-way, equal match funding for the same project. The application from Bisley Village Hall included in this report is also an application to Surrey Community Action/Surrey County Council for an equal amount towards their project.

### **4. Options**

- 4.1 The Executive has the option to;
  - i. Fund the organisations in line with the proposed amount in Annex B;
  - ii. Fund the organisations to a greater or lesser amount of their requested sum;
  - iii. Not fund the organisations.

### **5. Proposals**

- 5.1 It is proposed that the Executive agree the proposed awards set out in Annex B from the Community Fund Grant Scheme.

### **6. Corporate Objectives and Key Priorities**

6.1 The funding of voluntary organisations allows the Council to meet its objectives to:

- Work in partnership with local organisations to provide support to the community and diverse open space and recreation facilities.
- Understanding and supporting local voluntary groups.
- Significantly contribute to civic pride through the provision of events and green spaces.
- Work in partnership with the voluntary and third sector to extend opportunities in the Borough.
- Encouraging greater involvement from local clubs and organisations including volunteering.

## 7. Equalities Impact

7.1 The Community Grant Fund has been equality impact assessed.

<b>Annexes</b>	<b>Annex A – Summary of Bids Annex B – Proposed Grant Awards Annex C – Discounted Applications</b>
<b>Background Papers</b>	<b>Application Forms</b>
<b>Author/Contact Details</b>	<b>Sarah Groom, Transformation Team Manager 01276 707263</b>
<b>Service Manager</b>	<b>Louise Livingston, Executive Head of Transformation, 01276 707403</b>

### Consultations, Implications and Issues Addressed

<b>Resources</b>	<b>Required</b>	<b>Consulted</b>
Revenue	N/A	
Capital	✓	✓
Human Resources	N/A	
Asset Management	N/A	
IT	N/A	

<b>Other Issues</b>	<b>Required</b>	<b>Consulted</b>
Corporate Objectives & Key Priorities	✓	✓
Policy Framework		
Legal		
Governance		
Sustainability		
Risk Management		
Equalities Impact Assessment	✓	✓
Community Safety		
Human Rights		
Consultation		
P R & Marketing	✓	✓

## **ANNEX A – Summary of Bids**

### **Applicant: Bisley Village Hall**

**Project: To fit a new floor and kitchen.**

**Grant requested: £15,540**

**Project cost: £46,622**

Bisley Village hall is an established community facility located in the centre of the village. It is well used and supported by the community, and has an active volunteer management group. The centre is home to 15 local organisations which include the pre-school nursery, day centre, and many others.

Part of the hall, where the kitchen is located dates back to the 18<sup>th</sup> century where at that time foundations were not required. This has caused problems with the corner of the kitchen sinking noticeably over a short period of time. From an independent surveyors report commissioned in September 2015, this suggested that the joists under the floor were in dangerous condition due to the rot caused by rising damp. The kitchen has been made safe and the company that originally treated the underfloor area in 2003 are returning to carry out the remedial work as part of the original guarantee. The council is asked to support the centre in replacing the kitchen and the flooring, and this application is considered as part of the Surrey Community Buildings Grant scheme, whereby each partner is asked to contribute 33.3% of the costs. This application will also be considered by Surrey County Council in March 2016, and the remaining costs will be provided by the applicant. The hall operated at a deficit in 2014/15 of £13k and it has a bank balance of £26k.

**Recommendation:** To award a grant of £15,540, subject to the match funding by SCC and the applicant, under the Surrey Community Buildings Grant Scheme.

**Applicant: Camberley Rugby Football Club**

**Project: To extend the existing club house to add additional changing room facilities for ladies and girls teams.**

**Grant requested: £20,000**

**Project cost: £55,000**

Camberley Rugby Football Club was formed in 1931. The present playing membership number is around 650 and it has recently expanded by offering this sport to girls, it now has 3 teams for girls at Under 13, 15 and 18. The club has an existing loan for the club house buildings which is being repaid. A new 25 year lease is currently being agreed.

The project will provide the additional changing facilities required to enable the club to expand and succeed locally. The club will contribute a minimum of £10,000 of its own funding, has received £5,000 from Surrey County Council Member Allocations and has applied to Biffa. It also has a fundraiser scheduled in March at which it anticipates to raise the difference. Planning consent for this project was granted in October 2015. The club has operated over the past 2 years by making a small deficit. It has reserves of £254,000 at 30 April 2015 which are fixed assets that will need to be sold to release the cash.

**Recommendation:** To award a grant of £10,000 subject to the Council approval of the Club's Women and Girls Rugby Development Plan.

**Applicant: Chobham Burymead Football Club**

**Project: To replace the windows on the east side of the building adding anti vandal screens, plus the security doors with crash bars to comply with new fire regulations, to replace the existing moveable goals and the line marker.**

**Grant requested: £6,000**

**Project cost: £11,891.60**

Chobham football club was established in the 1920's and have played within the boundary of the existing recreation ground since then. They merged with Burymead four years ago and the volunteers and the management group devised an action plan to develop the club and its facilities and have worked diligently since then to improve these. Since 2014 considerable works have taken place which consists of: replacement of broken sanitary fittings; renewal of the gas boiler, the tables and chairs relocated; the kitchen and bar and installed; new ICT equipment and a TV.

Other funding has provided the replacement windows and shutters on the west side of the building which faces the pitch.

The membership numbers are around 150 per week in season and with the improvements this is estimated to increase to around 200 per week. The club is a separate entity to Chobham Parish Council and Chobham Recreation Ground Charity and in 2013 the applicant entered in to a 7 year full repairing lease for the club house until 2020. Written confirmation from the landlord confirms that a further 7 year lease period will be available subject to the present terms being adhered to. The Club pay £3,000 per annum rent.

**Recommendation:** To award a grant of £3597.60 (to fund the replacement of the security doors).

**Applicant: Frimley Cricket Club**

**Project: To replace the existing boiler that is almost 40 years old and to provide a new fence to deter vandalism on the pavilion roof.**

**Grant requested: £6,201**

**Project cost: £ 12,402**

The club has a membership of up to 300 people, comprising of both adults and junior teams, they were amongst the first to offer cricket to those who are visually impaired. The club has a 2020 vision which focuses upon making Frimley the club of choice for local people by 2020 to celebrate its bi-centenary.

The present pavilion was built in 1980 and originally shared with Frimley Town Football club until 2009. The cricket club took over at this time and has recently entered in to a 25 year lease agreement with the council. The club improved the facilities in 2014 with new practice nets (with funding from this



scheme) and in 2015 new windows and doors. It is hoped with the further improvements that the membership will increase by a minimum of 25%.

**Recommendation:** To award a grant of £6,201.

**Applicant: Woking Hospice**

**Project: To provide the fixed equipment required for a new in-patient bedroom that will benefit the local community with a life limiting illness.**

**Grant requested: £17,617**

**Project cost: £9.4million**

Each year the Woking and Sam Beare Hospices support almost 400 people from the local community which they serve. Their combined area covers of Woking, Guildford, Surrey Heath, Runnymede, Spelthorne and Elmbridge. The hospice is creating a new 20 bed in-patient unit at the new Woking location. This will provide improved inpatient care all on one site which will lead to future savings of around £500,000p.a.

The grant sought is seeking to provide the equipment for one of the new bedrooms, which consists of en-suite facilities (£5,415), overhead hoist system (£5,993), clinical hand wash basin (£5,415), privacy curtain tracking (£563), dispensers and noticeboard (£231). Surrey Heath does not have a hospice provision within the borough; our community tend to access the services from Woking or Phyllis Tuckwell Hospices. The numbers of patients from Surrey Heath who use the Woking Hospice are estimated to be 200 per annum for the various support services, with 56 receiving the community nursing palliative care service.

Woking Hospice has operated with a deficit of £0.978m as at 31 March 2015, compared to the surplus of £1.197m as at 31 March 2014. The deficit mainly arose from costs relating to this project. The charity has unrestricted reserves of £4.4m and a loan of £2.2m loan from Woking Borough Council.

**Recommendation:** To award a grant of £10,000 as a contribution to this project.

**Applicant: Surrey Satro**

**Project: To provide new tools for the mobile construction classroom.**

**Grant requested: £1,655.25**

**Project cost: £2,207**

Surrey SATRO is an educational charity working with young people in the South East England for over 30 years. Their aim is to inspire and enthuse young people of all abilities about the world of work and in particular in the science, technology, engineering and maths (STEM) skills. This is achieved with schools, colleges and the business community to deliver practical hands-on programmes that engage young people of all abilities.

SATRO has 5 mobile construction classrooms which visit schools in Surrey and Hampshire delivering training to students. The applicant seeks to replace the tools in one of the mobile classrooms, as they are worn out. The service

has supported 350 students in 30 schools. The only school that has benefitted from this in Surrey Heath is Carwarden House School, whereby 10 students have used these facilities.

**Recommendation:** To award a grant of £500 on the basis of the proportionate benefit to Surrey Heath.

**Applicant: British Red Cross**

**Project: To contribute towards the Camberley theatre costs associated with hosting the Red Cross 'Make your Move' event on the 25 June 2016.**

**Grant requested: £1,278**

**Project cost: £4,077.95**

This event is open to children and young people aged between 4-18 years, and is promoted in primary, secondary, special schools, colleges, youth dance and local disabled groups to enable inclusivity of the event. The groups must choreograph a routine that reflects an aspect of the humanitarian work of the Red Cross.

The 2015 event raised £5,027 from Camberley Theatre and this contributed towards the applicant delivering services to Frimley Park Hospital with the support and home service that helps isolated people to leave hospital, teaching first aid to vulnerable groups, emergency response of local fires or flooding and the loan of mobility equipment such as wheelchairs, crutches, and zimmer frames. The British Red Cross charity held free reserves of £35.6m as at 31 December 2014.

**Recommendation:** To decline the application on the basis of the reserve levels.

**Applicant: Crossroads Care Surrey**

**Project: To undertake bespoke dementia training of the 70 carer support staff that operate within Surrey Heath.**

**Grant requested: £3,254.92  
£6,509.84**

**Project cost:**

Crossroads provides support to the unpaid carers within Surrey. This is achieved by providing a fully trained Carer Support Worker to take over their responsibility in a one to one setting at home or a group setting in a communal facility. The carer support workers are employees of Crossroads Surrey. At present 32 families are receiving this support and 18 of these has someone with dementia. There are 34 families on a waiting list.

The project costs comprise of £5,410.56 to pay the staff for their time to undertake the training, £263.28 for management staff cost and £836.00 for external training costs. The applicant has generated a deficit from its operations within 2014/15 of £228,000 and £50,000 in the previous year. The main reason for the increase in the deficit appear to be approx. £100,000 reduction in income from services provided and an £100,000 increase in care attendance costs. Crossroads have unrestricted reserves of £987,000 as at 31/3/15.

