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Friday, 4 September 2020

To: The Members of the **EXECUTIVE**
(Councillors: Alan McClafferty (Chairman), Colin Dougan, Josephine Hawkins,
Rebecca Jennings-Evans, David Lewis, David Mansfield and Adrian Page)

Dear Councillor,

A meeting of the **EXECUTIVE** will be held at Surrey Heath House and
www.youtube.com/user/SurreyHeathBC on Tuesday, 15 September 2020 at 6.00 pm. The
agenda will be set out as below.

Please note that this meeting will be recorded.

Yours sincerely

Tim Pashen

(Acting) Chief Executive

AGENDA		Pages
Part 1 (Public)		
1. Apologies for Absence		-
2. Minutes		3 - 6
To confirm and sign the minutes of the meeting held on 11 August 2020 (copy attached).		
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.

5.	Public Space Protection Orders	7 - 26
6.	New permanent site for Gypsy and Traveller pitches	27 - 32
7.	Loman Road Playground	33 - 36
8.	Changes to the Current Planning System	37 - 52
9.	Funds received from the DEFRA Hardship Fund	53 - 60
10.	Zero Based Budgeting	-

To consider any recommendations of the Performance and Finance Scrutiny Committee arising from its meeting on 9 September 2020 (report to follow).

11.	Response to the Monitoring Officer's report on the decision to release local land charge over Field 81	61 - 64
12.	Write Off of Irrecoverable Bad Debts	65 - 70
13.	Exclusion of Press and Public	71 - 72

**Part 2
(Exempt)**

14.	Review of Exempt Items	73 - 74
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To review those items or parts thereof which can be released as information available to the public.

**Minutes of a Meeting of the Executive
on 11 August 2020**

+ Cllr Alan McClafferty (Chairman)

- | | |
|-------------------------------|------------------------|
| + Cllr Colin Dougan | + Cllr David Lewis |
| + Cllr Josephine Hawkins | + Cllr David Mansfield |
| + Cllr Rebecca Jennings-Evans | + Cllr Adrian Page |

+ Present

- Apologies for absence presented

In Attendance: Cllr Graham Alleway, Cllr Peter Barnett, Cllr Rodney Bates, Cllr Tim FitzGerald, Cllr Sharon Galliford, Cllr Edward Hawkins, Cllr Emma-Jane McGrath, Cllr Pat Tedder, Cllr Victoria Wheeler, Cllr Valerie White and Cllr Kristian Wrenn

30/E Minutes

The minutes of the meeting of the Executive held on 21st July 2020 were confirmed as being a correct record and signed by the Chairman.

Matters Arising

Minute 21/E Community Infrastructure Levy – It was agreed that details of the Community Infrastructure Levy (CIL) payments received by ward over the last five years and how the CIL money had been spent on a ward basis would be circulated.

31/E Questions by Members

In response to a question from Councillor Victoria Wheeler, the Leader, in light of the recent fires at Chobham Common, undertook to formally write to Surrey County Council requesting that they review the levels of funding received by Surrey Fire and Rescue Service and to the Chief Fire Officer raising concerns over the resourcing of the County's smaller fire stations. It was agreed that the Leader would liaise with Councillor Wheeler over the specific details.

32/E Reinstatement of Car Parking Charges

The Executive considered a report setting out proposals to reintroduce parking charges at the Council's Main Square and Knoll Road Car parks following their suspension in March 2020 as a result of the implementation of Covid-19 pandemic restrictions.

Following the easing of Government restrictions car park use had increased and occupancy levels of the Main Square car park were now at 91% of pre-lockdown levels, whilst Knoll Road car park occupancy was at 23% of pre-lockdown levels. It was noted that over a two week period the year on year incomes from the fees

and charges collected from Main Square car park charges had fallen from £47,162 to £3,442 when compared to the same period in 2019/20. Losses which when replicated over a continuous twelve month period represented a £1.136million loss of income for the Council, a sum which equated to 9% of the Council's overall budget.

It was noted that there were typographical errors in the customer figures relating to the Main Square car park set out in Table 2 of the report's addendum and the correct figures were:

Year on Year Change in customers numbers from 2019 to 2020

	26 Jul - 8 Aug 2019	24 Jul - 6 Aug 2020	Change	% change
Total Customers	33,848	27,291	-6,557	-19.4%
Up to 4 hours	28,812	24,734	-4,078	-14.2%
Over 4 hours	5,036	2,557	-2,479	-49.2%

It was agreed that data in all the tables would be checked and the information circulated to members.

It was noted that, following similar decisions to temporarily suspend parking charges, neighbouring local authorities had reinstated car parking charges in June and July. It was agreed that clarification would be sought from those neighbouring authorities which had reinstated charges on their car park occupancy rates and if reintroduction of changes had had an impact on these.

The Executive RESOLVED that:

- i. The temporary provision of free parking up to 4 hours charges in Knoll Road and Main Square car parks be lifted on 14 September 2020 and fees and tariffs revert to pre-lockdown charges;
- ii. Free parking at Knoll Road Car Park introduced pre-lockdown to support the town during the High Street refurbishment works be reintroduced but extended to two hours rather than one until January 2021;
- iii. Parking charges remain suspended in the rural car parks beyond 13 September 2020 but to be reviewed in October 2020;
- iv. The Executive Head of Business, in consultation with the Portfolio Holder, is granted delegated authority to introduce parking reductions and promotions as and when required

33/E Increased Security Measures on Council Owned Greenspaces

The Executive considered a report summarising the outcomes of a review of existing security measures currently in place across the Council's Greenspace estate and its car parks and setting out proposals to enhance the security arrangements at those sites considered to be vulnerable to unauthorised encampments.

It was stressed that no work would take place until consultation with local communities, ward councillors, the Gypsy and Traveller communities and other

stakeholders had been undertaken. If the feedback received indicated that the proposed measures were unnecessary or alternative security measures were preferred for example bollards were preferred over bunds then plans would be reviewed. Reassurance was given that no money would be spent until consultation work had been completed and local stakeholders had endorsed any work proposed.

It was noted that the list of sites included in Annex A was not an exhaustive list and over 80 sites had been assessed during the review. It was agreed that the full list would be circulated to all members so that any anomalies could be identified.

Members were informed that the Council was working closely with Surrey County Council and the Surrey Borough and District Councils to identify appropriate locations for transit sites for the Gypsy and traveller community and a report would be brought to the Executive in September setting out potential options for permanent pitch sites.

The Executive RESOLVED that:

- i. A programme of investment into enhancing Greenspace security measures to be implemented at the locations listed in priority order shown in Annex A (subject to consultation with the local communities, the Gypsy, Traveller and Travelling Showpeople communities and planning where required);
- ii. The implementation of the individual schemes be delegated to the Executive head of Business after consultation with the Places and Strategy Portfolio Holder.
- iii. The Executive is advised to recommend to Council that the Capital Programme for 2020/21 be increased by £192,000

Chairman

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Public Spaces Protection Orders

Summary:

To approve a 3 year extension to the Surrey Heath Public Spaces Protection Orders (PSPOs) introduced in 2017.

Portfolio: Support & Safeguarding

Date Signed Off: 11th August 2020

Wards Affected: All

Recommendation

The Executive is asked to RESOLVE that

- (i) the Public Space Protection Order be extended for a further 3 year period; and**
- (ii) the Executive Head of Transformation be authorised to introduce operational amendments from the recommendations outlined within Annex B to this report, in consultation with the Support and Safeguarding Portfolio Holder and Surrey Heath Police Commander.**

1. Resource Implications

- 1.1 The funding for this project was met by the Surrey Heath Partnership previously in the form of signage across Surrey Heath in October 2016, for implementation in October 2017. The existing signage will require no further change if the proposal to extend the orders is agreed. The Surrey Heath Partnership agreed a further £2,000 to meet any consultation, new signage or training costs associated with this work stream at their meeting on the 15th July 2020.

2. Key Issues

- 2.1 The Anti-Social Behaviour, Crime and Policing Act 2014 was designed to simplify the overarching antisocial behaviour legislation with the PSPO (Public Spaces Protection Orders) replacing the former Designated Public Place Orders in 2014. The DPPO legislation ceased to have effect from the 14th October 2017, and at that time Surrey Heath introduced a new range of low level orders based upon the outcome of an extensive consultation exercise.
- 2.2 The new Public Spaces Protection Orders enable both Surrey Police and the Council to deal with low level anti-social behaviour in a public place.

- 2.3 Councils are the Responsible Authority for implementing the new PSPO's which must be reviewed at least every three years.
- 2.4 The existing Surrey Heath PSPO is attached as annex A and takes a broad approach in using the framework of this legislation to good effect when needed, but otherwise remains in the background to allow unencumbered freedoms.
- 2.5 The Council has sought responses from the public and partners including Surrey Police, community representatives and organisations which may be affected by the proposals. Although during the past 3 years no formal prosecutions have been made, key partners which include Surrey Police, advise that the orders enable continuous prevention through engagement and the physical presence of the signage across Surrey Heath is a clear indicator of the enforcement for those who behave irresponsibly or cause anti-social behaviour.
- 2.6 The Executive is asked to approve an extension of Public Spaces Protection Orders for a further 3 years, on the basis that the review consultation undertaken in July- August broadly supports this proposal, as attached in Annex B.
- 2.7 The Order will be jointly managed by the Council's Corporate Enforcement Team, Environmental Services, Community Safety, Greenspace team, and Surrey Police.

3. Additional Information

- 3.1 An open consultation was promoted from the 7th July - 7th August, with all social media channels being utilised. Letters were sent to all known community groups, and local partners inviting participation, and a presentation was given to all partners at the Surrey Heath Partnership meeting on the 15th July.
- 3.2 A total of 41 responses were received, from which all but one supported the proposed 3 year extension, with given locations from: Bisley, Windlesham, Lightwater, Bagshot, Camberley and Frimley. Other Borough wide organisations that include the Hope Hub, Citizens Advice Surrey Heath, Accent Housing positively responded to the extension, together will full support of Surrey Police.
- 3.3 The questionnaire adopted a simple approach where it asked if respondents were broadly supportive of the PSPO seeking a yes or no response, and invited them to share ideas around any changes to the existing orders, from which easy access was provided with links to the orders, maps and locations that are affected. All feedback suggestions have been carefully considered by the partnership team.
- 3.4 The Covid-19 impact has been considered with both the Council and Police who are the enforcement agencies following the latest Government guidance.

4. Options

4.1 The Executive has the option to:

- i) Agree the existing Public Spaces Protection Order 3 year extension
- ii) Amend the Public Space Protection Order either in its scope or period of time
- iii) Not agree the Public Space Protection Order extension and for the orders to be discharged from the 14th October 2020

5. Proposal

5.1 The Executive is asked to;

- i) Approve the Public Space Protection Order extension for a further 3 year period
- ii) To authorise that the Executive Head of Transformation to introduce operational amendments from the recommendations outlined within annex b in consultation with the Support and Safeguarding Portfolio holder and Surrey Heath Police Commander Alick James.

