

To: All Members of the Council  
(Other Members for Information)

When calling please ask for:  
Fiona Cameron, Democratic Services Manager

**Policy and Governance**

E-mail: [fiona.cameron@waverley.gov.uk](mailto:fiona.cameron@waverley.gov.uk)

Direct line: 01483 523226

Calls may be recorded for training or monitoring

Date: 13 July 2018

Dear Councillors

COUNCIL - 17 JULY 2018

I refer to the agenda for the Council, on Tuesday, 17 July 2018 and now enclose the following items which were marked To Follow in your agenda papers:

6. QUESTION TIME

The following question has been received from Cllr John Ward in accordance with Procedure Rule 11.2.

**"Question to the Leader and Portfolio Holders for Planning & Finance:**

*Further to the helpful information imparted to the Town's representatives at the recent (9th July) Parish and Town Council Planning Forum please provide me with the following information for the last 5 years:-*

*The total amount of money, in respect of s106 Contributions, SPA mitigation and other Fees from developers collected by Waverley Borough Council and also the amounts of these which remain unspent;*

*Please split these up into money held for 1 year, 3 years and 5 years.*

*Also please inform me of the amount returned to developers as unspent during the last 5 years.*

*I would appreciate your assistance,*

*John A. Ward"*

A response to Cllr Ward's question will be provided at the Council meeting.

8. MINUTES OF THE EXECUTIVE

8.2 10 July 2018 (Pages 3 - 16)

To receive the Minutes of the Executive held on 10 July 2018 (coloured grey), and approve the following recommendations within:

**Minute EXE 18/18 Corporate Strategy 2018-23 (Annexe 1) [pages 17-22]**

The Executive RECOMMENDS to Council that the Corporate Strategy 2018-23 be approved and adopted, with the following amendments:

- 1) bullet point 4, page 2, to read, “Extreme and hidden disparities in economic, social and health experiences”,
- 2) ‘Place’ goal 3: “Encourage our residents to improve the quality of recycling and the DEFRA recycling rate to 56% by 2023.

**Minute EXE 19/18 Statement of Licensing Policy 2018 – 2023 (Annexe 2) [pages 23-54]**

The Executive RECOMMENDS to Council that the revised Statement of Licensing Policy for Waverley, 2018-2023 be adopted and implemented with effect from 1 August 2018.

**Minute EXE 20/18 Leisure Centre Investment: Farnham, Godalming and Cranleigh (Annexe 3 [pages 55-66] and EXEMPT Annexe 4 [pages 67-74])**

The Executive RECOMMENDS to Council that:

1. A capital budget of £3.22m be agreed and officers progress with more detailed specification and procurement of the Farnham and Godalming leisure centre schemes, subject to negotiations with Places for People on future management fee payments (PfP);
2. The Farnham and Godalming schemes be funded as per the table included in the financial implications section and the final funding arrangement be delegated to the Strategic Director (S151 Officer) and the Deputy Leader;
3. That officers be given the delegated authority to negotiate the management fee terms for the remainder of the contract with PfP, on the basis that the extended facilities are delivered;
4. That authority be delegated to the Strategic Director in consultation with the Deputy Leader to enter into appropriate lease and/or contractual arrangements to enable the car park lease extension at Godalming Leisure Centre.
5. That the Council commits to a multi-million pound investment in leisure facilities in Cranleigh and agree that officers begin a detailed consultation, with the support of external consultants, to identify a potential location for the Cranleigh Leisure Centre and report back to Executive.

**Minute EXE 22/18 Property Matter – Right to Buy Property Buy-backs (EXEMPT Annexe 5) [pages 75-76]**

The Executive RECOMMENDS to Council that the recommendations set out in EXEMPT Annexe 5 be agreed.

11. PROPORTIONALITY ON COMMITTEES AND ALLOCATION OF SEATS  
(pages 77-80)

**Council is recommended to AGREE the nominations to the Principal Committees and Western Area Planning Committee for the 2018/19 year received from the political groups, as detailed in Annexe 2 (attached, with new nominations shown in bold).**

Yours sincerely

Fiona Cameron  
Democratic Services Manager

This page is intentionally left blank

## WAVERLEY BOROUGH COUNCIL

### MINUTES OF THE EXECUTIVE - 10 JULY 2018

#### SUBMITTED TO THE COUNCIL MEETING – 17 JULY 2018

(To be read in conjunction with the Agenda for the Meeting)

#### **Present**

Cllr Julia Potts (Chairman)	Cllr Jim Edwards
Cllr Ged Hall (Vice Chairman)	Cllr Jenny Else
Cllr Andrew Bolton	Cllr Carole King
Cllr Kevin Deanus	Cllr Chris Storey

#### **Apologies**

Cllr Tom Martin

#### EXE 13/18 MINUTES (Agenda item 1)

The Minutes of the Meeting held on 5 June 2018 were confirmed and signed as a correct record.