**Recommendation:** To decline the application on the basis of the reserve levels.

**Applicant: R-U-Able**

**Project: To provide free, sports specific taster sessions in swimming, boccia and cycling and to develop the marketing and website.**

**Grant requested: £1,406**

**Project cost: £1,875**

R-U-Able is a charity based in Camberley that aims to improve the lives of adults with learning difficulties, their friends and families regardless of their ability or needs. Using the taster sessions it is hoped that this will lead to more permanent regular opportunities through encouraging volunteers to be buddies, and sports coaches. The local programmes will be offered from the Arena Leisure Centre and Kings International College. The assistance of volunteers will minimise future costs beyond the taster sessions. The aim is to double the number of users to 50 throughout 2016.

Unfortunately, the applicant has not supplied sufficient information to verify the project costs.

**Recommendation:** To decline the grant due to insufficient information, inviting re-application in June 2016.

## ANNEX B – Proposed Grant Awards

Organisation	Project Details	Full Project Cost £	Amount Requested £	Amount Proposed £
<b>Bisley Village Hall</b>	To fit a new kitchen floor and kitchen.	46,622	15,540	15,540
<b>Camberley Rugby Football Club</b>	To extend the existing club house to add additional changing room facilities for ladies and girls teams.	55,000	20,000	10,000
<b>Chobham Burymead Football Club</b>	To replace the windows on the east side of the building adding anti vandal screens for security, plus the security doors with crash bars to comply with new fire regulations, to replace the existing moveable goals and the line marker.	11,892	6,000	3,597.60
<b>Frimley Cricket Club</b>	To replace the existing boiler that is almost 40 years old and to provide a new fence to deter vandalism on the pavilion roof.	12,402	6,201	£6,201
<b>Surrey SATRO</b>	To provide new tools for the mobile construction classroom.	2,207	1,655.25	500
<b>Woking Hospice</b>	To provide the fixed equipment required for a	9.4million	17,617	10,000

	new in-patient bedroom that will benefit the local community with a life limiting illness.			
<b>TOTAL</b>			<b>67,013.25</b>	<b>45,838.60</b>

### ANNEX C – Discounted Applications

<b>Applicant</b>	<b>Project</b>	<b>Amount Requested £</b>	<b>Reason for Rejection</b>
<b>British Red Cross</b>	To contribute towards the Camberley theatre costs associated with hosting the Red Cross 'Make your Move' event on the 25th June 2016.	1,278	To decline the application on the basis of the reserve levels.
<b>Crossroads Care Surrey</b>	To undertake bespoke dementia training of the 70 carer support staff that operate within Surrey Heath.	3,254.92	To decline the application on the basis of the reserve levels.
<b>R-U-Able</b>	To provide free, sports specific taster sessions in swimming, boccia and cycling and to develop the marketing and website.	1,406	The applicant has not supplied sufficient information to verify the project costs.
<b>TOTAL</b>		<b>5,938.92</b>	

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## Response to the Technical Consultation on the Implementation of Planning Changes

### Summary

This report sets out the response to the Government's consultation on the Technical consultation on the implementation of planning changes. The consultation began on the 18<sup>th</sup> February and ends on the 15<sup>th</sup> April.

The consultation covers a number of aspects of the reforms contained in the Housing and Planning Bill which is currently progressing through the Parliamentary process. It covers issues including Permission in Principle, Brownfield Registers, Neighbourhood Planning, Local Plans, Fast Track planning applications and testing competition in the processing of planning applications. The consultation document is available to view in the Members Room or online at: <https://www.gov.uk/government/news/fast-track-applications-to-speed-up-planning-process-and-boost-housebuilding>

The full response to this consultation is set out at Annex 1 of this report.

### Portfolio- Regulatory

**Date Portfolio Holder signed off report: 8<sup>th</sup> March**

### Wards Affected

ALL

### Recommendation

The Executive is advised to resolve to agree the response set out at Annex 1 of this report as the Council's formal response to the DCLG consultation on the Technical consultation on the implementation of planning changes.

## 1. Resource Implications

1.1. The suggested changes will have implications for fee income for planning applications. It is not clear what proportion of fees the Council will receive for planning applications processed by the private sector. It is not clear that this will result in any reduction in costs or the current levels of staff required. Changes will result in increased costs and time required for the Local Plan process including examinations. The impact of these proposals will be felt within 2016/17 as the government is clear that it wishes to progress these changes quickly.

## 2. Key Issues

2.1 DCLG is consulting on a range of proposed technical issues which will be in place to support the Housing and Planning Bill. These changes are intended to support housing delivery. Those themes addressed within the consultation of particular significance are: introduction of Permission in Principle, introduction of Brownfield Registers, speeding

up of neighbourhood planning, government intervention in Local Plans, introduction of Fast Track planning applications and testing competition in the processing of planning applications. The proposals and associated responses are set out in brief below, with the full response contained at Annex 1.

#### Permission in Principle

- 2.2 To support housing delivery the consultation proposes to introduce a 'permission in principle' approach either through allocation of a site in a Local or Neighbourhood Plan or through a Brownfield Register. Once permission in principle is granted there would be a technical details application required which would cover issues such as design, layout and access.
- 2.3 It is not clear what benefit this approach offers outside of the current system of outline, full and reserve matters applications. It is considered that the proposed approach provides less certainty to developers, decision makers and the community than the current system of outline and reserved matters applications. Officers have concerns as to how this approach, sits with the requirements of the Habitats Directive in respect of the Thames Basin Heaths SPA. It is also considered that if Permission in Principle is taken forward then this should be through the Local Plan process rather than through an untested brownfield register. However, this is likely to result in the cost of Local Plan preparation increasing and a lengthening of examinations as sites will in effect be granted permission at that point and thus consideration will have to be more detailed than at present.

#### Brownfield Site registers

- 2.4 The consultation proposes the preparation of Brownfield Registers which will comprise a comprehensive list of brownfield sites that are suitable for housing. A 'permission in principle' approach could be applied to these sites. There is a minimum suggested size of 0.25ha or capable of supporting five or more dwellings for such sites. A recent High Court judgement which determined residential gardens outside of built up areas could be considered brown field. This suggests that all large gardens in the countryside are at risk of development. Any statutory Brownfield Register will need to clarify what type of brownfield land it refers to and there needs to be an amendment to the NPPF to address this issue. It is also considered that existing NPPF policy adequately supports the principle of the redevelopment of brownfield sites whilst allowing a suitable degree of flexibility to resist schemes where there are overriding conflicts with the Local Plan or NPPF that cannot be mitigated and thus it is unclear what benefit a register offers in practice.

#### Neighbourhood Planning

- 2.5 The consultation proposes changes in relation to the time periods for the designation of Neighbourhood Areas and Neighbourhood Forums. It also proposes changes to timescales in relation to dates for referendums and adoption a Neighbourhood Plan. The current

proposed changes to timescales fail to have regard to the Committee timetables that Local Authorities have to work to and this is a matter of serious concern for a number of the proposed changes. A Neighbourhood Plan would have to be adopted at a meeting of Full Council.

- 2.6 The consultation sets out proposed criteria as to when the Government would intervene in the Local Plan making process. It is considered that the proposed criteria suggested are too vague and require significant clarification. In particular there is no definition as to what is meant by 'under delivery' or by areas of 'high housing pressure'.

Fast Track planning service

- 2.7 The consultation proposes the introduction of a Fast Track service for the determination of planning applications. The consultation does not specify which type of applications this approach would apply to. Further clarification is sought on the type of applications which would be fast tracked and on the approach in those instances where the application is to be determined by Planning Committee rather than through delegated powers. One approach could be to adopt the approach of Aylesbury Vale District Council who have introduced a Local Development Order (LDO) for householder planning applications. Those applications complying with the LDO are determined within 2 weeks for a flat rate fee of £200.

Competition in processing of planning applications

- 2.8 The consultation is seeking views on the introduction of competition in processing planning applications with decision making remaining with the local planning authority. Applications would be processed by an Approved Planning Officer (APO) in the same manner as Approved Building Control Inspectors. There is no threshold on the size of type of application that could be dealt with this way. The APO would be responsible for all aspects of the application including validation, carrying out neighbour consultations and negotiating S106 agreements. The local planning authority would then have 1-2 weeks in which to determine the planning application, irrespective of whether or not committee approval is required.
- 2.9 This proposed change sits uneasily with other areas of legislation and local authority responsibilities. It has little regard for the realities of committee timetabling and processing. If the timetables suggested were to be adhered to the Council would be left with no option but to delegate virtually all decision making to planning officers, which is not a move that officers, Councillors or the public would support. Alternatively the default position may have to be to refuse such applications, with the consequent increase in appeals and risk of costs.
- 2.9 It is not clear how the APO could act on behalf of the local authority in any legal negotiations.

- 2.10 Further guidance will be required on how fees would be split with the local authority. It seems likely that APOs will cherry pick the most profitable applications leaving local authorities with increased costs for the remainder. In addition the non fee earning work would continue to sit with local authorities as would appeals, compliance and enforcement for such schemes. It also raises the question of who the APO would act for at an appeal and the consultation does not address this issue.

### **3. Options**

3.1 The options for the Executive to consider are:-

- (i) To **AGREE** the response on the consultation on the Technical Consultation on the Implementation of Planning Changes as set out in Annex 1 of this report.
- (ii) To **AGREE** the response on the consultation on the Technical Consultation on the Implementation of Planning Changes as set out in Annex 1 of this report as set out at Annex 1 of this report and any additional comments which the Executive may wish to make.
- (iii) To **NOT AGREE** the response on the consultation on the Technical Consultation on the Implementation of Planning Changes as set out in Annex 1 of this report and elect to withdraw the consultation response.

### **4. Proposals**

4.1 It is proposed to submit the consultation response attached at Annex 1 by the 15<sup>th</sup> April 2016 deadline.

### **5. Supporting Information**

5.1 None.

### **6. Corporate Objectives and Key Priorities**

6.1 The proposals may affect the Council's ability to achieve Objective 1 by having less control over the delivery of development in the Borough.

### **7. Policy Framework**

7.1 The existing policy framework is contained within the National Planning Policy Framework 2012 (NPPF) and associated Planning Practice Guidance (PPG). The consultation relates to changes to the NPPF.

### **8. Consultation**

8.1 The Government consultation runs between the 18<sup>th</sup> February 2016 and the 15<sup>th</sup> April 2016.

## 9. Officer Comments

9.1 In addition to the changes outlined above, the consultation also set out proposals for the following: information on financial benefits to be included in reports, S106 dispute resolution, PD rights for state funded schools, changes to consultation timescales for statutory consultees and the introduction of a small sites register.