6. Corporate Objectives and Key Priorities

6.1 We will build and encourage communities where people can live happily and healthily.

- Using the green space we have to its best possible advantage by creating sporting and leisure opportunities for all.
- Helping older and vulnerable people to live independently and remain in their homes for as long as possible.
- Protecting the general health and wellbeing of the community through our services, our health promotion and community development work.
- Engaging with young people to help improve and sustain their leisure opportunities whilst encouraging them to take responsibility.
- Delivering with partners the Sustainability Community Strategy Priority action plans to improve: community safety, transport, health, children and young people and economic wellbeing.

7. Equalities Impact

7.1 An equality impact assessment has been completed.

Annexes	A – Draft Public Space Protection Order B – Scope and outcome of the review consultation C- Joint Enforcement Strategy Surrey Police- Surrey Heath Borough Council
Background Papers	Proposed PSPO location maps hard copies available within the Members’ Room
Author/Contact Details	Jayne Boitoult - Community Partnership Officer jayne.boitoult@surreyheath.gov.uk
Service Manager	Louise Livingston - Executive Head of Transformation

Consultations, Implications and Issues Addressed

Resources	Required	Consulted
Revenue	N/A	
Capital	N/A	
Human Resources	N/A	
Asset Management	N/A	
IT	N/A	
Surrey Heath Partnership Budget	Approved July 20	

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

SURREY HEATH BOROUGH COUNCIL

THE ANTI-SOCIAL BEHAVIOUR CRIME AND POLICING ACT 2014

PUBLIC SPACES PROTECTION ORDER (SURREY HEATH) 2017

Notice is hereby given that Surrey Heath Borough Council ("the Council") proposed the following Public Spaces Protection Order under section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 ("the Act")

- 1 This order shall come into operation on the 14th October 2017 and shall have effect for 3 years thereafter unless extended by further orders under the Council's statutory powers.
2. The Order applies to the public places within Surrey Heath in the Schedules 1-7 of this order shown red on the attached plans — ("the restricted areas").
3. The Council is satisfied that the conditions set out in Section 59(2) of the Act have been met namely that anti-social behaviour and criminal activities have been carried out within the restricted areas through the use of intoxicating and psychoactive substances, begging and irresponsible dog ownership/control. These activities have a detrimental effect on the quality of life of those in the locality, and it is likely that these activities will be carried out within that area and can have such an effect.
4. The Council is also satisfied that the conditions set out in Section 59(3) of the Act have been met. Namely, that the effect or likely effect of the activities are unreasonable and justify the restrictions imposed by this Order and that it is in all circumstances expedient to make this order for the purpose of reducing crime/and or anti-social behaviour in a public place.

BY THIS ORDER

Definitions

'public place' under S74(1) of the Act means any place to which the public has access, on payment or otherwise, as of right or by virtue of express or implied permission.

'interested person' means an individual who lives in the restricted area or who regularly works in or visits that area.

'authorised persons' includes an Authorities Officer of the Council, Police Constables, Police Community Support Officers or other persons authorised by the Council.

'psychoactive substance' any substance which is capable of producing a psychoactive effect in a person if by stimulating or depressing the person's central nervous system it affects the person's mental functioning or emotional state and is not included in the list of exempted substances.

'exempted substances' are those listed in Schedule 1 of the Psychoactive Substances Act 2016 or its successor. (controlled drugs, medicinal products, alcohol, nicotine and tobacco products, caffeine/caffeine products and food)

'loitering' to remain in any one place with no apparent purpose.

Prohibitions

The activities described below are hereby prohibited:

1. Persons shall not within the Restricted Areas as detailed in Schedule 1:

- A. Continue to ingest, inhale, inject, smoke or otherwise use psychoactive substances when asked by an authorised person to stop or
- B. Fail to surrender any psychoactive substance in their possession, when asked to do so by an authorised person.

Psychoactive Substance is given the following definition (which includes Drugs that are commonly referred to as Legal Highs):- Substances with the capacity to stimulate or depress the central nervous system.

Exemptions shall apply in cases where the substances are used for a valid and demonstrable medicinal use, are cigarettes (tobacco) or vaporisers or are food stuffs regulated by food health and safety hygiene.

2. Persons shall not within the Restricted Areas as detailed in Schedule 2:

- A. Continue to drink alcohol when asked to stop by an authorised person or
- B. Fail to surrender any alcohol in their possession when asked to do so by an authorised person.

3. Persons shall not within the Restricted Area in Schedule 3 sit or loiter, in a public space as to actively beg, to include: verbal, non-verbal, written or non-written requests for goods, money or donations unless they are authorised at an appropriate location.

Obligations on persons with dogs:

Fouling

If a dog defecates at any time within the Restricted Area specified in Schedule 4 to which this order applies a person who is in charge of the dog at the time must remove the faeces from the land forthwith unless:-

- A. They have a reasonable excuse for failing to do so; or
- B. The owner, occupier or other person or authority having control of the land has consented (generally or specifically) to them failing to do so.

Dogs on Leads by order

A person in charge of a dog within the Restricted Area specified in Schedule 5 to which this order applies must comply with a direction given to them by an authorised officer of the Council to put and keep the dog on a lead unless:-

- A. They have a reasonable excuse for failing to do so; or
- B. The owner, occupier or other person or authority having control of the land has consented (generally or specifically) to them failing to do so.

Exclusion of Dogs

A person in charge of a dog must not take it into or keep it within a fenced/enclosed children's play area and signed at its entrance(s) as a "dog exclusion area" (whether the sign uses those particular words or words and/or symbols to that effect) which is designated and marked for children's play as detailed in plans at Schedule 6, unless;

- A. They have a reasonable excuse for failing to do so; or
- B. The owner, occupier or other person or authority having control of the land has consented (generally or specifically) to them failing to do so.

Dogs on Leads (Bird-nesting season)

A person in charge of a dog shall be guilty of an offence if, at any time, during 1st March — 31st July, within the Restricted Area specified in Schedule 7, they do not keep the dog on a lead unless;

- A. They have reasonable excuse for failing to do so; or
- B. The owner, occupier or other person or authority having control of the land has consented (generally or specifically) to them failing to do so.

Exemptions

The obligations on persons with dogs shall not apply to a person who:-

- A. Is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948; or
- B. Has a disability which affects their mobility, manual dexterity, physical coordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon which he relies for assistance.

For the purpose of this order:-

- A person who habitually has a dog in their possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog;
- Placing the faeces in a receptacle which is provided for that purpose, or for the disposal of waste, shall be sufficient removal from the Restricted Area.
- Not being aware of the defecation or not having a device for or suitable means of removing the faeces shall not be a reasonable excuse for failing to remove it.
- "Authorised Officer" means an employee, partnership agency or contractor of Surrey Heath Borough Council who is authorised in writing by Surrey Heath Borough Council for the purposes of giving directions under this Order.

Fixed Penalty Notice and Offences

- 1 It is an offence for a person without reasonable excuse to engage in any activity prohibited by this order.

- 2 In accordance with section 63 of the Act, a person found to be in breach of this Order by refusing to surrender alcohol to an authorised person is liable on summary conviction to a fine not exceeding level 2 on the standard scale which is currently £500.
- 3 In accordance with Section 67 of the Act, a person found to be in breach of this Order other than by refusing to surrender alcohol to an authorised person is liable on summary conviction to a fine not exceeding level 3 on the standard scale which is currently £1000.
4. An authorised person may issue a Fixed Penalty Notice to anyone he or she believes has committed an offence. The amount of the Fixed Penalty Notice shall be £100 . The penalty can be reduced by 50% if paid within 14 days otherwise the full penalty will be due. The Council will not prosecute if the penalty is paid within 29 days.

THE COMMON SEAL of
SURREY HEATH BOROUGH COUNCIL

Was here unto affixed this 13th day of October, 2017} In
the presence of:



Solicitor to the
Council



Additional Notes

Restricted Area

1 . Schedule 1 - Psychoactive Substances

All public places within the whole area of Surrey Heath Borough Council within Schedule 1.

2. Schedule 2 - Alcohol Control Zones

All public places as outlined and marked red within Schedule 2.

3. Schedule 3 — Begging

The Public area within Camberley Town Centre as marked red within Schedule 3.

4. Schedule 4 - Dog Fouling

All public places within the whole area of Surrey Heath Borough Council within Schedule 4.

5. Schedule 5 - Dogs on Lead by Order

All public places within the whole area of Surrey Heath Borough Council within Schedule 5.

6. Schedule 6 - Dog Exclusion Areas - Children's Playgrounds

All public places as outlined and marked red in Schedule 6

7. Schedule 7- Bird Nesting Season

Dogs to be kept on leads during the bird nesting season in a designated part of Lightwater Country Park marked red on map in Schedule 7 from 1st March - 31st July.

Prescribed Charities

8a For the purposes of this Order, each of the following is a "prescribed charity";(i)

Dogs for the Disabled (registered charity number 700454);

(ii)Support Dogs Limited (registered charity number 1088281); (iii) Canine Partners for Independence (registered charity number 803680);

(iv) Guide Dogs for the Blind (registered charity number 209617)

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1. PSPO Consultation Outcome

2. Background

3. PSPOs were introduced in October 2014 by the Anti-social Behaviour, Crime and Policing Act 2014 and are designed to deal with a particular nuisance or problem in a particular area (a public space) that is detrimental to the local community’s quality of life, by imposing conditions on the use of that area which apply to everyone.

4. The specifics of the existing orders can be seen in Annex A.

5. Borough Councils are the lead agency with the responsibility to implement PSPO’s, although the work is undertaken in partnership Surrey Police where we jointly enforce when necessary. The public consultation exercise gives an opportunity for our community to feedback, however the basis of the proposal uses feedback from local crime statistics highlight that areas in the our community where the hot spots lie. This combined with feedback from the Surrey Heath Partnership and Council departments which include: Environmental Services, Business (Green Spaces), Corporate Enforcement, media and marketing, provides a basis for consideration of this proposal.

6. The Consultation

7. An open consultation was promoted from the 7th July-7th August, with all social media channels being utilised. Letters were sent to all known community groups, and local partners inviting participation, and a presentation was given to all partners at the Surrey Heath Partnership meeting on the 15th July.

8. This provided a result from which a total of **41 responses were received**, with an overwhelming support for the extension of the existing proposals. The questions and feedback are detailed below.

9. **Timescales.** If supported the PSPO’s will continue for a further 3 year period to the 13th October 2023, if not they will be discharged from the 13th October 2020.

10. The Summary of feedback

Q1 – Do you broadly agree with the PSPO Proposals – 40 agreed, 1 objected.

<p>Wanted to see greater clarity in relation to the context of the PSPO in what they achieve, and how this will help deal with local incidents.</p>	<p>There was a question relating to seeing an enforcement plan, between Surrey Police and SHBC.</p>
<p>Would like to see a greater community policing presence to help enforce this low level antisocial behaviour x 3</p>	<p>Accent Housing supports the extension and acknowledges that no formal prosecutions have occurred during this period but it is acknowledged that this is an</p>

	effective in providing both Police and Council with a tool in dealing with low level ASB.
I am pleased to advise that, insofar as it affects Bagshot the Bagshot Society supports the proposal to extend the PSPO for a further 3 years.	Agree with extension and proposal but would like to see an instant removal of Travellers when they make illegal incursions, which can impact the community at large with the anti-social behaviour.