#### EXE 14/18 APOLOGIES FOR ABSENCE (Agenda item 2)

Apologies for absence were received from Cllr Tom Martin.

#### EXE 15/18 DECLARATIONS OF INTERESTS (Agenda item 3)

There were no declarations of interest raised under this heading.

#### EXE 16/18 QUESTIONS FROM MEMBERS OF THE PUBLIC (Agenda item 4)

There were no questions from the public.

#### EXE 17/18 QUESTIONS FROM MEMBERS (Agenda item 5)

The Executive received the following question in accordance with Procedure Rule 11:

(i) From Cllr David Beaman, Farnham Castle Ward:

*"At the meeting of the JPC on Wednesday 27th June at which planning application WA/2018/0544 was discussed there was virtually unanimous support which I also personally share for a two rather than single lane access bridge between the A31 and the East Street development site since this will obviously reduce the potential for any increase in traffic using Farnham's already congested town centre roads which has consequential effects on air quality. Concern was, however, also expressed from a number of members that Borelli Walk would also be used on an albeit temporary basis during the construction of the access bridge. Whilst there was appreciation of this*

*concern when the question was asked whether any alternative had been considered the answer given was that there was no alternative. There are, however, a number of other possible alternatives that should have been considered including establishing a temporary entrance/exit to the development site from Dogflud Way into the now closed car park during the period of access bridge construction. Establishing the temporary entrance and exit from Dogflud Way would ensure that there would be no additional HGV movements having to use South Street as well as avoiding any need to cut back or remove any well established trees, remove any commemorative benches or lay down any temporary road surface on Borelli Walk.*

*Would it, therefore, be possible even at this late stage to investigate using Dogflud Way as an alternative to using Borelli Walk? "*

The Leader thanked Cllr Beaman for his question and the opportunity to provide to some clarity in relation to this matter, and responded follows:

*"Waverley has responded fully as local planning authority to the question at Planning Committee however is now addressing the point as a development partner.*

*As part of the bridge construction design all options of construction have been looked at, including not using Borelli Walk. The reality of the situation is that Dogflud Way is not a viable alternative to undertake the works on the south side of the river by the A31. This area is already being used to assemble the pre-fabricated bridge but does not allow access to the other side of the riverbank. Borelli Walk is the only viable access route to construct the elements of works necessary on the southern side of the river to install the temporary access bridge that is required.*

*As part of the planning conditions this area will be fully reinstated at the end of the project. The walkway along Borelli Walk will be re-opened once the bridge is constructed, and remain open for the duration of the construction of Brightwells. There will be a further temporary closure of the walkway at the end of the project, whilst the bridge is removed."*

## **PART I - RECOMMENDATIONS TO THE COUNCIL**

### **Background Papers**

Unless specified under an individual item, there are no background papers (as defined by Section 100D(5) of the Local Government Act 1972) relating to the reports in Part I of these minutes.

#### **EXE 18/18 CORPORATE STRATEGY 2018-23 (Agenda item 6)**

- 18.1 The Leader introduced the new Waverley Corporate Strategy 2018-23. The Leader was very pleased to be able to bring forward the Corporate Strategy at this time, as it was important to have a clear statement of the strategic direction of the Council for the next 5 years.