9.2 Responses to these matters are set out in Annex 1.

<b>Annexes</b>	Annex 1 Officer response to the Department for Communities and Local Government consultation on the Technical consultation on the implementation of planning changes
<b>Background Papers</b>	'Consultation on the Technical consultation on the implementation of planning changes' (2016) Department for Communities and Local Government
<b>Author/Contact Details</b>	Jane Ireland - Planning Policy Manager <a href="mailto:Jane.ireland@surreyheath.gov.uk">Jane.ireland@surreyheath.gov.uk</a>
<b>Head of Service</b>	Jenny Rickard – Executive Head of Regulatory

### Consultations, Implications and Issues Addressed

<b>Resources</b>	<b>Required</b>	<b>Consulted</b>
Revenue	✓	<u>24/02/16</u>
Capital		
Human Resources	✓	<u>24/02/16</u>
Asset Management		
IT		
<b>Other Issues</b>	<b>Required</b>	<b>Consulted</b>
Corporate Objectives & Key Priorities	✓	<u>24/02/16</u>
Policy Framework		
Legal	✓	<u>24/02/16</u>
Governance	✓	<u>24/02/16</u>
Sustainability		
Risk Management		
Equalities Impact Assessment		
Community Safety		
Human Rights		
Consultation		
P R & Marketing		

**Review Date:**

**Version:** 1<sup>st</sup> Draft

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## **Section 1 Changes to planning application fees**

**Question 1.1:** *Do you agree with our proposal to adjust planning fees in line with inflation, but only in areas where the local planning authority is performing well? If not what alternative would you suggest?*

**Question 1.2:** *Do you agree that national fee changes should not apply where a local planning authority is designated as under-performing, or would you propose an alternative means of linking fees to performance? And should there be a delay before any change of this type is applied?*

**Question 1.3:** *Do you agree that additional flexibility over planning application fees should be allowed through deals, in return for higher standards of service or radical proposals for reform?*

### **SHBC Response**

Surrey Heath BC (SHBC) would welcome the ability to increase fees. However there would need to be guidelines to determine how the top 75% of performance is measured - is this just on speed or also on the quality of the decision. The proposal may also have an impact on staff resources within Development Management departments. In addition there is concern that this approach could have an impact on the Committee decision making process in respect of applications meeting Committee time tables.

There should also be flexibility to apply discounts to allow for extended time periods where applicants are in agreement in particular for householders who may be willing to accept an extended time period for a discounted fee.

### **Fast Track planning applications**

**Question 1.4:** *Do you have a view on how any fast-track services could best operate, or on other options for radical service improvement?*

**Question 1.5:** *Do you have any other comments on these proposals, including the impact on business and other users of the system?*

### **SHBC Response**

Whilst the principle of a fast track service is recognised there needs to be more clarity as to what types of applications this would refer to. There should be some standards for the approach to fast track services in the regulations, particularly around statutory consultation periods. There needs to be clarity regarding applications that may, due to local interest or type of application, need to be determined by a Planning Committee rather than through delegated powers.

## **2 Permission in Principle**

**Question 2.1:** *Do you agree that the following should be qualifying documents capable of granting permission in principle?*

- a) *future local plans;*
- b) *future neighbourhood plans;*
- c) *brownfield registers.*

### **SHBC Response**

SHBC considers that the approach to planning permission in principle already exists through sites or areas designated in Local Plans or in Neighbourhood Plans and that as such they are already qualifying documents. SHBC has concerns regarding brownfield registers granting planning permission in principle as these will not have been tested through an Examination in Public as a document capable of allocating sites in the same way that Local Plans and Neighbourhood Plans are.

**Question 2.2:** *Do you agree that permission in principle on application should be available to minor development?*

### **SHBC Response**

This approach already exists in policies that designate land uses set out in Local Plan documents. Paragraph 2.16 of the consultation proposes that smaller sites (up to 10 units) should be allocated in a qualifying document. The existing local plan process through the use of land use designation policies already provides a degree of certainty for smaller sites. Having to allocate sites of between 5-10 units and possibly windfall sites of up to 5 units will add a layer of complexity to the system with no further certainty of delivery and will remove flexibility in the Local Plan process. It is considered that smaller sites should be determined through the existing planning application process.

With regard to major development sites SHBC consider that these should be determined under the current system of Full, Outline and Reserved Matters applications.

**Question 2.3:** *Do you agree that location, uses and amount of residential development should constitute 'in principle matters' that must be included in a permission in principle? Do you think any other matter should be included?*

**Question 2.4:** *Do you have views on how best to ensure that the parameters of the technical details that need to be agreed are described at the permission in principle stage?*

### **SHBC Response**

The consultation indicates that only location, use and amount of development should be considered at the in principle stage. There is a risk of approving a site through permission in principle which then cannot be taken forward at the technical details stage due to constraints not identified at the earlier stage. As such issues such as access and infrastructure requirements should be dealt with at the permission in principle stage. This is of particular relevance where there are environmental constraints such as those under the Habitats Regulations. In order for these constraints to be addressed there would be the requirement



for further information to be provided at the planning in principle stage such as an indication of the number of bedrooms to be provided. Within the Thames Basin Heaths Special Protection Area the avoidance measures is in the form mitigation by the provision or contribution to Suitable Alternative Natural Greenspace (SANG) and by the payment of a Strategic Access Management and Monitoring (SAMM) Fee. SANG capacity is allocated on a per person basis.

The existing planning system allows for the granting of an outline planning permission which in itself establishes permission in principle with detailed matters being dealt with at Reserved Matters stage. The outline stage requires more information to be provided at this stage than the proposed permission in principle approach. This gives certainty to the developer, decision maker and community as to what will be required to make the scheme acceptable in planning terms.

The proposed approach on permission in principle with technical details approved provides less certainty than the current system to developers, decision makers and the community.

**Question 2.5:** *Do you have views on our suggested approach to a) Environmental Impact Assessment, b) Habitats Directive or c) other sensitive sites?*

#### **SHBC Response**

SHBC raises concerns that the approach set out in the consultation would not meet the Habitats Regulations Assessment. In order to meet the requirements there would need to be some form of unilateral agreement or legal agreement at the planning in principle stage to ensure the requirement for SANG and SAMM contributions are met.

The consultation indicates that an Environmental Impact Assessment (EIA) would only be required at the planning in principle stage. SHBC consider that an additional EIA may also be required at the technical details stage and this should be made clear in any future implementation measures or secondary legislation.

**Question 2.6:** *Do you agree with our proposals for community and other involvement*

#### **SHBC Response**

SHBC consider that there should still be consultation at the technical detail stage of an application. Paragraph 2.35 of this consultation indicates that this would not be the case and therefore the community will not be able to comment on the technical details such as design and access and layout. These issues can be of particular relevance to the community.

Whether permission in principle is granted on allocation or application, communities and other interested parties should have the opportunity to comment on the principle of whether a site should be developed for housing and the appropriate scale of development on the site. There should be an appropriate opportunity for further engagement when the technical details are considered, while minimising any unnecessary duplication.

Smaller sites are often more constrained, owing to their size and the nature and proximity of surrounding uses; as such, schemes on smaller sites often require careful assessment.

**Question 2.7:** *Do you agree with our proposals for information requirements?*

#### **SHBC Response**

The approach of applying for permission in principle consent and then applying for technical detail consents adds a layer of complexity to the submission and determination of minor development proposals. These types of proposals may be better considered through the submission of an application for Full Planning permission which would give more certainty. The proposal may also have an impact on staff resources within Development Management departments as there may be the requirement for more staff.

**Question 2.8:** *Do you have any views about the fee that should be set for a) a permission in principle application and b) a technical details consent application.*

### **SHBC Response**

Fees should reflect any locally set fee proposals.

**Question 2.9:** *Do you agree with our proposals for the expiry of on permission in principle on allocation and application? Do you have any views about whether we should allow for local variation to the duration of permission in principle?*

### **SHBC Response**

- 1) Expiry on permission in principle on allocation

Local Plans generally set out the strategy and policies to address future development over a 15-20 year period. They cover a range of issues, including policies on employment, green infrastructure and countryside policies which would not be impacted by the permission in principle approach. Reviewing plans over a 5 year period does not give long term certainty to developers, decision makers and the community. If the approach of a five year review is taken forward then it should be through a partial review of a Local Plan in relation to the permission in principle allocations only and should reflect the Planning Inspectorates approach to partial reviews to ensure that an Examination in Public is carried out within a shorter timescale than the existing Examination in Public timescales.

With regard to Neighbourhood Plans and allocating permission in principle sites the timescale reflects the current time period for a review of Neighbourhood Plans.

- 2) Expiry of permission on application.

This should reflect the current approach of expiry of permission after three years.

**Question 2.10:** *Do you agree with our proposals for the maximum determination periods for a) permission in principle minor applications, and b) technical details consent for minor and major sites?*

### **SHBC Response**

SHBC raise concern with the proposed dates for the determination of

- Permission in principle minor applications 5 weeks
- Technical Detail consent for minor sites 5 weeks
- Technical Detail consent for major sites 10 weeks

The statutory period for comments on planning applications is 21 days and the proposed determination dates in respect of minor applications will not allow for any negotiation or amendments with the applicant in the case of planning in principle applications. In addition there is concern that this approach could have an impact on the Committee decision making

process in respect of applications meeting Committee time tables. Timescales should reflect current timetables for decision making. There should also be the recognition of the need to have flexible determination dates over statutory holiday periods, particularly Christmas.

### **3 Brownfield Register**

#### **SHBC Response**

Prior to the Government introducing statutory brownfield registers regard will need to be given to the recent High Court judgement *Dartford Borough Council v Secretary of State for Communities & Local Government* (CO/4129/2015). The Deputy Judge found that only residential gardens within the “built-up area” were exempt from the definition of previously developed land whereas, residential gardens outside “built up areas” were “brownfield”.

Government will need to consider amendments to the definition of brownfield sites in the NPPF and in any subsequent statutory brownfield register to clarify the definition of brownfield as to whether it excludes gardens outside of built up areas as brownfield land.

**Question 3.1:** *Do you agree with our proposals for identifying potential sites? Are there other sources of information that we should highlight?*

**Question 3.2:** *Do you agree with our proposed criteria for assessing suitable sites? Are there other factors which you think should be considered?*

#### **SHBC Response**

SHBC consider that the Strategic Housing Land Availability (SHLLA) process should be the starting point for identifying brown field sites. SHBC consider the proposed criteria relevant for assessing suitable sites.

**Question 3.3:** *Do you have any views on our suggested approach for addressing the requirements of Environmental Impact Assessment and Habitats Directives?*

**Question 3.4:** *Do you agree with our views on the application of the Strategic Environment Assessment Directive? Could the Department provide assistance in order to make any applicable requirements easier to meet?*

#### **SHBC Response**

SHBC consider that the Habitats directive will be of relevance when preparing registers and that it would be inappropriate for a site to be placed on the register if development was prohibited by the Habitats Directive. Within Surrey Heath all new dwellings need to be able to provide avoidance measure in respect of the impact on the Thames Basin Heaths SPA and as such it is reason. As such there may be only limited scope for sites to be placed on a brownfield register, particularly where permission in principle could be applied.

**Question 3.5:** *Do you agree with our proposals on publicity and consultation requirements?*

#### **SHBC Response**

SHBC has no comment on the publicity of a brown field register. With regard to consultation on a site on the register not suitable for a grant of permission in principle it is not clear what the purpose of this is. Regard would also have to be given to the Habitats Regulation Assessment (HRA) in these instances.

**Question 3.6:** *Do you agree with the specific information we are proposing to require for each site?*

**Question 3.7:** *Do you have any suggestions about how the data could be standardised and published in a transparent manner?*

#### **SHBC Response**

SHBC agree there should be a consistent approach to data held. With regard to the specific information this should also include any environmental constraints.

**Question 3.8:** *Do you agree with our proposed approach for keeping data up-to-date?*

#### **SHBC Response**

SHBC Agree with the approach of publishing up to date data as open data.