11. Partnership Group Response

- The broad nature of the PSPOs are designed to enable agencies to prevent escalation of low level anti-social behaviour which impacts upon the community. Crime Statistics show a reduction in trend of reported incidents between 2017 and 2020. We work very closely with Surrey Police and jointly share the lead responsibility with our Surrey Heath Enforcement Plan (Annex C). We are open to receive feedback to any of the areas that the orders cover.
- The request for the greater presence of community policing will be fed back to the Local Commander, Alick James to respond to directly, but wherever possible the Police Community Support Officers aim to provide the presence sought by the community.
- Instant removal of travellers, this request falls outside the scope of the Crime and Policing Act 2014. Eviction of travellers is managed through specific legislation and process to deal with this, certainly the behaviour of travellers as with any other group can be managed by the PSPO but not the eviction from any Council owned land.

Q2 – Are there any alterations that you would like to see made to the existing orders within Surrey Heath?

The increase in population has resulted in greater use of the Council green spaces and parkland, would like to see additional signs relating to dog fouling and dogs being kept under control so that users of the countryside are aware.	Supports proposal extension would like scope to extend some of the boundaries to include bus stops, shop fronts, public paths, bridle ways where anyone can gather.
Supports the proposals but would like to see a short-term measure introduced that relates to social distancing and Covid-19 in that in children’s play areas and other open spaces the PSPO is used to enforce the social distancing, due to many local people not adhering to the National guidance given.	Would like to see some permanent focus on solutions for young people in Surrey Heath, dedicated space for them consult with the Surrey Heath Youth Council and school Councils in Surrey Heath to find out what they would like to see.

<p>Would like to see a relaxation of the rule that bans dogs from children’s play areas, and allows dogs to be areas for dogs to be safely leashed so that children and dogs can go out together.</p>	<p>Introduce a more visible presence of enforcement officers in the Council parks to provide some on the spot fines for the less responsible dog owners who allow their animals to mess without clearing it up.</p>
<p>Would like the SANGS introduced specifically in Frimley, as during the summer months a lot of litter is thrown.</p>	<p>Illegal motorbikes riding in wooded areas, and being reported to 101, young people riding motor bikes on paths.</p>
<p>Young people using legal highs at Camberley railway station and the Accent office car park, the evidence is via many discarded nitrous oxide canisters. Can this order be extended to cover this private land.</p>	

12. Partnership Group Response

- In relation to the Covid-19 pandemic and the Government guidance recommended for social distancing the Partnership will look towards providing some further joint Police and Council Enforcement staff patrols to deter those who are not following the guidance and promote this locally.
- The Public Space Protection orders generally cover areas such as bus stops, shop fronts etc., anywhere that is deemed to be public, the only excluded areas would be privately owned.
- For all publically owned green space areas, the Council will undertake an exercise to ensure that the signage is sufficient, and add further signs if necessary.
- The Surrey Heath Partnership will look to include future consultation with the Surrey Heath Youth Council and will add this to the annual plan 2021/22.
- Would like to have designated areas where dogs can be safely leashed so that dogs can be walked with children and families. We will look to review this in the longer term, as sadly not all dogs are well behaved or controlled and there is a safety and public health concern relating to allowing dogs in to fenced play areas.
- Introduce a greater presence of Council enforcement officers in the greenspaces to deliver on the spot fines for those who allow their dogs to foul without picking up afterwards.

Annex B – Details of the Review Consultation

- The SANGS area would already be covered by the PSPO, although these orders do not specifically cover litter, this is dealt with by specific legislation relating to littering.
- Illegal motor bike riding in woodland and on pathways should be reported to Surrey Police as already mentioned, and could be covered by the PSPO, but would be led by Surrey Police who may chose different legislation to prosecute.
- Nitrous Oxide evidence at Camberley railway station and Accent Housing Car Park, the partnership group ascertain the legal position with this request and if possible will look to extend the area, and it will require the permission of the landowners.

Surrey Heath Borough Council Public Spaces Protection Order (PSPO) – Joint Enforcement Strategy		
Key Stakeholders	Community Safety Portfolio Holder: Executive Head, Transformation, Business, Community, and Finance: Corporate Enforcement Manager, Senior Business Officer, Green Space Team Leader, Community Safety Officer, Surrey Police Local Commander, Surrey County Council, Legal Services Surrey Heath, Housing Services Manager, Public Health:	Effective Date: 13/10/2017 updated 13/10/2020
The Order Part. 1	<p>Persons within the area defined as the whole of the Borough of Surrey Heath known as the ‘exclusion’ zone will not: ingest, inhale, inject smoke or otherwise use psychoactive substances:</p> <ul style="list-style-type: none"> • Psychoactive substance is given the following definition: Drugs that are commonly referred to and previously known as ‘legal highs’: Substances with the capacity to produce a psychoactive effect in a person who consumes it: (this excludes alcohol, tobacco, medical products, caffeine and controlled drugs which are governed by their own licence and legislation). • Exemption shall apply in cases where the substances are used for a valid demonstrable medicinal use, are cigarettes (tobacco) or vaporisers or are food stuffs regulated by food health and safety legislation. • Persons within Exclusion zone who breach this prohibition shall: surrender intoxicating substances in his/her possession to an authorised person. • An authorised person could be a Police Constable, Police Community Support Officer. Council Officer or any other person with a delegated authority from the Council, (and must be able to present their authority upon request). 	
Approach	<p>The Psychoactive Substances Act 2016 provides the legal framework to follow relating to the supply of these substances formerly known as legal highs.</p> <p>Where persons are witnessed by an authorised officer to be consuming psychoactive substances this will be classified as an offence. Evidence of consumption can vary and the strongest enforcement position will be from an authorised officer directly witnessing.</p> <p>Where members of the public or CCTV reports users consuming these products either by witnessing or caused by suspicion due to smells, location, behaviour or past experience, Authorised Officers may approach and where persons are found to be actively consuming this will be dealt with as an offence. Where use is suspected and not directly witnessed, upon an Authorised Officer attendance, a request will be made for the surrender of any intoxicating</p>	

	<p>substances that that person(s) possession. Should the person(s) fail to surrender items or claim not to be in possession of the substances the Police Officer may have reasonable grounds, based upon the evidence presented to conduct a search under the Misuse of Drugs Act 1971. If Psychoactive Substances are found then an offence will have been committed under the PSPO.</p>
<p>Enforcement Steps</p>	<p>Those found to be using the Psychoactive Substances will be required to surrender the substances which can be sealed or unsealed at the request of an authorised officer.</p> <ul style="list-style-type: none"> • 1st Offence: at the discretion of the officer a warning letter or a fixed penalty notice can be issued (only by SHBC). • 2nd Offence: a fixed penalty notice of £100 fine will be issued (by SHBC), and referral to Catalyst or Catch 22. • 3rd Offence: Further action to be reviewed that can lead to a court prosecution where the fine could be £1000, and or a Criminal Behaviour Order can be applied for in the most serious cases of breach. • Future options could consider a Community Protection Notice to mandate people to treatment and/or restrict their activities. • Police and Enforcement Officers will report and evidence breaches on to Ecins (a secure data-base).
<p>The Order Part 2.</p>	<p>Persons within the 9 areas defined below within Surrey Heath, will at the request of an authorised person cease to consume alcohol: Those found to be causing antisocial behaviour by consuming alcohol within the designated areas, are required to surrender any alcohol (sealed or unsealed) at the request of an authorised officer, either a Police officer or <i>Local Authority Officer</i>. It is at the time of any person failing to surrender their alcohol when requested that the offence occurs.</p> <ul style="list-style-type: none"> • Frimley Green Recreation Ground. • Southwell Park to Surrey Avenue. • Old Dean Shopping Parade. • Camberley Town Centre, town park, Obelisk, railway station and car park. • Chobham Road Recreation Ground. • Heatherside Recreation Ground, to include toilets and off road parking area. • Southcote Park. • Frimley Lodge Park.

	<ul style="list-style-type: none"> London Road Recreation Ground. <p>An authorised person could be a police Constable, Police Community Support Officer. Council Officer or any other person with a delegated authority from the Council, (and must be able to present their authority upon request).</p>
Approach	<p>To take proportionate action against those whose anti-social behaviour impacts upon the enjoyment of others within the above designated areas. The ASB Crime and Policing Act 2014 provides the statutory guidance relating to powers that can deter this behaviour.</p> <p>Those found to be consuming alcohol in the designated areas, and whose behaviour is antisocial and requires a delegated officer to request the surrender of their alcohol (in either a sealed or unsealed vessel) will breach the order if this request is denied.</p>
Enforcement Steps	<ul style="list-style-type: none"> 1st Offence: at the discretion of the officer a warning letter or a fixed penalty notice can be issued. 2nd Offence: a fixed penalty notice of £100 fine will be issued. 3rd Offence: Further action to be reviewed that can lead to a court prosecution where the fine could be £1000, and or a Criminal Behaviour Order can be applied for in the most serious cases of breach. Future options could consider a Community Protection Notice to mandate people to treatment and/or restrict their activities. Police and Enforcement Officers will report and evidence breaches on to Ecins..
The Order Part 3.	<p>To exclude those who beg within Camberley Town Centre as outlined on annex 2 map as The Vagrancy Act 1824 is of limited application to address modern day issues.</p> <p>An authorised person could be a Police Constable, Police Community Support Officer, Council Officer or any other person with a delegated authority from the Council, (and must be able to present their authority upon request).</p>

<p>Approach</p>	<p>To enable a sensitive approach to the visible homelessness and begging that has occurred in Camberley Town Centre. No intention to issue Fixed Penalty Notices, the intervention will direct that said person/s firstly engage with local council services. Should this fail, then through the multi-agency partnership CHARMM (Community Harm and Risk Management Meeting) a proportionate court order will be sought to exclude the person from Camberley.</p>
<p>Enforcement Steps</p>	<ul style="list-style-type: none"> • 1st Offence: a verbal and/or written warning will be issued, noted and evidenced. • 2nd Offence: a further verbal and/or written warning will be issued and evidenced, referral made to the Council's Outreach Housing Service. • 3rd Offence: The situation to be reviewed which may result in a court prosecution from a Community Protection Notice that will mandate people to engage with specialist services and/or restrict activities and/or exclude from certain areas, if the most serious cases of breach a Criminal Behaviour Order will be sought. • Police and Enforcement Officers will report and evidence breaches on to Ecins.. <p>An authorised person could be a Police Constable, Police Community Support Officer, Council Officer or any other person with a delegated authority from the Council, (and must be able to present their authority upon request).</p>
<p>The Order Part 4.</p>	<p>Public areas within Surrey Heath that include highways, parks, and greenspace (as per maps in annex 1) will be subject to a control order to encourage responsible dog ownership that will.</p> <ol style="list-style-type: none"> 1. Introduce designated areas where dogs will be required to be on a lead. 2. Designate that all children's playgrounds will be an exclusion zone for dogs. 3. Place dog/s on a lead/s at the request of an authorised officer. 4. Place a responsibility upon dog owners/walkers to remove their dog faeces.
<p>Approach</p>	<p>To encourage responsible dog ownership by introducing proportionate deterrants to the small minority who do not consider the community impact of their behaviour on the highways, parks and greenspaces within Surrey Heath.</p>