- 18.2 The Strategy was a vital document to reflect on and address the challenges and changes affecting local government over the next few years, including increasing public demand on services, economic uncertainty and severely curtailed funding to local public services.
- 18.3 The Strategy sets out three main priority themes for the Council: People, Place and Prosperity. The priorities and objectives had been arrived at through discussion, research and consultation, including workshops with councillors and staff. A draft was published for partner, stakeholder and public comment in June and suggestions have been considered and incorporated.
- 18.4 The Strategy had taken into consideration the needs of customers and partner organisations, and the findings of the Strategic Review, approved by the Council in February 2017.
- 18.5 As the draft stated, the Corporate Strategy would be reflected in the Council's service plans, budgets and individual performance agreements. Progress would be monitored by senior management, Overview and Scrutiny Committees and the Executive regularly, and particularly through the quarterly performance reports, which would be reformatted accordingly.
- 18.6 Cllr Bolton advised the Executive that the Strategy included a goal to increase the Council's recycling rate to 54%, but the very latest DEFRA data showed that we were approaching that already and so the goal could be more ambitious. Cllr Bolton proposed an amendment, seconded by Cllr Hall, that the 'Place' goal 3 be amended to read: Encourage our residents to improve the quality of recycling and the DEFRA recycling rate to 56% by 2023.

The amendment was agreed unanimously.

- 18.7 Cllr Else then suggested that, given the findings of the Overview and Scrutiny review into factors affecting health inequalities in Waverly, this challenge should be reflected within the Strategy. Cllr Else proposed an amendment, seconded by Cllr Bolton, that bullet point 4 on page 2, should read "Extreme and hidden disparities in economic, social **and health** experiences".

This amendment was also agreed unanimously, and the Executive RESOLVED to:

**RECOMMEND to Council that the Corporate Strategy 2018-23 be approved and adopted, with the following amendments:**

**1) bullet point 4, page 2, to read, "Extreme and hidden disparities in economic, social and health experiences",**

**2) 'Place' goal 3: "Encourage our residents to improve the quality of recycling and the DEFRA recycling rate to 56% by 2023"**

*[Reason: to approve the Council's new Corporate Strategy 2018-23.]*

EXE 19/18 STATEMENT OF LICENSING POLICY 2018 - 2023 (Agenda item 7)

- 19.1 Cllr Bolton commended the revised Statement of Licensing Policy 2018-2023 to the Executive for endorsement to Council.
- 19.2 The Licensing Act 2003 required Waverley to have a Statement of Licensing Policy, and to keep this under review, at least every five years. The current Policy was last reviewed in January 2013 and required updating to reflect changes in legislation and revised guidance.
- 19.3 The Chairman of the Licensing Committee had confirmed that the revised Statement of Licensing Policy contained only minor revisions, and the Council continued to work closely with its partners to achieve its aims, including Surrey Police, Surrey Fire & Rescue, Environmental Health and Surrey Trading Standards. The Policy continued to promote all four of the key licensing objectives of preventing crime and disorder, public safety, preventing public nuisance, and protecting children from harm.
- 19.4 The revised Statement of Licensing Policy had been subject to public consultation and consideration by the Licensing and Regulatory Committee, and was now recommended for adoption by the Council.

The Executive RESOLVED to

**RECOMMEND to Council that the revised Statement of Licensing Policy for Waverley, 2018-2023 be adopted and implemented with effect from 1 August 2018.**

*[Reason: to ensure that the Council has in place an up to date Statement of Licensing Policy.]*

EXE 20/18 LEISURE CENTRE INVESTMENT: FARNHAM, GODALMING AND CRANLEIGH (Agenda item 8)

- 20.1 Cllr Else introduced the report that set out the proposals and business case for a new round of investment in Waverley's leisure centres.
- 20.2 As part of the continued improvement of our leisure facilities a feasibility study had been completed in October 2017, by SLC consultancy, to identify viable options for future leisure investment across Waverley. The outcomes of the feasibility study clearly showed a need for further investment to meet the demands and expectations of Waverley's increasing population. The leisure centres were also vital to delivering Waverley's health and wellbeing objectives, and it was important to offer an attractive and affordable alternative to private gyms and leisure centres.
- 20.3 The current leisure centre management contract had been a huge success and as a result of previous investment to improve facilities a contract that had cost Waverley £800,000 a year now generated over £500,000 a year of income for the Council through the management fee and profit share.