**Question 3.9:** *Do our proposals to drive progress provide a strong enough incentive to ensure the most effective use of local brownfield registers and permission in principle?*

**Question 3.10:** *Are there further specific measures we should consider where local authorities fail to make sufficient progress, both in advance of 2020 and thereafter*

#### **SHBC Response**

SHBC consider that the proposal that LPAs who do not make sufficient progress against the brownfield objective should not be able to claim an up to date 5 year housing land supply is unnecessary and adds uncertainty to the Local Plan process. The presumption in favour of sustainable development would already apply by virtue of a site being on a brownfield register, particularly having regard to the proposed criteria for inclusion on a register set out in para 3.27 of this consultation.

The brownfield register approach indicates that a site may be suitable for development but does not ensure delivery. This consultation fails to address the issue of housing delivery even if permission is granted.

## **4 Small Site Register**

**Question 4.1:** *Do you agree that for the small sites register, small sites should be between one and four plots in size?*

**Question 4.2:** *Do you agree that sites should just be entered on the small sites register when a local authority is aware of them without any need for a suitability assessment?*

#### **SHBC Response**

Windfall sites and small sites are normally considered to be sites of 5 dwellings or less. The Small site register should reflect this approach. These sites may be better identified through the SHLAA process.

SHBC raise concern that the approach set out in the consultation would not meet the Habitats Regulations Assessment. In order to meet the requirements there would need to undertake an Appropriate Assessment to ensure the requirement for avoidance measures can be addressed and that SANG and SAMM contributions are met.

**Question 4.3:** *Are there any categories of land which we should automatically exclude from the register? If so what are they?*

**Question 4.4:** *Do you agree that location, size and contact details will be sufficient to make the small sites register useful? If not what additional information should be required?*

### **SHBC Response**

Sites with constraints that could not be overcome should be excluded, such as sites less than 400m from the SPA or within areas of policy constraints.

The small sites register information should reflect that required in the brownfield register criteria.

As set out in Paragraph 4.4 of this consultation back gardens should not appear on this register.

## **5 Neighbourhood Planning**

**Question 5.1:** *Do you support our proposals for the circumstances in which a local planning authority must designate all of the neighbourhood area applied for?*

SHBC consider that there may be circumstances whereby a Neighbourhood Area application is changed following consultation and the proposals should make allowances for changes following consultation.

**Question 5.2:** *Do you agree with the proposed time periods for a local planning authority to designate a neighbourhood forum?*

### **SHBC Response**

Designation of a Neighbourhood Forum and designation of a Neighbourhood Area has to be through an Executive Committee decision. Any changes to the Neighbourhood Plan regulations should recognise that they need to reflect the Committee structure of Local Authorities. Timescales should reflect those set out in current guidance.

**Question 5.3:** *Do you agree with the proposed time period for the local planning authority to decide whether to send a plan or Order to referendum?*

### **SHBC Response**

The decision to send a plan or Order to referendum has to be through an Executive Committee decision. Any changes to the Neighbourhood Plan regulations should recognise that they need to reflect the Committee structure of Local Authorities. Timescales should reflect those set out in current guidance.

**Question 5.4:** *Do you agree with the suggested persons to be notified and invited to make representations when a local planning authority's proposed decision differs from the recommendation of the examiner?*

**Question 5.5:** *Do you agree with the proposed time periods where a local planning authority seeks further representations and makes a final decision?*

## **SHBC Response**

SHBC agree with the suggested persons to be notified. With regard to the local planning authority issuing the final decision any changes to the Neighbourhood Plan regulations should recognise that they need to reflect the Committee structure of Local Authorities.

**Question 5.6:** *Do you agree with the proposed time period within which a referendum must be held?*

**Question 5.7:** *Do you agree with the time period by which a neighbourhood plan or Order should be made following a successful referendum?*

## **SHBC Response**

The decision to make a Neighbourhood Plan has to be through Full Council. Any changes to regulations regarding the plan or Order coming into legal force should recognise that they need to reflect the Committee structure of Local Authorities

**Question 5.8:** *What other measures could speed up or simplify the neighbourhood planning process?*

**Question 5.9:** *Do you agree with the proposed procedure to be followed where the Secretary of State may intervene to decide whether a neighbourhood plan or Order should be put to a referendum?*

SHBC have no comments at this stage.

**Question 5.10:** *Do you agree that local planning authorities must notify and invite representations from designated neighbourhood forums where they consider they may have an interest in the preparation of a local plan?*

## **SHBC Response**

SHBC agree with this proposal.

## **6 Local Plans**

**Question 6.1:** *Do you agree with our proposed criteria for prioritising intervention in local plans?*

**Question 6.2:** *Do you agree that decisions on prioritising intervention to arrange for a local plan to be written should take into consideration a) collaborative and strategic plan-making and b) neighbourhood planning?*

**Question 6.3:** *Are there any other factors that you think the government should take into consideration?*

## **SHBC Response**

The proposed criteria for prioritising intervention in local plans are vague and require significant clarification. In particular, there is no definition as to what is meant by 'under delivery' or by 'areas of high housing pressure'. These terms should be clearly defined and 'under delivery' should be revised to read 'significant' under delivery, so as to ensure that

Government intervention in the plan making process only occurs when absolutely necessary.

Proposals to introduce Government intervention where 'intervention will have the greatest impact upon accelerating Local Plan production' is particularly vague and currently reads as a catch-all phrase to allow the Government to intervene in plan making in any circumstance it so wishes.

SHBC objects to a criteria relating to Government intervention where plans have not been kept up-to-date. At present, plan policies are deemed 'out of date' where a 5 year housing land supply is not present. This presents a problem for many Authorities that find through the nature of their site supply and/or environmental constraints, their Plan alternates between being 'out-of-date' and up-to-date' on a frequent basis. There should be a more efficient process to update or review a Local Plan. Currently the Local Plan process can take at least three years.

The Council has no particular comments in respect to Government proposals to intervene where little plan-making progress has been made, but if introduced, this should relate specifically to Authorities that have failed to put in place a plan since the introduction of the 2004 Act.

**Question 6.4:** *Do you agree that the Secretary of State should take exceptional circumstances submitted by local planning authorities into account when considering intervention*

#### **SHBC Response**

SHBC agrees that exceptional circumstances should be taken into account when considering intervention. What constitutes an exceptional circumstance should be clearly defined by the Government in order to ensure transparency in the plan making process.

**Question 6.5:** *Is there any other information you think we should publish alongside what is stated above?*

**Question 6.6:** *Do you agree that the proposed information should be published on a six monthly basis*

#### **SHBC Response**

SHBC consider that the significant and rapid changes in National Planning Policy and Guidance have proved detrimental to maintaining forward momentum in plan making. In particular, this has created uncertainty in the plan making process and has led to significant delays in plan preparation as evidence base documents are revisited to take account of new guidance.

### **7 Planning Performance**

**Question 7.1:** *Do you agree that the threshold for designations involving applications for non-major development should be set initially at between 60-70% of decisions made on time, and between 10-20% of decisions overturned at appeal? If so what specific thresholds would you suggest?*

**Question 7.2:** *Do you agree that the threshold for designations based on the quality of decisions on applications for major development should be reduced to 10% of decisions overturned at appeal?*

SHBC have no comments on the proposed changes to thresholds. The complexity of some major planning applications should be taken into consideration. For smaller local planning

authorities the percentage range should be wider as they may be dealing with only a small number of applications. This would prevent distortion of the figures.

**Question 7.3:** *Do you agree with our proposed approach to designation and de-designation, and in particular*

*(a) that the general approach should be the same for applications involving major and non-major development?*

*(b) performance in handling applications for major and non-major development should be assessed separately?*

*(c) in considering exceptional circumstances, we should take into account the extent to which any appeals involve decisions which authorities considered to be in line with an up-to-date plan, prior to confirming any designations based on the quality of decisions*

**Question 7.4:** *Do you agree that the option to apply directly to the Secretary of State should not apply to applications for householder developments?*

SHBC agree with point 7c.

## **8 Competition in planning applications**

*Question 8.1: Who should be able to compete for the processing of planning applications and which applications could they compete for?*

*Question 8.2: How should fee setting in competition test areas operate?*

*Question 8.3: What should applicants, approved providers and local planning authorities in test areas be able to?*

*Question 8.4: Do you have a view on how we could maintain appropriate high standards and performance during the testing of competition?*

*Question 8.5: What information would need to be shared between approved providers and local planning authorities, and what safeguards are needed to protect information?*

*Question 8.6: Do you have any other comments on these proposals, including the impact on business and other users of the system?*

### **SHBC Response**

This proposed change sits uneasily with other areas of legislation and local authority responsibilities. The proposed timetables do not have regard to the committee structures and timetabling of local authorities.

There will be the need to ensure that all documents are available to residents and other interested parties both in web form and at a relevant local address.

It is not clear how an Approved Planning Officer (APO) could act on behalf of the local authority in any legal negotiations.



APO's should not provide a recommendation; this should be the role of the Local planning Authority.

Further guidance will be required on how fees would be split with the local authority. There is the risk of APOs cherry picking the most profitable applications leaving local authorities with increased costs for the remainder. In addition non-fee earning work would continue to sit with local authorities as would appeals, compliance and enforcement for such schemes. The issue of liability for any errors made by APOs will need to be addressed. The consultation does not address the question of who the APO would appear for at an appeal and potential conflict of interest. There will be the need for APOs to abide by the same performance standards as local authorities.

The consultation does not address how costs incurred for meetings will be recovered. If fees are set at cost recovery in pilot areas issues around potential state aid will need to be considered.

With regard to the proposal for a decision to be made within a week or two of receiving a recommendation from an APO this will have impacts on Local Planning Authorities committee cycles, including the ability for the decision maker to undertake site visits, particularly when a decision is to be made by the Planning Committee. There needs to be clarification as to whether an APO will need to attend Planning Committee to answer Member questions that may be required before a decision can be made.

## **9 Financial benefits**

*Question 9.1: Do you agree with these proposals for the range of benefits to be listed in planning reports?*

*Question 9.2: Do you agree with these proposals for the information to be recorded, and are there any other matters that we should consider when preparing regulations to implement this measure?*

## **SHBC Response**

SHBC agrees with the proposals in this consultation.