<p>Enforcement Steps</p>	<p>For 1-4 above:</p> <ul style="list-style-type: none"> • 1st Offence: at the discretion of the officer a warning letter or a fixed penalty notice can be issued. • 2nd Offence: a fixed penalty notice of £100 fine will be issued. • 3rd Offence: Further fixed penalty notice fine to be issued and then consideration given to further action relating to a Community Protection Warning Notice to be applied in the most persistent cases of breach. <p>Corporate Enforcement Officers to report and evidence cases on Ecins.</p>
<p>Resources</p>	<p>On-street enforcement of this order will be delivered in partnership with Surrey Police. It is anticipated that in the main this will be delivered through Community Policing and the Surrey Heath Corporate Enforcement Team.</p> <p>Back office support, co-ordination and on-going enforcement will be delivered by the Borough Council Corporate Enforcement/Community Safety Department.</p> <p>Community Policing Resource Inspector Police Sargeant Police Constables Police Community Support Officers</p> <p>Corporate Enforcement/Community Safety/Greenspace Team Corporate Enforcement Manager Community Safety Officer Corporate Enforcement Officers Greenspace Team Leaders Greenspace Senior Business Officer Environment Officers Legal Services</p>

	<p>Fixed Penalty Books to be supplied and kept by the Corporate Enforcement Team. All fee's will be payable to Surrey Heath Borough Council failure to pay will result in the SHBC taking action against the original breach.</p> <p>Publication to support brief interventions and roll – out of the order can be found on the website.</p>	
National/Local Framework	Relevant Legislation	Anti-social Behaviour, Crime and Policing Act 2014, Human Rights Act 1998, Equality Act 2010, Misuse of Drugs Act 2001 and 1971
	Relevant Guidance	Statutory Guidance for Frontline Professionals – ASB Crime and Policing Act 2014 National Policing Guide on the Breach of PSPOs (ACPO)
	Local Partnership	Surrey County Council The Surrey Heath Partnership and Partnership Officer Group
Objectives	<p>This order has been developed with the following objectives in mind:</p> <ul style="list-style-type: none"> • To reduce the usage of psychoactive substances within Surrey Heath. • To reduce the antisocial behaviour from the consumption of alcohol within the 9 designated areas. • To exclude begging within Camberley Town Centre. • To encourage responsible dog ownership within Surrey Heath. 	
Communications	<p>The Public Space Protection Order will be published in the local press in the run up to launch of the Order as the final consultation step (a legal requirement).</p> <p>All relevant areas will be identified and signage installed. Further signage will be installed in hot spot locations to be identified in conjunction with the partnership.</p> <p>A Policing Operational order will be created and communicated to Police Staff.</p> <p>A briefing will be communicated by SHBC, and the Surrey Heath Partnership to partners and available on the council website.</p>	

New permanent site for Gypsy and Traveller pitches

Summary

The most recent GTAA for Surrey Heath shows a need for 47 additional Traveller pitches over the next 18 years. Work on the Local Plan has identified Watchmoor Reserve as a possible site that should be investigated. Officers are seeking authority to undertake an initial feasibility study.

Portfolio - The Leader

Date Portfolio Holder signed off report: 27 August 2020

Wards Affected - Watchetts

Recommendation

The Executive is advised to RESOLVE the Executive Head of Regulatory be authorised to undertake an initial feasibility study for provision of a new Traveller site on land at Watchmoor Reserve.

1. Resource Implications

- 1.1 The initial feasibility work will be undertaken in-house within the agreed budget for 2020/21.
- 1.2 Following the reporting of the outcomes of the initial feasibility work, should further work be supported by the Executive a bid for funding of work will be made to the government. It is believed that funding for capital works may be available from Homes England from the Affordable Housing fund. There may also be a need for the Council to fund further feasibility work at that time.

2. Key Issues

- 2.1 The GTAA undertaken in 2019 identified a need for 35 new Gypsy and Traveller pitches and 12 new Travelling Showpeople plots in the Borough over the next 18 years. With 24 plots needed in the next 5 years for Gypsies and Traveller and 8 plots needed for Travelling Showpeople, there is an urgent need for action.
- 2.2 Work on the Local Plan to identify sites that could meet this need. One possible site is the land at Watchmoor Reserve which it is thought may be able to accommodate 15 pitches and 8 plots. In addition, there are some current planning applications that may contribute toward the requirement. To date, however, it has not been possible to identify sufficient sites to meet the entire requirement.

2.3 In addition to the need for additional Traveller pitches, the current publicly owned Gypsy and Traveller sites at Swift Lane and Kalima are overcrowded and pitch sizes are substandard. Work to improve conditions there will be needed in the longer term. That work may result in some additional pitches to address longer term needs but the costs will be substantial and the works will not occur within the next 5 years

3. Options

3.1 The options before the Executive are to:

- (i) Agree to undertake the initial feasibility work for use of land at Watchmoor Reserve as a Traveller site, or
- (ii) To not agree to undertake the initial feasibility work for use of land at Watchmoor Reserve as a Traveller site

3.2 The Executive is asked to agree to undertake this work.

4. Proposals

4.1 The proposal is needed to meet the growing need for Traveller pitches and plots in the Borough.

4.2 The land at Watchmoor Reserve is currently used as a local nature reserve and green space. It suffers from anti-social behaviour and vandalism which has made managing the site difficult. The nature conservation interests on the site are of local interest. The site area including the lakes is some 3ha in area.

4.3 It is suggested that this work should report to Property and Investment Working Group and that the initial feasibility work be completed by March 2021.

4.4 It is suggested that the initial feasibility work should address the following issues.

- Desk survey of nature conservation issues on site to understand impacts
- Check site for constraints such as possible contamination from previous uses, legal issues, risks from proximity to water etc
- Preliminary sketch layouts for the site to assess capacity
- Preliminary discussions with SCC around highway access issues
- Preliminary discussions with SCC over management of the site.
- Checks on noise and air quality
- Approach Homes England to better understand likely funding streams available.

4.5 It is anticipated that this initial feasibility work should report back to Executive in March 2021.

5. Supporting Information

- 5.1 In 2008, the government produced best practice guidance for designing Gypsy and Traveller sites. This has subsequently been withdrawn but remains a useful guide to what is needed. Other local authorities have produced some useful guidance on pitch sizes. The Travelling Showmen's Guild produced some advice in 2008 on designing plots for Travelling Showpeople.
- 5.2 The above documents are helpful but as vehicle sizes have increased in recent years the suggested plot and pitch sizes now required will be larger which reduces site capacity.
- 5.3 The current government guidance 'Planning for Traveller Sites' (August 2015) advises as follows.

13. Local planning authorities should ensure that traveller sites are sustainable economically, socially and environmentally. Local planning authorities should, therefore, ensure that their policies:

- a) promote peaceful and integrated co-existence between the site and the local community*
- b) promote, in collaboration with commissioners of health services, access to appropriate health services*
- c) ensure that children can attend school on a regular basis*
- d) provide a settled base that reduces both the need for long-distance travelling and possible environmental damage caused by unauthorised encampment*
- e) provide for proper consideration of the effect of local environmental quality (such as noise and air quality) on the health and well-being of any travellers that may locate there or on others as a result of new development*
- f) avoid placing undue pressure on local infrastructure and services*
- g) do not locate sites in areas at high risk of flooding, including functional floodplains, given the particular vulnerability of caravans*
- h) reflect the extent to which traditional lifestyles (whereby some travellers live and work from the same location thereby omitting many travel to work journeys) can contribute to sustainability.*

6. Corporate Objectives And Key Priorities

- 6.1 This project supports the objective to build and encourage communities where people can live happily and healthily. In particular, it addresses housing needs within the community.

7. Legal Issues

- 7.1 Checks will be undertaken on any legal issues arising from the use of the land for this purpose.

8. Governance Issues

8.1 SLA with SCC for management of the site will be needed if the project proceeds.

9. Sustainability

9.1 The site is located on the edge of the Camberley / Frimley settlement area with good access to local services and close to rail and bus routes.

10. Risk Management

10.1 Risks around delivery will be explored as part of the work.

11. Equalities Impact

11.1 The Travelling Community includes recognised ethnic minority groups that suffer significant discrimination and whose educational and health outcomes are severely impacted by an inability to access such services due to the lack of permanent sites across the UK as a whole.

11.2 An Equalities Impact Assessment will be undertaken as part of the work.

12. Human Rights

12.1 This issue will be addressed as part of the feasibility work.

13. Community Safety

13.1 This issue will be addressed as part of the feasibility work.

14. Consultation

14.1 Not applicable at this time.

15. PR And Marketing

15.1 Not applicable at this time.

Annexes	Annex 1 Site map
Background Papers	None
Author/Contact Details	Jenny Rickard – Executive Head of Regulatory
Head Of Service	Jenny Rickard – Executive Head of Regulatory



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Loman Road Playground

Summary

It is proposed to draw down £20k from the Mytchett and Deepcut CIL funds to add to the £35k play improvement scheme agreed at Executive in March 2017 to further enhance the playground equipment and surfacing at Loman Road

Due to the size of the facility, the play providers advised that £35k would only provide a limited scheme in the well-used and popular local area of play.

There is currently £20k available in the ward CIL funds and in agreement with all three ward Councillors, they are happy to support this draw down of additional funds so an exciting new playground can be developed for the local community.

Portfolio: Places and Strategy

Date Portfolio Holder signed off report: 19 August 2020

Wards Affected:

Mytchett & Deepcut

Recommendation

The Executive is advised to RESOLVE that

- (i) £20,000 be made available to draw down from the Mytchett and Deepcut CIL funds to help refurbish Loman Road play area; and
- (ii) the implementation of the works be delegated to the Executive Head of Business in consultation with the Portfolio Holder for Places and Strategy

The Executive is advised to RECOMMEND to Full Council that the Capital Programme be increased by £20,000 to fund the works at Loman Road playground.

1. Key Issues

- 1.1 Loman Road playground was installed circa early 1980's and is no longer fit for purpose and needs to be replaced together with all the safety surfacing.
- 1.2 Following the recent annual RoSPA inspection, it was advised that the playground needed significant investment to be completely refurbished.
- 1.3 This facility is located in a residential area and is well used by the local children.

2. Resource Implications

- 2.1 The Council currently holds £20,000 of CIL funding for Mytchett and Deepcut.
- 2.2 The maintenance and inspection costs of this playground is included within the grounds maintenance contract

3. Options

- 3.1 The Executive has the option to either agree, reject or change the recommendations.

4. Proposals

- 4.1 It is proposed that the Executive RECOMMEND to Council that £20,000 of the CIL funds be made available to increase the agreed budget of £35,000 to £55k to enhance the playground facilities.
- 4.2 The implementation of the recommendation be delegated to the Executive Head for Business in consultation with the Portfolio Holder for Places and Strategy.