- 20.4 It was proposed to extend both the Farnham and Godalming leisure centres. The investment at Farnham would incorporate a children's soft play "clip and climb" facility that would offer a distinctive offer in the area, as well as a larger café area.
- 20.5 In Godalming, the expansion would support an increase in the gym, a second dance studio and improved changing facilities. It would also address the need for additional parking for users of the leisure centre and relieve on-street parking in the area.
- 20.6 The best way to invest in Cranleigh's leisure facilities centre was still being considered, with the options being to refurbish the existing leisure centre or build on a new site. The anticipated increase in population in Cranleigh and at Dunsfold Park was a key factor to be addressed as part of the planning for this investment.
- 20.7 The Leader agreed that the investment proposals were great news for residents. The Council had promised that the Brightwells capital receipt would be used to benefit residents, and she was delighted to see that the Council would be building on the success of the previous investment in the leisure centres. There was still a lot of work to be done to determine the best approach for investment in Cranleigh but the Executive was absolutely committed to delivering outstanding facilities for the residents. There had been a huge amount of work put in to reach the current stage and the Leader thanked all those who had contributed so far to the project.

The Executive RESOLVED to

**RECOMMEND to Council that:**

- 1. A capital budget of £3.22m be agreed and officers progress with more detailed specification and procurement of the Farnham and Godalming leisure centre schemes, subject to negotiations with Places for People on future management fee payments (PFP);**
- 2. The Farnham and Godalming schemes be funded as per the table included in the financial implications section and the final funding arrangement be delegated to the Strategic Director (S151 Officer) in consultation with the Deputy Leader;**
- 3. Officers be given the delegated authority to negotiate the management fee terms for the remainder of the contract with PFP, on the basis that the extended facilities are delivered;**
- 4. Authority be delegated to the Strategic Director in consultation with the Deputy Leader to enter into appropriate lease and/or contractual arrangements to enable the car park lease extension at Godalming Leisure Centre; and**
- 5. The Council commits to a multi-million pound investment in leisure facilities in Cranleigh and agree that officers begin a detailed consultation, with the support of external consultants, to identify a**

**potential location for the Cranleigh Leisure Centre and report back to Executive.**

*[Reason: to ensure that Waverley's leisure centres provide facilities that meet residents' expectations and anticipate increased demand as a result of planned housing development.]*

EXE 21/18 EXCLUSION OF PRESS AND PUBLIC (Agenda item )

At 7.46pm the Executive RESOLVED that pursuant to Procedure Rule 20 and in accordance with Section 100A(4) of the Local government Act 1972, the press and public be excluded from the meeting during consideration of the following items on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during the items, there would be disclosure to them of exempt information (as defined by Section 100I of the Act) of the description specified in paragraph 3 or the appropriate paragraph(s) of the revised Part 1 of Schedule 12A to the Act as follows:

Information relating to the financial or business affairs of any particular person (including the authority holding that information) (paragraph 3)

EXE 22/18 PROPERTY MATTER - RTB PROPERTY BUY-BACKS (Agenda item 16)

22.1 Cllr King briefly introduced the report that proposed the Council buy-back two properties that had previously been sold under Right to Buy. The purchases would increase the Council's stock of housing for affordable rent and improve the efficiency of estate management.

**The Executive RESOLVED to RECOMMEND to COUNCIL that the recommendations set out in the Exempt report be agreed.**

*[Reason: to increase the stock of the Council's housing for affordable rent and to improve the efficiency of estate management.]*

**PART II - MATTERS OF REPORT**

The background papers relating to the following items are as set out in the reports included in the original agenda papers.

EXE 23/18 OVERVIEW & SCRUTINY REVIEW ON FACTORS AFFECTING HEALTH INEQUALITIES IN WAVERLEY (Agenda item 9)

23.1 On behalf of the Community Wellbeing Overview and Scrutiny Committee, Cllr MacLeod presented the final report of the Committee's review of factors affecting health inequalities in Waverley.

23.2 Cllr MacLeod thanked the Scrutiny Officers, Officers in the Communities service, and Public Health colleagues from Surrey County Council for their support of the review. There had been initial concerns from Members that the

review was too wide-ranging, and the fact that scope had been achieved demonstrated the huge value of having dedicated Scrutiny Officers.