## **10 Section 106 Dispute resolution**

*Question 10.1: Do you agree that the dispute resolution procedure should be able to apply to any planning application?*

*Question 10.2: Do you agree with the proposals about when a request for dispute resolution can be made?*

*Question 10.3: Do you agree with the proposals about what should be contained in a request?*

*Question 10.4: Do you consider that another party to the section 106 agreement should be able to refer the matter for dispute resolution? If yes, should this be with the agreement of both the main parties?*

*Question 10.5: Do you agree that two weeks would be sufficient for the cooling off period?*

*Question 10.6: What qualifications and experience do you consider the appointed person should have to enable them to be credible?*

*Question 10.7: Do you agree with the proposals for sharing fees? If not, what alternative arrangement would you support?*

*Question 10.8: Do you have any comments on how long the appointed person should have to produce their report?*

*Question 10.9: What matters do you think should and should not be taken into account by the appointed person?*

*Question 10.10: Do you agree that the appointed person's report should be published on the local authority's website? Do you agree that there should be a mechanism for errors in the appointed person's report to be corrected by request?*

*Question 10.11: Do you have any comments about how long there should be following the dispute resolution process for a) completing any section 106 obligations and b) determining the planning application?*

*Question 10.12: Are there any cases or circumstances where the consequences of the report, as set out in the Bill, should not apply?*

*Question 10.13: What limitations do you consider appropriate, following the publication of the appointed person's report, to restrict the use of other obligations?*

*Question 10.14: Are there any other steps that you consider that parties should be required to take in connection with the appointed person's report and are there any other matters that we should consider when preparing regulations to implement the dispute resolution process?*

## **SHBC Response**

SHBC consider this approach would only be useful where there is only a single issue to resolve such as affordable housing contribution vs affordable housing provision and scheme viability arguments.

SHBC consider the procedure should be reserved for those applications that have a realistic prospect of success and that Local Planning Authorities should not be put to the expense of this process where the application is entirely at odds with planning policy.

SHBC agree with questions 10.2 and 10.3 on the basis of the information provided thus far however the only other party to an agreement that should be able to make a referral should be the County Council or another statutory consultee required to be a party to it rather than requiring the agreement of the applicant.

A two week 'cooling off' period is reasonable.

With respect to skills required these will need to include extensive planning and property experience given that issue they will most frequently be adjudicating on will be the provision/ payment in lieu of affordable housing.

With regard to fees SHBC do not consider a 50/50 split acceptable. There should be the opportunity for the adjudicator to be able to vary the 50/50 approach up to 100% where one party has behaved unreasonably in making the referral or during the dispute resolution process.

SHBC consider a six week period an appropriate timescale to produce the report and among the issues that should be taken into consideration should be planning policy, scheme viability, and local demand for a particular type of housing. A mechanism for amending errors would need to be an imperative part of the dispute resolution process.

## **11 PD for state schools**

***Question 11.1:** Do you have any views on our proposals to extend permitted development rights for state-funded schools, or whether other changes should be made? For example, should changes be made to the thresholds within which school buildings can be extended?*

***Question 11.2:** Do you consider that the existing prior approval provisions are adequate? Do you consider that other local impacts arise which should be considered in designing the right?*

### **SHBC Response**

SHBC no concern with the proposals, however timescales are short.

## **12 Statutory Consultation on planning applications**

***Question 12.3:** What are the benefits and/or risks of setting a maximum period that a statutory consultee can request when seeking an extension of time to respond with comments to a planning application?*

***Question 12.4:** Where an extension of time to respond is requested by a statutory consultee, what do you consider should be the maximum additional time allowed? Please provide details.*

### **SHBC Response**

SHBC has no comment on the proposed extension of time

## **13 Equality**

SHBC has no comment on these issues.

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## Fixed Penalty Notice (FPN) Policy for environmental offences

### Summary

The attached policy has been revised and updated to reflect changes in legislation and sets out the Council's commitment to take enforcement action against environmental crime perpetrators.

### Portfolio: Community

Date Portfolio Holder signed off report: 4 March 2016

Wards Affected: All

### Recommendation

The Executive is advised to resolve to accept the proposed changes to the Fixed Penalty Notice policy

## 1. Resource Implications

- 1.1 Following CMT approval in March 2015, the new Counter Fraud and Corporate Enforcement Team was launched on 1<sup>st</sup> September, 2015. Made up in the main of existing resources, the team provides a dedicated resource and have the necessary skills and competencies to investigate these cases thoroughly.

## 2. Key Issues

- 2.1 The implementation of an updated Fixed Penalty Notice Enforcement Policy delivers on the Corporate Plan Objectives. By issuing on the spot fines for low level crimes such as litter and dog fouling it will help change behaviour of potential offenders and help keep the Borough safe and clean. This will make a difference for communities and local businesses by addressing environmental crime and improve Surrey Heath for its residents, visitors and support a vibrant business environment. Two significant changes to the current regime are proposed, these are:

- (i) **Abolish the early repayment option for the offences of Failing to Produce Waste Documents and Failure to produce Waste Carriers Licence**

By law businesses that transport waste or buy sell or dispose of waste must register with the Environment Agency, they must also be able to produce waste transfer notes relating to the transfer of all their commercial waste over the preceding two years. FPN's for both these offences are £300, reduced to £180 if paid within 10 days. It is hoped that the withdrawal of an early payment discount will encourage

businesses to be properly licensed and dispose of their waste correctly, rather than risk a hefty fine.

We receive more complaints about fly tipping than any other type of Environmental Crime and it costs the authority tens of thousands of pounds a year.

**(ii) Introduce a flexible policy that is fit for purpose and allows officers issuing FPN's discretion to issue to juveniles between the ages of 10 and 17.**

The law allows for FPN's to be issued to anyone over the age of 10. Currently Surrey Heath does not issue FPNs to anyone under the age of 18. This policy has been written to enable authorised officers to issue FPNs to juveniles between the ages of 10 and 17, under 16's as an exception.

**3. Options**

3.1 The Executive may adopt this proposal and/or suggest amendments

**4. Proposals**

4.1 To agree changes to the Fixed Penalty Notice scheme

**5. Supporting Information**

5.1 Fixed Penalty Notice – Enforcement Policy

**6. Corporate Objectives And Key Priorities**

6.1 The policy underpins Corporate Objectives 1 and 3, we will do this by:

- (a) Keeping the Borough clean by delivering good recycling and refuse collection and street cleansing services
- (b) Protecting the general health and wellbeing of the community through our services, our health promotion and community development work.

**7. Policy Framework**

7.1 The policy has adopted the framework issued by DEFRA using the default penalty amounts, guidance and good practice.

**8. Legal Issues**

8.1 If a person refuses to accept a Fixed Penalty Notice or does not pay within the specified period, the case will be referred to Legal Services who will apply the evidential and public interest tests before issuing proceedings for prosecution.

## **9. Governance**

9.1 Fixed Penalty receipts for environmental offences may only be used to meet the cost of undertaking specific functions or enforcement action.

## **10. Equalities Impact**

10.1 The policy has incorporated clearly defined guidelines to deal with vulnerable people.

## **11. Human Rights**

11.1 Officers authorised to issue Fixed Penalty Notices are fully trained in legislation directly affecting human rights, specifically Articles 6 & 8.

## **12. Consultation**

12.1 All Executive Heads have been consulted on the changes to the Policy.

## **13. PR and Marketing**

13.1 Since its inception, the Counter Fraud and Corporate Enforcement Team has embarked upon a number of educational campaigns with a view to reduce fly-tipping in the Surrey Heath area. The Team will actively promote the abolishment of the early repayment scheme specifically relating to the disposal of waste in the hope that it will discourage would be fly tippers.

## **14. Officer Comments**

14.1 Issues such as litter, graffiti, abandoned vehicles and dog fouling are matters that are frequently raised by residents, Borough and Parish Councillors. This is not only an environmental issue that costs money to clear up but lack of enforcement creates an impression amongst offenders that they can get away with it and amongst residents that the Council does not care.

<b>Annexes</b>	Fixed Penalty Notice Enforcement Policy
<b>Background Papers</b>	
<b>Author/Contact Details</b>	Julia Greenfield – Counter Fraud & Corporate Enforcement Manager
<b>Head of Service</b>	Kelvin Menon – Executive Head - Finance

## Consultations, Implications and Issues Addressed

<b>Resources</b>	<b>Required</b>	<b>Consulted</b>
Revenue	✓	
Capital		
Human Resources		
Asset Management		
IT		
<b>Other Issues</b>	<b>Required</b>	<b>Consulted</b>
Corporate Objectives & Key Priorities	✓	
Policy Framework		
Legal	✓	
Governance		
Sustainability		
Risk Management		
Equalities Impact Assessment		
Community Safety		
Human Rights		
Consultation		
P R & Marketing	✓	

**Review Date:**

**Version:**





# **Corporate Enforcement - Environmental Protection**

## **Fixed Penalty Notice Enforcement Policy**

**(Environmental Offences)**

**Surrey Heath Borough Council**

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## DOCUMENT HISTORY

<b>Document name</b>	Fixed Penalty Notice Enforcement Notice
<b>Issued by</b>	
<b>Issue number</b>	1
<b>Approval details</b>	

## Amendment record

<b>Issue</b>	<b>Date</b>	<b>Summary of change</b>	<b>Approved</b>

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## **1.0 INTRODUCTION**

- 1.1 Notices of opportunity to pay a Fixed Penalty Notice (referred to as FPN's) can be issued by Local Authority officers for certain offences where the legislation permits and where the officer is authorised to do so. These notices provide a quick, visible and effective way of dealing with environmental crime that has a detrimental and costly impact on our Borough.
- 1.2 FPNs are one of a number of enforcement tools used to tackle environmental crime and as a means to change offending behaviour, and are used as an alternative to prosecution.
- 1.3 A fixed penalty is not a fine. Payment of the penalty by the recipient discharges their liability to conviction for the offence

## **2.0 AIM OF POLICY**

- 2.1 The aim of this policy is to apply the general principles of enforcement in respect of fixed penalty notices to ensure that any enforcement action is transparent, accountable, proportionate, consistent and targeted.

## **3.0 OBJECTIVES**

- 3.1 To introduce an enforcement regime in previously unregulated areas to address low-level environmental crime.
- 3.2 To provide a cost-effective and timely enforcement service that reduces the burden on the Courts and reduces the time between the offence and the penalty.
- 3.3 To increase public awareness of environmental offences.

## **4.0 JOINED UP WORKING**

- 4.1 The Counter Fraud and Corporate Enforcement Team shall work in close partnership with external bodies such as Surrey Police, Surrey County Council, Registered Social Landlords (RSL's) and Parish Councils to extend the enforcement service within the Borough.

## **5.0 TARGETING OF OFFENCES**

- 5.1 To ensure best use of resources, the Counter Fraud and Corporate Enforcement officers shall liaise with relevant internal departments and external agencies to target problem areas.

## **6.0 DELEGATION**

- 6.1 All Officers who issue FPNs shall be authorised by The Executive Head of Community under delegated authority.

- 6.2 The Executive Head of Community shall have the authority to withdraw the FPN in appropriate circumstances.

## **7.0 OFFENCES**

- 7.1 The relevant environmental offences enforced by Surrey Heath Borough Council's Counter Fraud and Corporate Enforcement Officers are detailed in the table at Appendix 1.