5. Supporting Information

- 5.1 The proposed project will enhance the equipment and surfacing in the playground and will be an exciting facility for community of Mytchett and Deepcut.

6. Corporate Objectives And Key Priorities

6.1 People

This project will benefit the local community and give the residents and local community a safe place to play and meet.

6.2 Place

The improved refurbishment of this play area will enhance the overall look and feel of the estate.

6.3 Prosperity

Improving community cohesion and a natural link to the health and well-being of the children and community.

7. Policy Framework

- 7.1 N/A

8. Legal Issues

- 8.1 N/A

9. Governance

9.1 All procurement relating to this project will be undertaken within the Councils procurement procedures and through the Braintree Playground Framework.

10. Risk Management

10.1 As with all playgrounds, there is a risk of vandalism, however this play area is located within a residential housing estate and the play area is surrounded by properties on three sides.

11. Equalities Impact

11.1 In accordance with our impact assessment for playground refurbishments.

12. Human Rights

12.1 No issues identified

13. Consultation

13.1 The designs have been seen by the ward Councillors and if this additional funding is agreed, the plans will be advertised on the Council's website and social media channels including the Councillors own networks so the community can choose their preferred design.

14. PR and Marketing

14.1 Excellent opportunities are available to promote the investment in this new facility.

15. Officer Comments

15.1 This refurbishment is an excellent opportunity to unlock some of the CIL funds held by the Council to provide improved facilities and enhance the local area.

Annexes	None
Background Papers	None
Author/Contact Details	Nicky Sherlow – Senior Business Officer Nicola.sherlow@surreyheath.gov.uk
Head of Service	Daniel Harrison - Executive Head of Business

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Changes to the Current Planning System Consultation

Summary

The Ministry of Housing, Communities and Local Government (MHCLG) is consulting on short-term changes to current planning policy and regulations. The four main proposals are:

- To increase local housing need determined by the Standard Methodology – in Surrey Heath an increase from 332 to 408 dwellings per year;
- A requirement to provide First Homes as part of affordable housing delivery;
- An increase to affordable housing site thresholds to 40 or 50 dwellings for a temporary 18 month period; and
- To extend Permission in Principle to include major sites.

The changes are subject to an 8 week consultation period and are planned to be introduced later this year.

In addition, a fundamental reform to the planning system is set out in a White Paper: "Planning for the Future", which is subject to a twelve week consultation and will be the subject of a report to 20 October Executive.

Portfolio: Planning & People

Date Portfolio Holder signed off report: 31 August 2020

Wards Affected: All

Recommendation

The Executive is asked to RESOLVE that

- (i) the publication of the Government's Changes to the current planning system consultation be noted; and**
- (ii) the detailed response to the consultation questions, as set out at Annex 1, be agreed.**

1. Key Issues

1.1 This consultation sets out proposals which aim to improve the effectiveness of the current system. The four main proposals are:

- Changes to the standard method for assessing local housing need, which as well as being a proposal to change guidance in the short term has relevance to proposals for land supply reforms set out in Planning for the Future White Paper;

- Securing of First Homes, sold at a discount to market price for first time buyers, including key workers, through developer contributions in the short term until the transition to a new contributions system;
- Temporarily lifting the small sites threshold below which developers do not need to contribute to affordable housing, from 10 to up to 40 or 50 units to support Small and Medium (SME) builders as the economy recovers from the impact of Covid-19;
- Extending the current Permission in Principle to major development so landowners and developers now have a faster route to secure the principle of development for housing on sites without having to work up detailed plans first.

Implications for Surrey Heath

Standard Methodology

- 1.2 The increase in the standard method housing need figure for the Borough to 408 dpa will have a significant impact on the Local Plan housing requirement and site allocations as it increases housing needs over a 2019 to 2037 plan period (under the current system) by about 1,370 homes.
- 1.3 The proposed new standard method is based on the higher of either 0.5% of housing stock or the latest household projections averaged over a 10 year period. For Surrey Heath there is a significant difference between these two figures with 0.5% of housing stock being significantly higher. Our detailed consultation response (Annex 1) suggests the local housing figure should be based on a blend of both these figures, the level of 0.5% of housing stock and latest household projects averaged over a 10 year period, as this would reduce Surrey Heath's housing need figure and better reflect the constraints to development in our Borough. We also suggest that the proposed affordability weighting is too high.
- 1.4 However, we acknowledge that as the Government has clearly set out aspirations to increase housing supply nationally to over 300,000 homes a year the suggested approach is unlikely to be adopted. A general comment has been made in the consultation response which suggests that the spatial distribution of housing should be based on planning matters rather than using a purely mathematical approach which takes no account of the capacity of areas to take further development or the likely long term impacts of Covid-19 in how people live and work. Further comments will be made in response to the Planning White Paper.
- 1.5 The Government is proposing that the new standard methodology would apply from the date of publication of the revised guidance, subject to tight transition arrangements relating to plans at an advanced stage of production. In effect, in the short-term, and subject

to future proposed major reforms, we would be required to use the new standard methodology for our emerging Local Plan. Our suggested response raises objection to this. It is clear that the outcome of the revised standard methodology is not the final stage in setting a housing requirement which Government has indicated will take into account local environmental constraints.

Delivering First Homes

- 1.6 Earlier this year (March Executive) we commented on consultation proposals for the introduction of First Homes, which are sold at a discount to market price for first time buyers, including key workers.
- 1.7 Following earlier consultation the Government is proposing that a minimum of 25% of all affordable housing units secured through developer contributions will be First Homes. The consultation states that 'First Homes should replace as a priority other affordable home ownership products' and the proposals will therefore impact on the delivery of Intermediate Affordable Housing (includes Shared Ownership).
- 1.8 To help meet our affordable housing needs Surrey Heath's Housing Needs Assessment (2020) suggests 25% of homes should be Intermediate Housing (forms of affordable ownership) and 75% Affordable Housing for Rent (Social Rent and Affordable Rent). The effect of the proposed requirement is that all Intermediate Housing will be provided as First Homes.
- 1.9 The Government is proposing that First Homes will be discounted by 30% from market value. A discount of 40 or 50% can be given if it is justified by local circumstances through the local plan process.

Supporting SMEs

- 1.10 Increasing the provision of affordable housing thresholds from 10 to 40 or 50 dwellings for a temporary period of 18 months will impact on affordable housing delivery in Surrey Heath. We estimate it will result in the delivery of 68 fewer affordable homes over this period. Our response suggests that Government should look to other ways of supporting SMEs rather than impact on affordable housing provision which in itself will have consequential social and economic impacts.

Extension of Permission in Principle

- 1.11 Current planning guidance and this Consultation acknowledges Permission in Principle (PiP) is not compatible with the Habitats Regulations 2017 and on that basis the proposals will have limited impact in Surrey Heath.

Conclusion

1.12 The changes to the current planning system will have short term impacts on Surrey Heath, particularly if proposals to introduce the new standard methodology for housing and the proposals for First Homes are introduced. The consultation paper suggests that both of these would initially be put in place through revised Planning Policy and Guidance which could be published later this year.

1.13 The more radical planning reforms to the planning system proposed in the White Paper: "Planning for the Future" would impact on the detail and delivery of these initiatives.

2. Resource Implications

2.1 The resource implications arising from the proposals set out in the Changes to the current planning system consultation will be covered by existing budgets. Depending on the practical implementation of First Homes and the responsibilities of local authorities in administering the scheme there may be future resource implications.

3. Options

3.1 The Options for the Executive to consider are:

- i) To agree the consultation response as set out in Annex 1;
- ii) To agree the consultation response in Annex 1 with any additional comments that Executive may wish to make; or
- iii) To not agree the response set out in Annex 1.

4. Proposals

4.1 It is proposed that Members agree to submit the response set out in Annex 1 as Surrey Heaths formal response to the Changes to the current planning system consultation.

5. Supporting Information

5.1 The document forming the consultation can be viewed at <https://www.gov.uk/government/consultations/changes-to-the-current-planning-system>

6. Corporate Objectives And Key Priorities

6.1 The proposals have some impact on the Council's ability to balance housing need with protection of the environment in the light of the Borough's development constraints. However, any impacts may be short-term depending on the outcome of more significant Planning reforms proposed in the White Paper.

7. Policy Framework

7.1 The Governments consultation on changes to the planning system is a national consultation whose proposals apply to all local authorities within England. It forms part of wider proposals to reform the planning system.

8. Legal Issues

8.1 The implementation of the proposed changes will have impacts on the determination of planning applications and in the short term on the production of the Draft Local Plan.

9. Human Rights

9.1 No issues identified.

10. Consultation

10.1 This Report is a response to a consultation and has not required any consultation to take place by the Borough Council.

11. Officer Comments

11.1 These proposals are linked to wider planning reforms including significant changes to the planning system proposed through a Planning White Paper: Planning for the Future published in August for consultation. As set out previously this will be the subject of a report to 20 October Executive.

Annexes	Annex 1: Response to the Changes to the current planning system consultation
Background Papers	None
Author/Contact Details	Jane Reeves – Planning Policy & Conservation Manager Jane.reeves@surreyheath.gov.uk
Head of Service	Jenny Rickard - Executive Head of Regulatory Services

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Response to Changes to the current planning system consultation Surrey Heath Borough Council

This response is prepared within the following local context. Surrey Heath Borough lies in the north west corner of Surrey and adjoins the counties of Berkshire and Hampshire. The north and east of the Borough are mainly areas of countryside and heathland. The western half of the Borough is mainly urban in character. Nearly half of the Borough is designated as Green Belt and all residential development in the Borough is affected by the Habitat Regulations due to the proximity of the Thames Basin Heaths Special Protection Area.

The Council has prepared a significant evidence base to inform an emerging Local Plan (Regulation 18 consultation due in 2021) based on the current standard method. Meeting the current housing figure of 332 per annum is in itself proving a challenge having regard to the constraints identified above. The Hart Local Plan Examination Inspector recognised those constraints and identified that Hart could deliver 731 dwellings from unmet need within Surrey Heath over the Hart Plan period. This is reflected in the Hart Local Plan adopted in April this year.

The standard method for assessing housing numbers

In addition to responding to the questions below the Council would make some additional comments about the general approach to setting housing numbers. The Council considers that the Government has not taken the opportunity to take a holistic view of a number of influencing factors as to how a national housing strategy might look. Factors such as the long term implications of Covid-19 and whether some areas have largely reached capacity for significant additional housing having regard to available infrastructure and environmental constraints have had no recognition in informing the future spatial distribution of housing. Instead the use of a mathematical calculation takes no account of proper planning issues, nor of potential long term implications of Covid-19 and how people will choose to work and the impact of this on where they live.

The Council recognises that the Planning White Paper proposes that land use constraints will be built into a future binding target and further comments will be made in response to that consultation.

Q1: Do you agree that planning practice guidance should be amended to specify that the appropriate baseline for the standard method is whichever is the higher of the level of 0.5% of housing stock in each local authority area OR the latest household projections averaged over a 10 year period?