- 23.3 The report was broad in its scope, and he urged Members to read it as a whole. The work had been prompted by learning of the significant disparity in the life expectancy of residents between the most and least deprived communities in Waverley. There was no single cause for this, but rather it was an outcome of the interaction of a number of factors. What was striking, though, was learning that clinical care from the NHS only accounted for 20% of the factors which determine public health, whereas the responsibilities of county and borough councils could influence up to 70% of these factors.
- 23.4 The most important recommendation within the report, therefore, was for Waverley to take public health outcomes into account in all council policies and decisions, even though the Council has no statutory responsibility for public health.
- 23.5 Cllr MacLeod commended the report to the Executive, to agree the recommendations and actions within Waverley's direct powers and to work with partners to disseminate and promote the wider recommendations.
- 23.6 Cllr Ellis echoed Cllr MacLeod's comments about the importance of the review and the recommendations arising from it. She thanked him for his chairmanship of the Working Group, and officers for their support. Members had learned a great deal and would benefit from the understanding they had gained through considering the evidence presented during the review. The findings of the review would inform the work of the Council, but Waverley would need to work with partners to improve the health and wellbeing of residents and reduce the burden on the NHS.
- 23.7 Cllr Else thanked the Community Wellbeing Overview and Scrutiny Committee for their excellent and very detailed report. This report was the most in-depth review of health inequalities in Surrey that had ever been undertaken and as the Council looked to strengthen our partnership links it is a good time to look at how we can work together with our partners to improve the health and wellbeing of our residents.
- 23.8 The services which the Council provided were important determinants of health and particularly mental health; housing, older people services, leisure and arts services, community safety and many others. It would be important to work with health colleagues and other partners to focus services on those most in need.
- 23.9 The recommendations in the report were split into four parts. Recommendations 1 to 7 on page 9 of the report were for Waverley's Executive to consider. There were also a number of tasks recommended for Waverley service managers to undertake and these are contained in an action plan on pages 12-16.
- 23.10 The remaining recommendations (8 to 25) were directed at the Clinical Commissioning Groups and Surrey County Council. If these were agreed

Cllr Else proposed to write to the appropriate people to request a meeting to see how the findings of this report could be taken forward.

- 23.11 Whilst Cllr Edwards was disappointed that none of the recommendations addressed the opportunity of the Council to impact on the socio-economic factors affecting health inequalities through working with businesses and delivering its economic development strategy, the Executive agreed that this was an excellent report.
- 23.12 The Leader emphasised the importance of disseminating the outcomes within the Council and bringing the work to the attention of partners in the County Council and health through the involvement of the Portfolio Holder and officers.
- 23.13 The Executive thanked the Community Wellbeing Overview and Scrutiny Committee for their excellent report, and RESOLVED to approve the recommendations contained within it.

*[Reason: to address the factors affecting health inequalities that impact on the quality of life of Waverley residents.]*

**EXE 24/18 OVERVIEW & SCRUTINY REVIEW OF HOUSING DESIGN STANDARDS FOR NEW COUNCIL HOMES (Agenda item 10)**

- 24.1 On behalf of the Housing Overview and Scrutiny Committee, Cllr Townsend presented the Committee's final report on the review of Waverley's Housing Design Standards for new Council homes.
- 24.2 The Council published its original design standards in 2014. In response to Members' discussion following a site visit to the Ockford Ridge development a very thorough review of the design standards had been undertaken that explored standards for room layout and sizes, garden size, storage space, and flexible use of roof space as well as energy standards.
- 24.3 The Member Working Group had consulted with tenants of the Council's recently completed developments and undertaken site visits in order to 'sense-check' developing proposals. The contribution of Adrian Waller from the Tenants' Panel was very valuable in ensuring focus remained on practical outcomes.
- 24.4 Subject to the agreement of the Executive, the recommendations of the Scrutiny Review would be incorporated into the revised Housing Design Standards which was a technical document that would inform the design specification for Phase C of Ockford Ridge. There was one element of the work to be finalised in relation to a target for CO<sub>2</sub> emissions and this would be addressed in the final technical document.
- 24.5 Cllr Townsend thanked Housing Officers, and the Scrutiny Officer for their support of the review, and commended the report of the Overview and Scrutiny Committee to the Executive.

- 24.6 Adrian Waller, Chair of Waverley's Tenants' Panel, added that he was pleased to have been able to contribute the tenants' voice to the Working Group's discussions, especially in relation to future-proofing homes against changes in tenants' needs; and having gardens that were of a practical size to maintain and enjoy. He had greatly enjoyed working closely with Members and Officers on the Review, and contributing to the design of Waverley's future housing stock.
- 24.7 Cllr King thanked the Housing Overview and Scrutiny Committee, and Officers, for a very thorough piece of work. Waverley already built homes to a high standard, but the periodic review of the design standards ensured that the features within our homes reflected current needs and aspirations. She looked forward to seeing the impact of the work in the designs for the next stage of development on Ockford Ridge.
- 24.8 The Executive thanked the Housing Overview and Scrutiny Committee for their excellent report, and RESOLVED to approve the recommendations contained within it.