## **8.0 APPROPRIATE USE OF FIXED PENALTIES**

- 8.1 A FPN shall only be issued where there is sufficient admissible evidence to support a prosecution, including offences directly witnessed by an authorised officer, or where there is reliable witness testimony.
- 8.2 A FPN shall only be issued where the enforcement officer is confident that the correct identity details have been provided. Failure to supply a name and address, or to supply false details to an authorised officer is an offence.
- 8.3 A FPN will be appropriate for first time offenders and one-off incidents as it is a low level disposal and the recipient can avoid obtaining a criminal conviction. A FPN is a means to changing offending behaviour.
- 8.4 A FPN should not be issued in the following circumstances:
- 8.4.1 *Where the offence committed is so small or trivial in its effect that the action may not be in the public interest, in accordance with published government guidance.*
- 8.4.2 *Where a suspect appears to be unable to understand what is being offered to them, for example where the suspect is deaf or there is a doubt about their ability to understand English. Where such circumstances arise every effort should be made to illicit / impart the required information.*
- 8.4.3 *Where the suspects' behaviour suggests they have learning difficulties or mental disorder, or where the suspect is under the influence of alcohol or drugs. The officer should question whether issuing a FPN is appropriate (as it may go unpaid) and whether on the spot education is a better solution or if prosecution may be in the public interest*
- 8.4.4 *A FPN shall not be issued where the offence has been committed by someone that has previously received a fixed penalty for the same offence in the last three years. Prosecution proceedings shall be instigated directly in respect of repeat offenders.*
- 8.4.5 *Where no satisfactory address exists for enforcement purposes. This may be where the officer has reason to believe that the suspect is homeless or where the suspect is a non resident foreign national.*
- 8.4.6 *Where false identity details have been provided by the offender, and where the enforcement officer later determines the correct details.*

*In this event, the use of a FPN is inappropriate and as such prosecution proceedings should be instigated directly.*

*8.4.7 Where the offender is threatening, abusive or violent to the officer. In this instance, the officer should ensure their own safety and seek help from the Police. The offender would be dealt with by way of prosecution*

## **9.0 ISSUING FIXED PENALTY NOTICES**

- 9.1 In order to achieve good quality control (i.e. verification of name and address, repeat offender check etc) and to minimise the risk of a confrontational situation and the associated hazards, the majority of FPNs shall generally be served by post.
- 9.2 The option to serve a fixed penalty notice on the spot will be at the officer's discretion. Should this be appropriate the officers will explain the it provides an opportunity to avoid liability for prosecution and will draw the person's attention to the relevant points about making payment.
- 9.3 A person who refuses to accept a FPN from the officer will be informed that he / she will be reported for the offence in question.
- 9.4 Enforcement officers are not authorised to accept payment of a FPN.
- 9.5 There is no fixed time in which the FPN must be served. However, to avoid any allegation of abuse of process, FPNs will normally be served within 15 working days of the date of the offence.

## **10.0 YOUNG PEOPLE**

- 10.1 In law a local authority can issue an FPN to anyone over the age of 10 if it appears they have committed an offence. Parents and guardians are not responsible in law for paying fixed penalties issued to young offenders. However, a court before which a young person appears can order the parent / guardian to pay any fine it may impose
- 10.2 Childrens' service authorities, including Local Authorities and Police, have a duty under the Children Act 2004 to discharge their functions having regard to the need to safeguard and uphold the welfare of children.
- 10.3 A FPN will not be appropriate where a young person's behaviour suggest they have learning difficulties or they suffer from a vulnerability that impairs his or her understanding of what goes on. In such cases the matter will be referred to Youth Offending Team and Children's Services.
- 10.4 If the officer has reason to believe that the offender is less than 16 years old they should obtain the person's name and address and explain that an appointment with their parent or guardian will be arranged to discuss the offence. Two officers will attend and in

consultation with the youth's parent/guardian decide whether a FPN should be served or a written warning given.

- 10.5 Under 16's offending for a second time will be issued with a FPN/ However a meeting will still be arranged with the youth's parent/guardian.
- 10.6 If an under 16 year old is caught committing a similar offence more than once, contact shall be made with the Youth Offending Team, informing them of the circumstances.
- 10.7 FPNs for youths aged between 16 and 18 years will usually be issued by post. On the spot FPN's can be issued at the officers discretion.
- 10.8 A person under 17 years is to be treated as a juvenile for the purposes of PACE Act 1984 and should not be interviewed without the presence of an 'appropriate adult'.
- 10.9 Only on non-payment of a FPN, or where offender is identified as a persistent offender would prosecution of a youth under 18 be considered.

#### **11.0 DISPUTES ABOUT ENFORCEMENT**

- 11.1 Once a FPN has been issued, the recipient may decide to phone or write in pleading mitigation or contesting the fact that a FPN was issued. An alleged offender contesting a FPN should be advised that there is no obligation to pay a fixed penalty and there is no formal appeal procedure
- 11.2 Whilst the Authority should review the facts of a particular case when invited, the opportunity to challenge the allegation and plead not guilty to the alleged offence at an independent hearing is open to the recipient of the FPN. This will be by the way of prosecution, on summons, and trial in a Magistrates Court.
- 11.3 Any person requesting a reconsideration of the decision to issue a FPN should do so in writing to the Executive Head of Finance. Such letters may help identify any issues that need resolving or investigating before a case is prepared for court. Arguments over the law, the amount of the fixed penalty etc. will not be relevant, but claims that a defence applies will. Only in exceptional circumstances will it be appropriate to withdraw a FPN or not proceed to summons on non-payment. Examples of this may be when information that was not available at the time the FPN was issued becomes available, that it would not be in the public interest to prosecute, or that the notice should not have been issued to the person named in the notice.
- 11.4 Where a reconsideration has been requested, and the decision to issue the FPN upheld, the appellant shall be informed within 5 working days of the decision and the original payment terms, including the opportunity to pay the charge at the discounted rate, which will apply from the date of letter notifying the appellant of the results of the reconsideration.

- 11.5 Where a reconsideration has been requested which results in the withdrawal or cancellation of the FPN, the appellant shall be informed within 5 working days of the decision.
- 11.6 Any complaint regarding the issue of a FPN shall be dealt with under the Council's complaint procedure, details of which are available on the Council's website.

## **12.0 LEVELS OF FIXED PENALTIES**

- 12.1 Local authorities are permitted to set their own level of penalty for the specified environmental offences within a range prescribed in the Environmental Offences (Fixed Penalties) (Miscellaneous Provisions) Regulations 2007.
- 12.2 Local authorities are also permitted to set their own level of penalty discount for early payment, the minimum value of which is prescribed in the Environmental Offences (Fixed Penalties) (Miscellaneous Provisions) Regulations 2007.
- 12.3 Payment of either the full or discounted fixed penalty charge within the specified time period will discharge the offender's liability to conviction for the offence.
- 12.4 The full charge shall be paid within 14 days following the date of the FPN (except smoking offences which 29 days). The discounted charge, if applicable shall be paid within 10 days (15 for smoking offences) following the date of the FPN.
- 12.5 The fixed penalty charges are detailed in the table at Appendix A
- 12.6 The level of fixed penalties for environmental offences may be subject to review within the prescribed limits at any time.

## **13.0 PAYMENT OPTIONS**

- 13.1 Payments of a FPN by instalments will not be accepted. In cases of demonstrable hardship, consideration may be given by Executive Head of Finance to extending the suspended enforcement period and delaying the issue of summons, although there is no legal basis for this.

## **14.0 PROSECUTION**

- 14.1 If a person either refuses to accept a FPN or having accepted such a notice does not pay before the end of the suspended enforcement period (14 days), a final reminder letter will be issued giving a further seven days' notice. If the penalty remains unpaid, the matter will result in prosecution (unless there is good reason otherwise) To ensure the integrity of the FPN scheme is maintained, the assumption will be that all cases involving non payment will be referred to court.



- 14.2 It is the responsibility of the officer who issued the FPN to ensure that all witness statements, exhibits and any other supporting documentation are sent to Legal Services.
- 14.3 Each case will be reviewed by a Senior Lawyer in conjunction with the Head of Legal Services, applying the evidential and public interest tests before a prosecution is commenced
- 14.2 Prosecution proceedings will be cancelled in the event that the penalty amount is paid prior to the court hearing.

## **15.0 USE OF RECEIPTS**

- 15.1 Fixed penalty receipts for environmental offences may only be used to meet the cost of undertaking specific functions or enforcement action under the relevant legislation.
- 15.2 Fixed penalty receipts for environmental offences may not be spent on any other function.
- 15.3 Cost accounting shall be undertaken to demonstrate compliance with the legislation.

## **16.0 RECORDING AND REPORTING**

- 16.1 Full and accurate details of each FPN shall be recorded and monitored at all stages from issue to closure on the Teams Fraud Detection Management system.
- 16.2 Accurate details of all environmental FPN issued shall be reported on the annual fixed penalty notice return form to DEFRA.

## **17.0 MONITORING AND REVIEW**

- 17.1 This Policy shall be reviewed on an annual basis, or at such time as deemed appropriate.
- 17.2 This Policy shall be published on the website, allowing members of the public and businesses to have the opportunity to comment on the Policy and to provide feedback.
- 17.3 A record of amendments to the Policy shall be maintained within this document.

**FPN DESCRIPTIONS**

<b>Offence Number</b>	<b>Description of offence</b>	<b>Legislation</b>	<b>Amount of penalty if paid early</b>	<b>Full amount of penalty</b>	<b>Maximum penalty on conviction</b>
1	Depositing litter	Section 87/88 Environmental Protection Act 1990	£50	£75	£2,500
2	Failure to comply with a street litter control notice	Anti-Social Behaviour, Crime and Policing Act 2014	£60	£100	£2,500
3	Failure to comply with a litter clearing notice	Anti-Social Behaviour, Crime and Policing Act 2014	£60	£100	£2,500
4	Abandonment of Vehicle	S2 and 2A Refuse Disposal (Amenity) Act 1978	£120	£200	£2,500
5	No smoke free signage	S6 and 9 Health Act 2006	£150	£200	£1,000
6	Smoking in a smoke free place	S7 and 9 Health Act 2006	£30	£50	£200
7	Failing to remove dog faeces from Designate Land	S3 Dogs (Fouling of Land) Act 1996	N/A	£50	£1,000
8	Criminal Damage (Graffiti)	Section 43 - Anti-social Behaviour Act 2003	£50	£75	£2,500
9	Fly Posting	S43 and 44 Anti-Social Behaviour Act 2003, S224 TCPA	£50	£75	£2,500
10	Unauthorised distribution of free printed matter	Schedule 3A, paragraphs 1(1) and 7 - Environmental Protection Act 1990	£50	£75	£2,500
11	Failure to produce waste transfer notes	Section 34(5) and Regulations made under it/34(6)/34A - Environmental Protection Act 1990	n/a	£300	Unlimited
12	Failure to produce waste carriers licence	Section 5 & 5B Control of Pollution (Amendment) Act 1989	n/a	£300	Unlimited
13	Failure to comply with a S47 waste receptacles notice	Section 46 & 47/47ZA/47ZB - Environmental Protection Act 1990	£60	£100	£1,000
14	Parking of vehicles exposed for sale on a road	Section 3 & 6 Clean Neighbourhoods and Environment Act 2005	£60`	£100	£2,500
15	Repairing vehicles in a road by a business	Section 4 & 6 Clean Neighbourhoods and Environment Act 2005	£60	£100	£2,500
16	Emitting excessive noise (domestic property)	Section 4/8 Noise Act 1996	£60	£100	£1,000
17	Emitting excessive noise (Licensed premises)	Section 4A/8 Noise Act 1996	N/A	£500	Unlimited

18	Failure to comply with a Community Protection Notice	Section 48 & 52, Anti-social Behaviour, Crime and Policing Act 2014	£60	£100	£2,500 individuals Unlimited for a body
19	Failure to notify nominated key-holder	S71 & 73(2) Clean Neighbourhoods and Environment Act 2005	£50	£75	£1,000

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## Corporate Peer Challenge Review

### Summary

To note the Corporate Peer Challenge Review Report and agree to its publication on the website.