The Council is unclear why housing stock levels have been used as a new element for calculating housing need. This would mean that those areas that have taken significant levels of growth in previous years would show as having a greater need and would result in a continuation of existing development patterns without regard to social and environmental factors. The Council would question whether this is a good indicator of future housing need.

The proposed new standard method results in a significant increase in housing need in the Borough (332 dpa to 408 dpa) which is significantly constrained as set out at the start of this consultation response. The Council recognises the benefits of using household projections in assessing housing need. However, it would suggest that rather than a 'higher of' approach, a blended approach of the two measures is used so that a proportional increase of the lower figure is taken.

Q2: In the stock element of the baseline, do you agree that 0.5% of existing stock for the standard method is appropriate? If not, why not?

Please see response to question 1 above. It is not clear how 0.5% has been chosen as an appropriate proportion and therefore on what basis it has been justified as a relevant factor for calculating housing need. For Surrey Heath there is a significant difference between the existing stock baseline and household projections baseline, and as suggested above a blended approach of the two elements (such as a mid point) would ensure that outcomes from both sources rather than one are built into the standard method.

Q3: Do you agree that using the work place based median house prices to median earnings ratio from the most recent year for which data is available to adjust the standard method's baseline is appropriate? If not please explain why.

The Council agrees with this approach.

Q4: Do you agree that incorporating an adjustment for the change of affordability over 10 years is a positive way to look at whether affordability had improved? If not please explain why.

Whilst the Council recognises that this measure indicates whether affordability has improved or worsened the Council has some concerns with this approach. There may be a number of reasons why affordability has changed in recent years including for example regeneration of urban areas, or new settlements which initially command higher new build prices than existing stock. Including adjustments for both current affordability issues and additionally for changes in affordability over time would seem to make two adjustments for essentially the same issue.

Q5: Do you agree that affordability is given an appropriate weighting within the standard method? If not, please explain why.

The Council considers that the weighting given to affordability is too high in particular the multiplication of the difference between the latest affordability ratio and the ratio 10 years ago by a factor of 0.25. Current affordability issues are already adjusted for in the previous step in the calculations and the Council does not consider that this additional uplift is justified in view of the uplift that has already been included for current affordability.

Do you agree that authorities should be planning having regard to their revised standard method need figure, from the publication date of the revised guidance, with the exception of:

Q6: Authorities which are already at the second stage of the strategic plan consultation process (Regulation 19), which should be given 6 months to submit their plan to the Planning Inspectorate for examination?

Q7: Authorities close to publishing their second stage consultation (Regulation 19), which should be given 3 months from the publication date of the revised guidance to publish their Regulation 19 plan, and a further 6 months to submit their plan to the Planning Inspectorate?

If not, please explain why. Are there particular circumstances which need to be catered for?

The Council does not agree that authorities should be planning having regard to the revised standard method need figure from the publication date of revised guidance. Surrey Heath Borough Council is currently working on a new Local Plan to cover the period 2019 – 2037 and is due to publish a Regulation 18 consultation in 2021. Both the Changes to the current planning system consultation and the Planning White paper make it clear that the standard method is only the starting point and does not establish the housing requirement. Government is proposing through the Planning White paper to set binding housing requirements having regard to the constraints within each individual local authority. Having regard to the level of constraints within Surrey Heath and the plan making stage it would be more effective for the local authority to understand the likely binding housing requirement in preparing its plan rather than allocate resources to developing evidence on a housing need figure that is likely to be subject to short term binding changes.

Much of the Councils evidence base has been prepared, at significant cost on the current standard methodology. The Council would therefore seek a more flexible approach to the use of current housing numbers.

Delivering First Homes

Q8: The Government is proposing policy compliant planning applications will deliver a minimum of 25% of onsite affordable housing as First Homes, and a minimum of 25% of offsite contributions towards First Homes where appropriate. Which do you think is the most appropriate option for the remaining 75% of affordable housing secured through developer contributions? Please provide reasons and / or evidence for your views (if possible):

i) Prioritising the replacement of affordable home ownership tenures, and delivering rental tenures in the ratio set out in the local plan policy.

ii) Negotiation between a local authority and developer.

iii) Other (please specify)

For areas such as Surrey Heath, house prices are well above the national average, and therefore even with First Home scheme discounts, it would not be feasible for large sections of our local community to purchase discounted market housing.

The Council considers that if First Homes is implemented as proposed then the most appropriate option for the remaining 75% would in the first instance to reflect current local plan policy (option i) with any future approach to be determined through a Local Plan review having regards to the introduction of First Homes and priorities for local housing needs. This Option would minimise delays in determining applications. This is subject to an affordable housing policy remaining within Local Plans in the proposed new Local Plan system.

With regards to current exemptions from delivery of affordable home ownership products:

Q9: Should the existing exemptions from the requirement for affordable home ownership products (e.g. for build to rent) also apply to apply to this First Homes requirement?

The Council has no objection to existing exemptions including those relating to Build to Rent, and specialist accommodation for those with special needs applying to First Homes.

Q10: Are any existing exemptions not required? If not, please set out which exemptions and why.

No further comments.

Q11: Are any other exemptions needed? If so, please provide reasons and /or evidence for your views

No further comments

Q12: Do you agree with the proposed approach to transitional arrangements set out above?

Due to the early stage of the Local Plan, Surrey Heath is likely to need to include the requirement for First Homes in emerging Policy. The consultation proposals are slightly unclear as to whether the transitional period will start from the date of new planning policy or relevant legislation and this should be clarified. Little reference is made to the additional resources that will be required by local authorities to implement First Homes and measures will need to be in place to ensure that this initiative is properly resourced.

With regards to the progress of planning applications, the Council welcomes the flexibility to seek alternative mixes, in line with adopted policies and evidence where significant progress has been made. No guidance is given as to the approach to large sites, for example with outline permission and to be brought forward over a number of years in phases and it would be helpful if this could be clarified.

Q13: Do you agree with the proposed approach to different levels of discount?

The Council supports the ability to be able to set a higher discount based on local circumstances.

Q14: Do you agree with the approach of allowing a small proportion of market housing on First Homes exception sites, in order to ensure site viability?

The Council considers that in order to maximise affordable housing that a proportion of market housing should only be allowed where it can be demonstrated that the site is not viable without it.

Q15: Do you agree with the removal of the site size threshold set out in the National Planning Policy Framework?

The Council has no objection to the removal of the site size threshold but would suggest that Local Plans define what would be proportionate.

Q16: Do you agree that the First Homes exception sites policy should not apply in designated rural areas?

The Council has no objection to First Homes Exception Sites not applying in designated rural areas. However, it is concerned that in other rural areas such sites would command a higher land value than rural exception sites resulting in fewer opportunities to provide affordable rented schemes.

Supporting small and medium sized developers

For each of these questions, please provide reasons and / or evidence for your views (if possible):

Q17: Do you agree with the proposed approach to raise the small sites threshold for a time-limited period?

The Council recognises the importance of small and medium sized builders but does not agree to raising the small sites threshold for affordable housing for a limited period. There is a significant need for affordable housing in Surrey Heath and there are already delivery issues in the Borough which means that the adopted Core Strategy target for affordable housing delivery is not being met. Whilst the intention of proposals is to protect SMEs, there are likely to be negative consequences for local residents, particularly in localities such as Surrey Heath, where access to affordable housing (both rented affordable housing or subsidised home ownership housing) is challenging for many local people.

The proposed changes would have a significant impact on affordable housing delivery. We estimate the measure will result in the delivery of 68 fewer affordable homes over the 1.5 year period. There is a possibility that the lack of affordable housing delivery could further constrain the market, and make it more difficult for groups in housing need.

This proposal would limit the Councils ability to deliver affordable housing and provide appropriate homes for those who need it. Whilst it is proposed that this approach would be time limited, this change would have implications on the delivery of affordable housing over a longer time period as developments without affordable home provision are built out over the lifetime of their permission.

The Council therefore considers that other measures as set out in question 23 should be explored first.

Q18: What is the appropriate level of small sites threshold?

- i) Up to 40 homes**
- ii) Up to 50 homes**
- iii) Other (please specify)**

Please see Q17 above. If this proposal is to be introduced the Council would seek the lower threshold so as to minimise the impact on affordable housing delivery. Based on information in the 2018/19 Authorities Monitoring Report and those sites on which there were completions during that year, if either of these higher thresholds were introduced then this would have excluded 6 out of the 11 qualifying sites listed in delivering affordable housing.

Q19: Do you agree with the proposed approach to the site size threshold?

The Council does not agree in principle to proposals that would reduce the delivery of affordable housing. If this proposal is to be introduced then it has no objection to consequent site size amendments.

Q20: Do you agree with linking the time-limited period to economic recovery and raising the threshold for an initial period of 18 months?

If this proposal is introduced the Council would support a temporary rather than a permanent change.

Q21: Do you agree with the proposed approach to minimising threshold effects?

If this proposal is introduced the Council would support provisions that ensure that developers are not able to phase or break up sites into smaller parcels to avoid the need for affordable housing delivery. The Council would also need provisions to ensure it can resist development proposals that are deliberately planned so as to fall just under the threshold so as to avoid the need to provide affordable housing, particularly where this would prejudice an efficient use of land.

Q22: Do you agree with the Government's proposed approach to setting thresholds in rural areas?

The Council would support thresholds in rural areas being unchanged. However, it would comment that raising the threshold for affordable housing is likely to have a greater impact in rural areas where sites tend to be smaller.

Q23: Are there any other ways in which the Government can support SME builders to deliver new homes during the economic recovery period?

A survey of SMEs by the Federation of Master Builders in 2019 identified a range of burdens on SMEs that were considered to be more significant than S106 agreements. These were the availability of land, the planning system (costs and delays) and lack of finance. Whilst this survey was prior to Covid-19 the Council considers that there are other matters which should be explored in more detail to support SME's before allowing a reduction in affordable housing. The Council recognises that some of the changes proposed in this consultation and the Planning White Paper may address some of these issues as well.

Extension of the Permission in Principle consent regime

New residential development in the whole of Surrey Heath is affected by the Habitat Regulations as the Borough lies wholly within 5km of the Thames Basin Heaths Special Protection Area. The consultation document and Planning Guidance makes clear that permission in principle should not be granted for development which is habitats development. Whilst an appropriate assessment which demonstrates that the integrity of a protected site may mean that permission in principle can be granted, the lack of available mitigation in the Borough means that this is unlikely.

The Council does not therefore consider that the proposed changes to the Permission in Principle regime will have a significant impact in the Borough and does not propose to respond to the consultation questions below.

Q24: Do you agree that the new Permission in Principle should remove the restriction on major development?

The Council has no response to this question as it does not consider that this matter will have any impact on the borough due to the Thames Basin Heaths SPA.

Q25: Should the new Permission in Principle for major development set any limit on the amount of commercial development (providing housing still occupies the majority of the floorspace of the overall scheme)? Please provide any comments in support of your views.

The Council has no response to this question as it does not consider this matter will have any impact on the Borough due to the Thames Basin Heaths SPA.