*[Reason: to up date Waverley's Housing Design Standards which will inform the design specification for Waverley's developments of affordable housing.]*

EXE 25/18 PERFORMANCE MANAGEMENT REPORT Q4 2017/18 (JANUARY - MARCH 2018) AND SERVICE PLANS OUT-TURN REPORT 2017/18 (Agenda item 11)

- 25.1 The Executive reviewed the performance figures for Quarter 4 2017/18 and end of year outturn, and the 2017/18 Service Plans out-turn. The Leader was pleased to report that overall performance against key performance indicators had been very good right across the Council's services, and Service Plan objectives had been largely achieved.
- 25.2 The Executive thanked the Overview and Scrutiny Committees for their detailed monitoring of performance throughout the year. Taking account of the observations and recommendations from the Overview and Scrutiny Committees, the Executive RESOLVED to:
1. Approve the changes to the current indicator set for leisure centres and wellbeing.
  2. Approve the discontinuation of the current indicator set for museums.
  3. Approve the proposed target change of the 'residual household waste per household (kg)' [NI191] from 85kg to 90kg, and
  4. Approve the inclusion of the new housing indicators.

*[Reason: To review performance against key indicators and objectives.]*

EXE 26/18 EXCLUSION OF PRESS AND PUBLIC (Agenda item 12)

At 7.46pm the Executive RESOLVED that pursuant to Procedure Rule 20 and in accordance with Section 100A(4) of the Local government Act 1972, the press and public be excluded from the meeting during consideration of the following items on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during the items, there would be disclosure to them of exempt information (as defined by Section 100I of the Act) of the description specified in paragraph 3 or the appropriate paragraph(s) of the revised Part 1 of Schedule 12A to the Act as follows:

Information relating to the financial or business affairs of any particular person (including the authority holding that information) (paragraph 3)

EXE 27/18 PROCUREMENT OF WASTE, RECYCLING AND STREET CLEANING CONTRACT (Agenda item 13)

27.1 Cllr Bolton updated the Executive on the progress of the procurement of a new Waste, Recycling and Street Cleaning contract.

The Executive RESOLVED to approve the recommendation set out in the Exempt report.

*[Reason: to agree the next stage of the procurement of Council services.]*

EXE 28/18 HOUSING REPAIRS AND MAINTENANCE CONTRACTS PROCUREMENT - UPDATE JULY 2018 (Agenda item 14)

28.1 Cllr King updated the Executive on the procurement of contracts to provide a range of Housing repairs and maintenance services. Whilst preferred bidders had been identified for most of the contracts, the original approach in relation to procuring two of the contracts had not reached a satisfactory outcome and officers were now seeking a fresh delegated authority to conclude the contract procurement.

The Executive RESOLVED to agree the recommendations set out in the Exempt report.

*[Reason: to agree the next stage of the procurement of Council services.]*

EXE 29/18 PROPERTY MATTER - LEASE EXTENSION (Agenda item 15)

29.1 The Executive noted that this was a legal process that would offer long-term security of tenure to a resident.

The Executive RESOLVED to agree the recommendation set out in the Exempt report.

*[Reason: to agree a request for a lease extension.]*

**The meeting commenced at 6.45 pm and concluded at 8.10 pm**

**Chairman**

This page is intentionally left blank





- Severe funding constraints on all public services and its consequences, including the complete removal of government grant funding
- Increasing demand for services from residents, particularly associated with an ageing population, and the opportunities and expectations created by new technology
- The shortage of homes that are truly affordable for most people, particularly first time buyers
- Extreme and hidden disparities in economic and social experiences
- An uncertain economic outlook regionally, nationally and internationally
- National economic growth and house-building targets
- Extra demands from government

***This Corporate Strategy*** sets out Waverley Borough Council's three key priority themes for the next five years, within this challenging context, to support our vision for the borough:

### **People**

### **Place**

### **Prosperity**

Each section includes goals that are focused on impact in our communities. These goals will be reviewed and updated annually. They will be delivered through our annual service plans with specific and timed targets agreed with councillors that will be monitored and reported regularly.