### Portfolio - Leader

Date Portfolio Holder signed off report – 3 March 2016

Wards Affected – n/a

### Recommendation

The Executive is advised to note the Corporate Peer Challenge Review and agree for the publication of the report on the Council's website.

#### 1. Resource Implications

1.1 There are no resource implications attached to this report.

#### 2. Key Issues

- 2.1 In December 2015 the Council underwent a review of the Corporate Peer Challenge (CPC) that took place in October 2014.
- 2.2 Peer challenges are improvement-focused and tailored to meet individual councils' needs. They are designed to complement and add value to a council's own performance and improvement plans.
- 2.3 There were 15 recommendations in the report that the Council received after the CPC in 2014 these formed the focus of the review visit in December 2015.
- 2.4 The outcome of this visit was very positive Annex A demonstrates the progress the Peer review team feels the Council has made against the 15 recommendations they made during their previous visit to the council in October 2014. An extract from the report reads '*It was clear to the peer team that the CPC has had a positive impact, with almost all recommendations being followed up.*'
- 2.5 Other comments from the report included:
- *The elections provided an opportune moment to review the Council's key priorities in October 2015. This has led to a renewed focus on Camberley town centre as the number one key priority, and a new emphasis on investment, prudential borrowing and income generation.*

- *There are good officer and Member relationships and the peer team were impressed with the commitment of staff to delivering improvement for Surrey Heath.*
- *The peer team was impressed by a strong group of members including new members with energy and ideas.*
- *Investment Strategy and Property Acquisition which sets out the “objective to acquire property for increased financial resilience also to contribute to the economic wellbeing of the borough”. This is governed by clearly set out investment criteria and is supervised by a Property Appraisal Group and the Council’s Risk Register. This shows a bold investment outlook married with a responsible approach to risk.*

### **3. Options**

- 3.1 The Executive are asked to note the content of the report and to agree that the report is published.

### **4. Proposals**

- 4.1 It is proposed that the Executive notes the report comment as appropriate and agree to the reports publication.

### **5. Supporting Information**

- 5.1 Further information regards Corporate Peer Challenge can be found on the LGA website.

### **6. Corporate Objectives And Key Priorities**

- 6.1 The feedback received from the Corporate Peer Review will be considered when drafting the Council’s new strategy document.

### **7. Consultation**

- 7.1 All Councillors and staff have been briefed regards the corporate peer Challenge and through this report will be made aware of the outcome of the independent review.

### **8. PR And Marketing**

- 8.1 The report will be published on the Councils website along with the report from October 2014.

<b>Annexes</b>	<b>Annex A – Recommendations from the CPC October 2014 and progress from CPC Review December 2015.</b>
<b>- Background Papers</b>	<b>Corporate Peer Challenge Review – Report (exempt at the present time)</b>
<b>Author/Contact Details</b>	<b>Louise Livingston - Executive Head Transformation</b> <a href="mailto:Louise.livingston@surreyheath.gov.uk">Louise.livingston@surreyheath.gov.uk</a>
<b>Head of Service</b>	<b>Louise Livingston - Executive Head Transformation</b>

**Consultations, Implications and Issues Addressed**

<b>Resources</b>	<b>Required</b>	<b>Consulted</b>
Revenue	✓	
Capital		
Human Resources		
Asset Management		
IT		
<b>Other Issues</b>	<b>Required</b>	<b>Consulted</b>
Corporate Objectives & Key Priorities	✓	
Policy Framework		
Legal		
Governance		
Sustainability		
Risk Management		
Equalities Impact Assessment		
Community Safety		
Human Rights		
Consultation		
P R & Marketing		

**Version:**

## Annex A - Principal Recommendations from the CPC October 2014

	<b>Recommendation</b>	<b>Progress as set out in CPC Report</b>
1	The council will need to update its 2020 Vision and review its priorities to better match to available resources	The elections provided an opportune moment to review the Council's key priorities in October 2015. This has led to a renewed focus on Camberley town centre as the number one key priority, and a new emphasis on investment, prudential borrowing and income generation. Work on a new Corporate Strategy has begun and is to be complete for April 2016.
2	Initiate a community debate across the borough on what individuals and communities might take on themselves for future service delivery, where traditionally this might have been provided by the council. Consultation with communities will be essential to shape the new vision to understand future demand and manage expectations.	This recommendation was not specifically picked up in the review visit. But the events detailed below are examples of work undertaken by the Council in this area. Spotlight on Public Services events held in November 2014 and March 2015 to consult public on priorities. Ward Cllrs are on all local business associations. On-line Cllr Surgeries. Make It Real volunteering events
3	Invest in a dedicated and senior resource to deliver the Council's transformation programme	The Council had just appointed the new Executive Head of Transformation, being an internal appointment with the post being advertised externally. This will be an important appointment for the Council to assist it in developing new ways of working to gain efficiencies; developing new partnerships to gain capacity; and developing opportunities to develop income streams to support Council finances.
4	Invest in skills and expertise to strengthen project and programme management	The Wider Management Team (WMT) – being CMT plus middle managers – was recently reintroduced and was widely welcomed by staff. The peer team were impressed by the energy and commitment of the middle managers it met and believe that the WMT forum will be important



		platform to support matrix and project working to deliver transformation.
5	Complete the review of delegated authority with the principles of responsibility, accountability and enhanced decision making at the fore	Governance arrangements have been streamlined. The scheme of delegation has been reviewed, new time-frames for written reports, and report templates have been introduced with a clearer process for report approval.
6	Clarify the distinctive roles and responsibilities of CMT and the Management Board. If the latter is to serve a Programme Board function then ensure that working arrangements are supported by reconsidering membership composition and ensuring terms of reference are in place	The Management Board has been discontinued with CMT now the arbiter for strategic overview and reporting.
7	Provide clarity and certainty on the means of reporting to committees and the Executive to shorten the current decision making time frame	The scheme of delegation has been reviewed, new time-frames for written reports, and report templates have been introduced with a clearer process for report approval.

### **Annex B - Specific Recommendations**

	<b>Recommendation</b>	<b>Progress</b>
1a	Review arrangements to support the member role in readiness for the new administration elected in May 2015. Commit to enhanced communication to all political groups and backbenchers on Council priorities and programme delivery to ensure awareness is widely and consistently understood and contributes towards a strengthened and shared commitment	The all-out elections in May 2015 was the opportunity for providing a positive new member induction programme, which included a LGA economic development seminar that set out the cross-overs from planning and economic growth and was well received.
1b	Enable Overview and Scrutiny to more effectively challenge the way services are delivered and to provide support on policy development	The peer team were told of the work undertaken to consolidate changes on the Council's Overview and Scrutiny framework. These functions have been reviewed and new chairmen appointed.
1c	Evaluate the backbencher role and how this might be enhanced by an increased community leadership function	The peer team was impressed by a strong group of members including new members with energy and ideas.
2	The understanding and deliverability of the Council as a business – in	The CPC described a bolder emerging outlook to investment

	particular, its readiness to borrow to invest and create income generating opportunities	St George's industrial estate was reported to be making a return of 6 per rental return per annum.
A	Procure an independent business case and options appraisal for the Camberley town centre regeneration to assist the Council to understand the range of investment options, the level of investment risk, the scale and assembly of the financial package and the implementation timescale	A revised town centre plan has been developed that still intends to attract a premium anchor retailer. This decision and new approach has given the Council new confidence and momentum towards implementation of town centre regeneration. For example, the use of Montagu Evans as Council advisers, the recent acquisition of Ashwood House for potential retail and residential development, and the assembly of premises demonstrates Council commitment and progress being made.
B	Develop an Investment strategy, incorporating the current Treasury Management, Property Acquisition and Asset Management strategies	The strategic approach to property acquisition is clearly set out in the Investment Strategy and Property Acquisition that has been adopted. There is an evident understanding and enthusiasm across Council for this approach
C	Ensure that the shift towards higher risk investment activity is counterbalanced by checks and balances to ensure that appropriate due diligence is carried out and that higher risk is actively managed via the Risk Register	Investment Strategy and Property Acquisition... This is governed by clearly set out investment criteria and is supervised by a Property Appraisal Group and the Council's Risk Register. This shows a bold investment outlook married with a responsible approach to risk.
D	Produce a Housing strategy setting out the parameters for future housing provision, affordable housing numbers, potential sites and which partners the Council might work with to deliver these	The housing development proposed for Deepcut, with planning permission for 1,235 homes, is important for delivering a large part of the overall housing numbers. This also highlights the potential use of redundant Ministry of Defence (MoD) land for housing development. The Council presented to ministerial advisers

		on the Government's One Public Estate initiative in December 2015 and, as a result, have been asked to be part of the phase 3 launch.
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## **Camberley International Festival**

### **SUMMARY**

It is proposed to deliver a ten day celebration of culture and the arts across Camberley Town Centre starting in June 2016, with a view to making it an annual event if successful.

The festival aims to add to the arts, culture and events currently on offer in Camberley and to further enhance Camberley's image as a highly desirable place to live, work and visit.

The Festival will use the length and breadth of the town to encourage the public to enjoy both Camberley's heritage and modern shopping facilities.

### **Portfolio – Business**

**Date Signed Off: To be advised**

#### **Wards Affected**

All

### **Recommendation**

The Executive is asked to note the proposal for the Camberley International Festival.

## **1. Resource Implications**

- 1.1 By 'piggy backing' on the bookings already in place at Camberley Theatre and Collectively Camberley's Rooftop Cinema in 2016, only a manageable amount of extra entertainment bookings still need to be made. Fringe elements will be added, including literature, films, questions and answers sessions with cultural figures and live music in the town's pubs and cafes. The festival will open with internationally renowned folk act Lau on June 1<sup>st</sup> and close with the Queen's 90<sup>th</sup> birthday picnic event on the London Road Recreation Ground on June 11<sup>th</sup>.

## **2. Key Issues**

- 2.1 2016 is Camberley Theatre's 50<sup>th</sup> Anniversary year. This presents the perfect opportunity for launching the Camberley International Festival, initially as part of the anniversary celebrations and then overseeing its continued growth and development as part of the anniversary celebration's legacy.
- 2.2 BAFTA Award winning actor Juliet Aubrey has agreed to be a patron of the festival. Originally from Fleet, Juliet's role will include curating film screenings including Q&As with directors and actors to take place at the Theatre, along with being a focal point for the festival.

- 2.3 From June 1<sup>st</sup> to June 8<sup>th</sup> 2016 Camberley Theatre has multi award winning, contemporary folk band, Lau, the Vienna Ballet Festival and British folk rock icons Fairport Convention booked to perform.
- 2.4 By using and augmenting the events already programmed at the Theatre and as part of Collectively Camberley's Rooftop Cinema, the backbone to the inaugural Camberley International Festival is already established.
- 2.5 Adding to the offer will be poetry readings, art installations, literature readings and live music in the town's pubs and cafes.