Q26: Do you agree with our proposal that information requirements for Permission in Principle by application for major development should broadly remain unchanged? If you disagree, what changes would you suggest and why?

The Council has no response to this question as it does not consider this matter will have any impact on the Borough due to the Thames Basin Heaths SPA.

Q27: Should there be an additional height parameter for Permission in Principle? Please provide comments in support of your views.

The Council has no response to this question as it does not consider this matter will have any impact on the Borough due to the Thames Basin Heaths SPA.

Q28: Do you agree that publicity arrangements for Permission in Principle by application should be extended for large developments? If so, should local planning authorities be:

- i) required to publish a notice in a local newspaper?**
- ii) subject to a general requirement to publicise the application or iii) both?**
- iv) disagree**

If you disagree, please state your reasons.

The Council has no response to this question as it does not consider this matter will have any impact on the Borough due to the Thames Basin Heaths SPA.

Q29: Do you agree with our proposal for a banded fee structure based on a flat fee per hectare, with a maximum fee cap?

The Council has no response to this question as it does not consider this matter will have any impact on the Borough due to the Thames Basin Heaths SPA.

Q30: What level of flat fee do you consider appropriate, and why?

The Council has no response to this question as it does not consider this matter will have any impact on the Borough due to the Thames Basin Heaths SPA.

Q31: Do you agree that any brownfield site that is granted Permission in Principle through the application process should be included in Part 2 of the Brownfield Land Register? If you disagree, please state why.

The Council has no response to this question as it does not consider this matter will have any impact on the Borough due to the Thames Basin Heaths SPA.

Q32: What guidance would help support applicants and local planning authorities to make decisions about Permission in Principle? Where possible, please set out any areas of guidance you consider are currently lacking and would assist stakeholders.

The Council has no response to this question as it does not consider this matter will have any impact on the Borough due to the Thames Basin Heaths SPA.

Q33: What costs and benefits do you envisage the proposed scheme would cause? Where you have identified drawbacks, how might these be overcome?

The Council has no response to this question as it does not consider this matter will have any impact on the Borough due to the Thames Basin Heaths SPA.

Q34: To what extent do you consider landowners and developers are likely to use the proposed measure? Please provide evidence where possible.

The Council has no response to this question as it does not consider this matter will have any impact on the Borough due to the Thames Basin Heaths SPA.

Public Sector Equality Duty

Q35: In light of the proposals set out in this consultation, are there any direct or indirect impacts in terms of eliminating unlawful discrimination, advancing equality of opportunity and fostering good relations on people who share characteristics protected under the Public Sector Equality Duty?

If so, please specify the proposal and explain the impact. If there is an impact – are there any actions which the department could take to mitigate that impact?

The Council has not identified any direct or indirect impacts but would assume that these proposals are subject to an Equalities Impact Assessment. As set out in our previous response on the First Homes consultation we consider that First Homes may impact on the provision of social rented and affordable rented housing which is of greater need than discounted market housing. As such there may be a detrimental impact upon protected groups and those most in need of housing support.

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Funds received from the DEFRA Hardship Fund

Summary:

To agree the local awards to ensure of the ongoing support to the main registered foodbanks who support our community in Surrey Heath.

Portfolio: Support and Safeguarding (Cllr Josephine Hawkins)

Date Signed Off: 3rd September 2020

Wards Affected: All

Recommendation

The Executive is advised to RESOLVE that

- (i) £29,000 be awarded to Camberley Besom; and
- (ii) £11,922 be awarded to the Woking Foodbank

from the DEFRA Hardship funding received by the Council.

1. Key Issues

- 1.1 On 29th July 2020 as part of the Surrey County Council Covid-19 weekly intelligence update, all districts were advised of an award from the Government's DEFRA Hardship fund of a Local Authority Emergency Assistance Grant for Food (Annex A). It was confirmed that this could not be used to fund services internally, nor for any food provisions funded during lockdown.
- 1.2 The Council's Chief Accountant confirmed receipt of £40,922 on 17th August 2020.
- 1.3 The Council has fully supported Surrey Heath Prepared and its foodbank service this year. It is forecasted that the demand for food parcels will increase over the next year from either a 2nd Coronavirus Wave, or through the downturn in the economy, and increase in unemployment from the fallout of the Pandemic.
- 1.4 It is proposed to award the full funding received, to be split between the Camberley Besom and the Woking Foodbank, which incorporates a provision for the whole of Surrey Heath,
- 1.5 On 3rd September 2020 the Portfolio Holder reviewed the proposals and has recommended supporting the proposals set out in Annex B. The proposals are also supported by the Acting Chief Executive.

2. Resource Implications

2.1 There are no cash resource implications as the Council is seeking to award the full monies received from DEFRA.

3. Options

3.1 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.

4. Proposals

4.1 It is proposed that the Executive agree the proposed awards, as set out in Annex B.

5. Corporate Objectives and Key Priorities

5.1 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.

Annexes	Annex A – DEFRA Local Authority Emergency Assistance Grant for Food Annex B – Proposed Grant Awards
Background Papers	None
Author/Contact Details	Jayne Boitoult - Community Partnership Officer jayne.boitoult@surreyheath.gov.uk
Service Manager	Louise Livingston - Executive Head of Transformation

Camberley Besom

Award £29,000

The Camberley Besom is the main established foodbank provision that supports all urban areas of Surrey Heath and regularly distributes a minimum of 50 food parcels per week. They receive referrals from Citizens Advice, Frontline, SHBC Housing/Family Support/welfare, SCC Children's and Adult Social Care teams, Accent and other social housing providers.

During the Covid-19 lockdown period of the service relocated to High Cross Church and were managed as part of the Surrey Heath Prepared community group.

From August the Camberley Besom have re-established within their own location, and the Council continued to support with delivering parcels and funding a weekly food order until the 4rd September from Sainsbury's.

This funding will ensure the Besom are able to retain the food parcel service, meeting the local need and helping to alleviate local food poverty. Contingency plans exist for a 2nd wave or localised lock down.

The Woking Foodbank

Award £11,922

The Woking Foodbank is the main established foodbank provision that supports all of rural areas of Surrey Heath, and Woking.

They receive referrals from Citizens Advice, Frontline, SHBC Housing/Family Support/welfare, SCC Children's and Adult Social Care teams, Accent and other social housing providers.

This funding will enable the support to the rural villages within Surrey Heath to continue retain the food parcel service, meeting the local need and helping to alleviate local food poverty in meeting the need.

Contingency plans exist for a 2nd wave or localised lock down.

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Local Authority Emergency Assistance Grant for Food and Essential Supplies

On 10 June 2020, The Prime Minister announced a grant of £63 million for local authorities in England to help those who are struggling to afford food and other essentials due to COVID-19. The funding is a one-off contribution for the 2020-21 financial year and is made under Section 31 of the Local Government Act 2003.

Surrey County Council has been granted an allocation of £788,015.67, on the basis of population, weighted by a proxy measure of need, the Index of Multiple Deprivation (IMD) for the authority area.

This additional funding is intended to help local authorities to continue to support those struggling to afford food and other essentials over the coming months due to COVID-19. The government anticipates that most of the funding will be spent within 12 weeks of receipt of the funding (expected at the end of July).

In accordance with the grant conditions, in utilising the funding the Council should:

- use discretion on how to identify and support those most in need
- use the funding from July onwards to meet immediate need and help those who are struggling to afford food and essentials due to COVID-19
- use the funding for existing schemes and other support which deliver the outcomes and where the need is greatest
- work together with other local authorities to provide support and ensure the funding meets objectives

Proposal

Discussions held within the Welfare Cell, unanimously concluded that the most vulnerable residents would benefit most from a partnership approach to the distribution of these funds, building on the existing relationships across the County Council, Borough & District Councils and VCFS which have been utilised in the joint approach to the response to the pandemic.

Conversations included a desire to target the following areas to ensure the biggest impact is achieved for those experiencing financial hardship:

- Food banks
- Shopping vouchers/slots for those coming out of the National shielding programme, other vulnerable residents still adhering to social distancing guidance and/or those isolating residents (as a result of track and trace)
- Purchase of non-food items such as medicines, sanitary items, toiletries, clothes. (e.g. specifically school uniform as September approaches).

The areas outlined below were considered likely to generate the largest positive impact on the most vulnerable in the County, providing additional funding to support those residents experiencing significant financial hardship as a result of the COVID pandemic.

1. It is proposed that the majority of the allocations (£648k) is distributed to the **Boroughs and Districts Councils** to use to target those in need and provide additional grant funding **to local food banks and VCFS** organisations supporting the purchase and distribution of food, medical supplies and other essential items. The approach to utilisation will be determined at a local level based on need and delivery mechanisms. .

It is proposed that the allocation of these remaining funds across the 11 Boroughs and Districts replicate the DEFRA assessment of need (so based on population data weighted for IMD).

The above proposals would result in the following distribution of the SCC grant allocation:

Organisation/Activity	Allocation
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Surrey Crisis Fund	£60,000.00
Bookham Food Distribution	£80,000.00
Elmbridge	£63,282.67
Epsom and Ewell	£38,598.65
Guildford	£78,789.58
Mole Valley	£44,122.96
Reigate and Banstead	£88,548.94
Runnymede	£55,447.46
Spelthorne	£71,067.86
Surrey Heath	£40,922.23
Tandridge	£54,305.98
Waverley	£56,243.83
Woking	£56,685.51
	£788,015.67

2. **Surrey Crisis Fund** – this is an existing fund, run by Surrey County Council, supporting vulnerable people across the County experiencing hardship. Successful applicants are provided with pre-paid debit cards loaded with awarded sums for food/toiletries and utilities. The scheme also supplies white goods and beds for children. Budget pressures have resulted in a reduction in the scope of the offer over recent years.

This fund is already administered and has established processes in place to check DWP databases and eligibility. Historic spend on food and utilities averaged between £10k-£15k per month. This is expected to increase (by between 20%-50%) as a result of the COVID -19 pandemic, particularly over the next few months as furlough scheme support ends, withdrawal of community/voluntary support and unemployment is expected to increase. It is proposed that £60k of this funding allocation is contributed to the Surrey Crisis Fund to enable the fund to assist those in the County with financial hardship and manage the expected increase in demand over the next 3 months. They will also keep under review their eligibility criteria to ensure that those affected by the COVID-19 pandemic are supported in the most appropriate ways.

3. **Bookham food distribution centre** – the welfare cell has successfully run food distribution to shielding residents during the lockdown period. Recently the central hub for this distribution was moved from The Spectrum in Guildford, to Bookham Youth Centre. Future demand for food provision is difficult to predict, but as test and trace continues and a risk of local lockdowns occurring is a consideration, there is an expectation that demand for food box distribution will remain for those falling into these categories who are also experiencing significant financial hardship. It is proposed that £80k is contributed to the continuing operation of the central food distributions centre reaching across the County and covering demand where government food banks are due to cease operation. This additional funding will enable opportunities to expand the offer to include toiletries, sanitary items, and other essential items.