The final section of this document then outlines how the Council as a public service business will operate and transform itself to deliver these priorities.

### **Priority Theme 1: People**

We will always put the care and respect of our residents and visitors at the heart of everything we do. As a local council, the well-being of our local people is the reason for our existence. We provide many different services to our customers and we will strive to maintain high quality services that meet the needs of our residents at an affordable cost.

We will clearly set out the quality of standard that our residents can expect in each service. We will be clear with our customers and clients about what services we provide and how we deliver them, and signpost to those other public services – like Surrey County Council and the town and parish councils – as necessary. We will work creatively and embrace new technology to improve customer experience and encourage self-service so that our services can be accessed more conveniently, while ensuring that vulnerable members of our community are not left behind.

The health and well-being of our residents is an important priority. We will ensure the services we provide – such as housing, leisure, countryside management and planning – offer opportunities to residents to improve their standard of living. We will focus on well-being in our communities, helping people to live healthily and independently, particularly as they age. We will focus on providing top quality leisure and recreational facilities for all ages at our leisure centres, community facilities and in the countryside. We acknowledge that many of our services help prevent or delay health problems that would then otherwise have to be tackled by other public services. We will work with partners in Surrey County Council, the NHS, the voluntary sector and other public services who share our desire to support the most vulnerable in our communities.

We are committed to providing quality affordable housing and we will develop and implement plans for much-needed new affordable housing in the borough, both through our own building programme and in collaboration with housing associations. As landlord to over 5,000 tenants we are committed to providing a good quality and agile housing service.

*Our People goals for 2018-23:*

1. Deliver housing options for people in need of affordable housing\* and continue to be one of the most effective Housing services in the country at preventing homelessness.
2. Invest in our council homes to ensure that they are pleasant and safe.
3. Maximise the supply of affordable homes by achieving a minimum of 30% affordable housing on all new developments of more than 10 dwellings, developing four new council schemes by 2021, and implementing the Housing Strategy Action Plan 2018-23.
4. Invest in leisure facilities to increase participation and enjoyment, and promote our Access to Leisure scheme of discounts for people with disabilities, pensioners, students, carers, members of the Armed Forces, people receiving financial support and other eligible individuals.
5. Develop and implement a new health and well-being strategy, in collaboration with other local public services and the voluntary and community sector.
6. Broaden the services available to our Careline customers to help them live independently and increase the number of our clients by 5% per annum up to 2020.
7. Help young people into education and employment through Waverley Training Services and grow the number and quality of apprenticeships each year.
8. Increase satisfaction with our services each year.
9. Provide cost-effective, interactive and innovative digital channels which become the preferred way for most customers to access services, while supporting those who need help to access our services in other ways.
10. Communicate directly and honestly with our customers using the media they prefer, and respond to enquiries quickly and fairly.

## **Priority Theme 2: Place**

Waverley borough is a beautiful place to live and work. We recognise that our distinctive local environment is an asset to be safeguarded, not exploited. Our precious environment is recognised nationally by its environmental designations. In this context, responsible stewardship means more than preservation: it means planning for development that will be sustainable: environmentally, socially and economically. Like others in the South East, we are facing demands for new housing. We recognise that we have an important role to ensure that development strengthens our communities. We have a responsibility to work within the National Planning Policy Framework set by the Government, but there are times when we need to lobby hard to change that framework. Our Local Plan and – where they exist – Neighbourhood Plans within parishes comprise the key strategic policy framework to shape sustainable development in Waverley.

---

\* The Government's definition of affordable housing is: "social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market" ([www.gov.uk/guidance/definitions-of-general-housing-terms#social-and-affordable-housing](http://www.gov.uk/guidance/definitions-of-general-housing-terms#social-and-affordable-housing)).

We will focus on keeping our borough clean. We have an opportunity to review the contracts for waste, recycling, street cleaning and grounds maintenance. We will take this opportunity to ensure these services continue to provide excellent value for money whilst offering our residents the level of service they want. We will use our powers and services to promote cleaner places and cleaner air. We will support environmentally sustainable transport, including community transport and electric vehicles, and seek to reduce carbon dioxide emissions.

We will work closely with our public service partners, including Surrey Police, to deliver the Joint Enforcement Initiative to reduce levels of environmental crime and anti-social behaviour within the borough.