### **3. Options**

- 3.1 The Executive is invited to comment on the proposal.

### **4. Proposals**

- 4.1 It is proposed to introduce the Camberley International Festival to take place between June 1<sup>st</sup> and June 11<sup>th</sup> 2016. If successful, the festival will further develop in future years.

### **5. Corporate Objectives and Key Priorities**

- 5.1 These Corporate **Objectives** and **Key Priorities** are being met.
- i. Objective 1 - We want to make Surrey Heath an even better place where people are happy to live.
  - ii. Objective 2 - We will sustain and promote our local economy so that our people can work and do business across Surrey Heath
  - iii. Objective 3 - We will build and encourage communities where people can live happily and healthily
  - iv. Key Priority - To deliver an improved Camberley Town Centre

### **6. Sustainability**

- 6.1 If a success we hope the festival will become an annual event and future resource requirements will be assessed as it develops and grows.

### **7. Risk Management**

- 7.1 It is not envisaged that any extra risks will be incurred. Any risk will be mitigated by our existing liability arrangements.

### **8. PR and Marketing**

8.1 PR and Marketing will be handled in house by the marketing team. The event will generate a positive interest in Camberley.

## 9. Officer Comments

9.1 It is anticipated that the festival could be an annual event with growth in popularity and stature year on year. This will result in increased footfall in Camberley Town Centre over the festival period along with hotel, restaurant and shop revenues increasing, as the festival encourages visitors to Camberley.

<b>Annexes</b>	<b>None</b>
<b>Background Papers</b>	<b>None</b>
<b>Author/contact details</b>	<b>Jo Bartlett – Media and Events</b> <a href="mailto:Jo.bartlett@surreyheath.gov.uk">Jo.bartlett@surreyheath.gov.uk</a>
<b>Head of Service</b>	<b>Richard Payne – Executive Head of Corporate</b>

## Consultations, Implications And Issues Addressed

	Required	Consulted	Date
<b>Resources</b>			
Revenue	✓		
Capital			
Human Resources			
Asset Management			
IT			
<b>Other Issues</b>			
Corporate Objectives & Key Priorities			
Policy Framework			
Legal			
Governance			
Sustainability			
Risk Management			
Equalities Impact Assessment			
Community Safety			
Human Rights			
Consultation			
P R & Marketing			

Review Date:

Version:

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## Quarterly Financial Report

### Summary

To inform Executive as to the position of the Council Finances as at the 31<sup>st</sup> December 2015

**Portfolio Finance** – Cllr Richard Brooks

Date signed off: 7<sup>th</sup> March 2016

**Wards Affected**

All

### Recommendation

**The Executive is advised to NOTE the Revenue, Treasury and Capital Position as at 31<sup>st</sup> December 2015.**

#### 1. Introduction

- 1.1 This is the third quarter monitoring report against the 2015/16 approved budget, which provides an update on the Revenue, Treasury and Capital budget position as at 31<sup>st</sup> December 2015.
- 1.2 Overall despite a number of over and underspends the Council is predicted to be £14k under budget which is just over 0.1% of the overall net revenue budget. This is after meeting the annual savings target of £250k and represents a remarkable achievement in the current environment given the pressures local government is under. Details are given in Annex A

#### 2. Resource Implications

##### Revenue Budget

##### Services

- 2.1 The Council is currently under budget on wages, even after the vacancy margin and has managed to cover its £250k savings target included within the original budget.
- 2.2 Whilst in some departments predicted income targets are not being met e.g. due to reduced demand in areas such as planning this has been offset by reductions in expenditure in community and additional income from property investments.

##### Interest Received

- 2.3 Whilst we expected our income on investments rising by £100k in 2015/16 budget the Council is on track to meet its £300k budget for this

year. Investments are placed on the advice of the Councils treasury advisors and a change of policy in 2014 to diversify in to investment and property funds has helped to increase returns in what is otherwise a low interest market. Investments have been placed in a variety of banks, building societies, local authorities and funds in accordance with the treasury management policy.

### Wages and Salaries

- 2.4 It is estimated that there will be an additional underspend of £40k on wages and salaries at the end of the year based on expenditure to date. This has been achieved by managing vacancies in line with service requirements. It should be noted that in overall cash terms wages are still at the same level they were 10 years ago.

### Capital Budget

- 2.5 The Capital spend is high this year due to initiatives to support key priority 2. Of the total programme of £19.773m for the year £17.485m has been spent so far and of this almost £17m was on property acquisitions with other sums being spent on air conditioning, computer software, car parks and disabled facilities grants.
- 2.6 The properties acquisitions have all been funded through borrowing from the Public Works Loans Board and/or the Local Enterprise Partnership.

### Debtors

#### Sundry Debts

- 2.7 Sundry debts include all debts except those relating to benefits. At the 31st December debts there were invoices totalling £739k unpaid. This is an increase of £133k against the £606k outstanding last quarter. Of the total due £338k relates to quarterly rents due.

#### Housing Benefit Debts

- 2.8 These debts arise when an overpayment in housing benefit has been made and thus has to be recovered. At the 31<sup>st</sup> December 2015 the balance was £611k which is an decrease of £32k compared to the last quarter.

### **3. Options**

- 3.1 Members can accept and note the report or reject it.

### **4. Proposals**

- 4.1 It is proposed that the Executive is advised to NOTE the Revenue, Treasury and Capital Position for the period to 31<sup>st</sup> December 2015.

## 5. Supporting Information

5.1 None

## 6. Corporate Objectives and Key Priorities

6.1 This item addresses the Councils Objective of delivering services efficiently, effectively and economically and demonstrates through investment that Key Priority 2 is supported.

## 7. Sustainability

7.1 Budget monitoring and financial control are important tools in monitoring the financial sustainability of the Council.

7.2 Key services are being maintained despite financial constraints

## 8. Risk Management

8.1 Regular financial monitoring enables risks to be highlighted at an early stage so that mitigating actions can be taken.

## 9. Officer Comments

9.1 Portfolio Holders receive detailed finance reports every month for each function within their portfolio to enable them to understand their areas. Based on the information available the Sec 151 officer expects the Council expects to end the year on budget.

<b>BACKGROUND PAPERS</b>	<b>Monthly service and salary budget monitoring reports held in Finance</b>
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## CONSULTATIONS, IMPLICATIONS AND ISSUES ADDRESSED

	Required	Consulted	Date
<b>Resources</b>			
Revenue	✓		
Capital			
Human Resources			
Asset Management			
IT			
<b>Other Issues</b>			
Corporate Objectives & Key Priorities			
Policy Framework			
Legal			
Governance			
Sustainability			
Risk Management			
Equalities Impact Assessment			
Community Safety			
Human Rights			
Consultation			
P R & Marketing			

Review Date:

Version:

## Annex A

### Detail on the Revenue Budget Position at 31<sup>st</sup> December 2015

1. Services are asked to explain significant variances between their profiled budget and actual expenditure to date. They were then asked to predict what the yearend variance to budget will be.
2. The table below shows the budget position as at the 31<sup>st</sup> December 2015

<b>Portfolio</b>	<b>Profiled Budget £'000</b>	<b>Actual Expenditure £'000</b>	<b>Variance Budget v actual £000</b>	<b>Predicted year end variance against budget £'000</b>	<b>Main reasons</b>
<b>Corporate</b>	1,106	1,166	60A	28A	Election costs greater than expected due to high turnout
<b>Legal and Property</b>	610	74	536F	175F	Increase in property income due to property acquired during the year
<b>Wages and Salaries</b>				40F	Underspend in salaries after taking account of the vacancy margin
<b>Business</b>	466	902	436A	320A	Theatre income below budget but costs controlled. Net controllable outturn for theatre likely to in line with original business plan
<b>Community Services</b>	3,176	2,725	451F	438F	Reduction in contract prices for waste and street cleaning obtained by service
<b>Financial Service</b>	1,677	512	1,165F	Nil	Variance due to timing of benefits payments against grant receipts which will clear at year end
<b>Regulatory</b>	1,657	1,499	176F	45A	Fall in planning income offset due to reduced demand offset by savings in housing and land charges
<b>Corporate Savings Target</b>				246A	As per the original budget

<b>Predicted variance at year end</b>				<b>14F</b>	

## **Pay Award 2016/17**

### **Summary**

To report on the pay award for 2016/17.

### **Portfolio - Corporate**

**Date Portfolio Holder signed off report: 14 March 2016**

**Wards Affected – n/a**

### **Recommendation**

The Executive is asked to recommend to Full Council the 1% pay award for 2016/17 which will come from within the existing salaries budget.

#### **1. Resource Implications**

- 1.1 The proposed changes to the salary budget will be funded from within existing budgets. A provision of 1% was included in 16/17 budget.

#### **2. Key Issues**

- 2.1 It is proposed that a 1% cost of living rise for 2016/17 is awarded to staff; this will be funded from existing budgets.
- 2.2 A number of points have been considered when deciding the value of this cost of living rise:
- What other councils in the surrounding area are paying
  - To be in line with the National award of 1%
  - How we ensure we remain an employer of choice and continue to provide excellent service to the Community
  - This year the National Living Wage will be in force on the 1<sup>st</sup> April 2016.
- 2.3 If a cost of living rise is agreed it will be back dated to the 1<sup>st</sup> April 2016.

#### **3. Options**

- 3.1 To recommend Full Council that a 1% cost of living is awarded to staff, this is in line with the provision in the 16/17 budget.
- 3.2 Or the proposed cost of living rise could be rejected.

#### **4. Proposals**

4.1 It is proposed that the Executive recommends to Full Council that a 1% cost of living is awarded to staff this is in line with the provision in the 16/17 budget.

## 5. Corporate Objectives And Key Priorities

5.1 We deliver our services better, faster and cheaper.

## 6. Policy Framework

6.1 As detailed in the Pay Policy Statement.

## 7. Equalities Impact

7.1 To be discussed.

## 8. Consultation

8.1 Staff Representatives wrote to all staff informing them of the proposed pay award and they were given the opportunity to comment.

<b>Annexes</b>	<b>None</b>
<b>Background Papers</b>	<b>None</b>
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### Consultations, Implications and Issues Addressed

<b>Resources</b>	<b>Required</b>	<b>Consulted</b>
Revenue	✓	✓CMT
Capital		
Human Resources	✓	✓
Asset Management		
IT		
<b>Other Issues</b>	<b>Required</b>	<b>Consulted</b>
Corporate Objectives & Key Priorities	✓	
Policy Framework		
Legal		
Governance		
Sustainability		
Risk Management		
Equalities Impact Assessment	✓	
Community Safety		
Human Rights		
Consultation	✓	✓ Staff Reps and HR
P R & Marketing		



**EXCLUSION OF PRESS AND PUBLIC**

**RECOMMENDATION**

The Executive is advised to **RESOLVE** that, under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the ground that they involve the likely disclosure of exempt information as defined in the paragraphs of Part 1 of Schedule 12A of the Act, as set out below:

<u>Item</u>	<u>Paragraph(s)</u>
13	3
14	3

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