Monitoring information on how these allocations are spent will need be returned to SCC Finance (Nikki O'Connor, Senior Finance Business Partner) on a monthly basis, to ensure that the funding is being utilised in the most effective way and to ensure the ability to respond to DEFRA monitoring and evaluation surveys as and when required. If allocations are not utilised in the ways proposed, then surplus funds will be re-distributed as appropriate, according to the areas experiencing the most demand.

Consultation:

This proposal has been put together by the Welfare Cell and discussed and endorsed by the Cell leads meeting. Approval for the proposal will be sought from the LRR SCG group.

The proposed use of this grant by other County Councils ranges from those retaining the full amount within the County to those distributing entirely to Boroughs and Districts and/or the voluntary sector supporting the provision of food, prescriptions and other essential items.

Next Steps:

Once agreement to this proposal has been granted by the Cell leads meeting and the LRF, we will seek the approval for the Executive Director for Resources and Cabinet Member for Finance of Surrey County Council as those with the necessary authority to accept and allocate the grant award.

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Report from the Executive– Response to the Monitoring Officer report on the decision to release local land charge over Field 81 Pennypot Lane, Chobham, Surrey.

1. Background

- 1.1. At the meeting of the Executive on 21 July 2020, we received a report from the Monitoring Officer setting out that the decision to release a local land charge over Field 81 Pennypot Lane, Chobham, Surrey appeared to him not to have been taken in accordance with the processes and delegations in the Council's Constitution.
- 1.2. In accordance with the requirements of the Local Government and Housing Act 1989, we are required to consider the report and recommendations therein and prepare a report which specifies:-
 - (a) what action (if any) we have taken in response to the Monitoring Officer's report;
 - (b) what action (if any) we propose to take in response to the report and when we propose to take that action; and
 - (c) the reasons for taking the action specified in our report or, as the case may be, for taking no action.

A copy of this report will be sent to each member of the Council and the Council's Monitoring Officer.

- 1.3. Field 81 was subject to a local land charge in respect of clearance works undertaken in July 2006. The works were necessary to reinstate the land to its state of repair and condition prior to the occupation by travellers. The charge was registered on 10th July 2007. The original valued secured by the charge was £150,400 and in June 2018 the total amount outstanding was £318,756.32 due to accrued interest.
- 1.4. In November 2018 legal services removed the local land charge following reference to a meeting between the Council's Chief Executive, at the time, and the new owners and the new owner's assertion that they had received legal advice that the charge was not enforceable because it was personal to the previous owner of the land.
- 1.5. A request was made to Land Charges on 14th November 2018 to remove the local land charge and the charge has been removed.

2. The Monitoring Officer's findings

- 2.1. The Monitoring Officer's report made a number of findings, including:
 - The Constitution of the Council in force at the time the decision was made provided no delegation to legal services to remove land charges.

- The Council's Financial Regulations provided that the Executive Head of Finance (Section 151 officer) would critically review outstanding debts on a regular basis and take prompt action to write off debts no longer deemed to be recoverable. Financial Regulations also provided that no debt above £5,000 may be written off without Committee¹ approval.
- Removing the land charge left the Council with no effective means to enforce the debt, which can be said to be a form of debt write off. However, the fact that such debts are not recorded in the Council's financial statements perhaps helps to understand how a view could have been formed that these are not debts that apply to the Financial Regulations.
- The principal sum secured by the local land charge, together with accrued interest, was in excess of £100,000; proper consideration was therefore required on whether the decision was a key decision. One view might be that the release of a security without repayment is analogous to expenditure because it crystalizes the costs of the clearance works as actual expenditure. The schedule of key decisions has been reviewed and there is no record of the Executive making any decision to release the charge or delegate authority to an officer or Sub Committee to make the decision. Nevertheless, the Monitoring Officer considered that a Committee decision was likely required for the reasons set out above.
- It is arguable whether the decision to remove the charge was a key decision because this turns on whether or not the removal of a charge can be defined as expenditure.
- The lack of clarity in the Constitution on how to categorise local land charges may have led to some ambiguity on dealing with the release of such charges.

2.2. The Monitoring Officer concluded that, although there were some limitations to the information available to him when preparing his report, he was satisfied that there only appears to have been a decision which may be deemed procedural ultra vires.

3. Monitoring Officer's recommendations

3.1. The Monitoring Officer recommended the following action in his report:

1. That paragraph 13.3 (b) (i) of Article 13 of the Council's Constitution is updated as follows, with additional wording highlighted in red.

Key Decisions

¹ Financial Regulations refer to a Committee decision and in practice this would be an Executive decision.

(i) Key decisions are those:

- likely to result in expenditure, *release of any securities (except where any release is pursuant to a contractual obligation)* or savings of at least £100,000 or £100 million if it relates to treasury management matters *or there may otherwise be an impact on the Council's financial standing*; or
- likely to have a significant impact on people or organisations in two or more wards within the Borough
- which are made in the course of developing proposals to the Council to amend the policy framework.

The Executive's response:

We support this recommendation and will ask the Chairman of the Governance Working Group to add consideration of this item to the Working Group's Work Programme. This was discussed with the Governance Working Group on 20 August 2020 and added to its Work Programme.

2. The Council's Section 151 officer gives consideration to whether it is appropriate that debts secured by local land charges should appear in the Council's accounts as assets.

The Executive's response:

We support this recommendation and will ask the new Section 151 Officer to consider this upon commencement of his employment with the Council.

3. The Constitution is updated to confirm specifically that no officer may release any security, warranty or guarantee in favour of the Council, unless contractually obliged to do so, without the written approval of the Council's Section 151 officer or relevant Committee.

The Executive's response:

We support this recommendation and will ask the Chairman of the Governance Working Group to add consideration of this item to the Working Group's Work Programme. This was discussed with the Governance Working Group on 20 August 2020 and added to its Work Programme.

4. Recommendations arising from the Executive meeting

- 4.1. At the Executive meeting on 21 July 2020, we heard a recommendation from other Members of the Council that a formal inquiry be undertaken by an outside body/ organisation.

The Executive's response:

We are mindful that the Monitoring Officer's report was about the Council's decision making processes and whether they were followed, rather than addressing the merit of the decision to remove the Local Land Charge. We sympathise with the request to hold an independent investigation. However, having considered it carefully and taking into account the anticipated

limitations of this investigation, we do not believe that on balance this should be pursued.

5. Further recommendations

- 5.1. We have considered whether any further actions can be undertaken in response to the Monitoring Officer's report and are not proposing to make any further recommendations at this time. This may change in the event that further information or recommendations are presented to us.

Councillor Alan McClafferty	Leader of the Council
Councillor Colin Dougan	Deputy Leader of the Council Business & Transformation Portfolio Holder
Councillor Josephine Hawkins	Support & Safeguarding Portfolio Holder
Councillor Rebecca Jennings-Evans	Places & Strategy Portfolio Holder
Councillor David Lewis	Finance Portfolio Holder
Councillor David Mansfield	Environment & Health Portfolio Holder
Councillor Adrian Page	Planning & People Portfolio Holder

Write Off of Irrecoverable Revenues Bad Debts**Summary**

To approve the write-off of irrecoverable revenues bad debts over £1,500.

Portfolio - Finance

Date signed off: 21 August 2020

Wards Affected

All

Recommendation

The Executive is asked to RESOLVE that bad debts totalling £98,916.38 in respect of Council Tax and £41,569.98 in respect of Non-Domestic Rates be approved for write off.

1. Resource Implications and Key Issues

- 1.1 Attached at Annex A is a schedule of bad debts for Council Tax and Business Rates, the individual amounts of which are greater than £1,500. Financial Regulation 26.1 requires that any bad debt in excess of £1,500 shall only be written-off with the approval of the Executive.
- 1.2 All of the debts have been subject to the relevant recovery action and tracing enquiries have been undertaken.
- 1.3 The Council's enforcement agents (bailiffs) have also been unable to recover the debts from any forwarding address obtained from the tracing undertaken and the debt is now considered irrecoverable. In the future if a Council Tax payer's address is found the debt can be written back on for the debt to be pursued.
- 1.4 In respect of Council Tax a total of £98,916.38 is being written off in the current financial year to date with the cost being shared between all preceptors. This compares with a total of £130,470.00 for 2019/20. The reasons for writing off are given in the attached annex and the amount written off represents 0.1% of the total collectable debt. A further schedule of write offs will be submitted to the Executive for consideration later in the year.
- 1.5 In respect of business rates £41,569.98 is being written off to date compared with £478,333.89 in total for 2019/20. The cost is shared amongst all the preceptors and represents 0.09% of the total collectable debt. The reasons for writing off balances are listed on the attached annexe. A further schedule of write offs will be submitted to the Executive for consideration later in the year.

- 1.6 Since March 2020 we have not carried out normal recovery on outstanding debts for arrears or the 2020/21 balance. This has given us an opportunity to carry out a cleansing exercise on old balances to try to trace them. If this has not been successful we have submitted them for write off.
- 1.7 This has increased the level of write offs but does ensure that the level of debt outstanding for previous years is more reflective of the collectable debt. Full detailed are given in the attached annex.
- 1.8 The continued collection of the Council Tax arrears has been achieved by the judicious use of all the recovery options made available to us by the Council Tax (Administration and Enforcement) Regulations. The recovery options available include making special payment arrangements, direct deduction from a debtor's wages or benefits and in cases where all other options are not available or have failed, the use of Enforcement Agents.
- 1.9 We use all the legal methods available to us carefully to ensure that we maximise collection but allow viable businesses to continue trading.
- 1.10 In respect of Council Tax, the Council's in year collection rate was 5th nationally for 2019/20 and for Business Rates 9th nationally.

2. Options

- 2.1 The debts are now deemed to be irrecoverable and therefore should be written off. The only other option would be to leave them in the accounts which would show a false situation.

3. Proposals

- 3.1 It is proposed that the debts as set out in Annex A, having been deemed irrecoverable, be written off.

4. Supporting Information

- 4.1 Attached in Annex A is a listing of the individual debts for write-off showing the name of the debtor, year the debt arose, the reason for the write-off and the amount of the debt.

5. Legal Issues

- 5.1 In accordance with advice from the Information Commissioner's office personal details of debtors subject to write-off can only be made public if a full risk analysis as regards possible vulnerability has been undertaken. In all cases being recommended for write-off the authority holds insufficient information as to the debtor's circumstances e.g. age group or possible disability, to perform a proper risk assessment and therefore all cases should remain on the confidential part of the agenda.

6. Risk Management

6.1 As some of these debtors may be vulnerable, if any of their personal details were placed in the public domain the Council could be subject to legal action.

7. Human Rights

7.1 See Paragraph 6.1

8. Officer Comments

8.1 None in addition to the matters raised above.

Annexes	Annex A Council Tax Write-offs and NDR Write-offs
Background papers	None
Author/contact details	Robert Fox – Revenues and Benefits Manager robert.fox@surreyheath.gov.uk
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By virtue of
Regulation 21(1)(A) of the Local Authorities (Executive
Arrangements) (Access to Information) (England)
Regulations 2000.

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Exclusion of Press And Public

Recommendation

The Executive is advised to RESOLVE that, under Regulation 4 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, 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>
12(part)	1
14	1

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