Throughout the life of this Strategy we will be exploring the nature of 'Place Shaping' and the benefits it affords to our varied communities. Through leadership, community engagement and partnership working – particularly with our 21 parish and town councils – we have an opportunity to enhance our towns and villages by encouraging investment in infrastructure and facilities.

We will progress our plans to provide a range of good quality, accessible facilities to meet the sport and physical activity needs of our current and future communities across Waverley.

#### *Our Place goals for 2018-23:*

1. Procure new refuse, recycling and grounds maintenance services by 2019 which will maintain standards and provide good value for money.
2. Deliver Local Plan Part 2 by the end of 2019 to deliver sustainable development in Waverley as agreed in Part 1, achieve sustainable housing needs for the future and contribute to the well-being of our communities.
3. Encourage our residents to improve the quality and rate of recycling to 54% by 2023.
4. Ensure 100% of scheduled street cleaning takes place on time and 90% meets our top two performance grades.
5. Create a new Heathland Hub at Frensham Great Pond to promote the biodiversity and importance of this heathland area and to better serve the visitors and users of the site.
6. Deliver the Joint Enforcement Initiative to enhance the local environment and reduce environmental crime and anti-social behaviour.
7. Implement borough-wide plans with partners to improve air quality.
8. Oversee the delivery of the Brightwells major regeneration scheme in Farnham, delivering 239 homes, including 72 affordable homes, a new shopping hub and traffic improvements.
9. Support the delivery of a sustainable new settlement at Dunsfold.
10. Support access to community transport.
11. Play our part in promoting the use of environmentally sustainable transport options, including reducing the need to travel and supporting the use of electric vehicles.

### **Priority Theme 3: Prosperity**

Waverley is in a highly strategic location, with road and rail routes to the capital, the coast and to other significant economic centres. It is within the Enterprise M3 economic area and borders the Coast to Capital economic area. Major employers operate within and near the

borough, as well as the multitude of independent smaller and medium-sized businesses that are the lifeblood of our local economy.

We will bring forward an Economic Development Strategy, to sit alongside our Local Plan, to attract extra investment in skills and employment prospects. We will support our high streets and employment sites. We will put in place schemes to help our local businesses to compete in these challenging economic times. We will engage closely with the EM3 Local Enterprise Partnership, the Government, our business community and skills providers for the benefit of those who live and work in Waverley. Through the application of the Community Infrastructure Levy on new development, we will invest in much-needed infrastructure and community facilities in our towns and villages.

We are committed to developing Waverley Training Services, our important apprenticeship training arm, which helps people into education and employment.

We will develop plans to market the borough as an attractive tourism option to support our visitor economy.

#### *Our Prosperity goals for 2018-23:*

1. Agree and implement a new Economic Development Strategy to support business and personal prosperity.
2. Deliver sustainable and affordable services that meet the needs of our residents and businesses, while balancing the budget.
3. Create a business-friendly culture in Waverley Council that supports local businesses to be successful and helps those wanting to locate to the borough.
4. Deliver a Property Investment Strategy that supports the local economy, while providing additional income to the Council.
5. Implement a Community Infrastructure Levy scheme and seek further grant funding to ensure that new growth is supported by infrastructure.
6. Increase our engagement with the Local Enterprise Partnership, with other local authorities and with the Government to increase funding to support Waverley's economy.
7. In consultation with local communities, create and implement a new car park strategy to help local retail centres and the wider community, and increase income to support their maintenance.

#### **How the Council will work**

An effective 21<sup>st</sup> century council must harness the traditional strengths of a local authority in terms of local connection, professionalism and process, with flexibility and an increasing need to work with commercial awareness.

We must be in continuous conversation with our communities, complementing robust evidence with local knowledge to inform decisions. While recognising that we can't please all of the people all of the time, we will try hard to find solutions that work locally. We will bring people together to work on local solutions for local problems. We will treat everyone with honesty, respect and courtesy, and we will ask everyone to do the same in return.

We know we cannot take forward our ambitions on our own, particularly in these difficult financial times. We will work more collaboratively with those public, voluntary and private partners who wish to work with us to achieve our objectives for the borough and mutual

business benefit. We will develop plans for more innovative ways to deliver services at less cost, including forging service-based partnerships with other local authorities.

We will be open in our decision-making to create a culture of trust and confidence. We were one of the first councils to broadcast our decision-making meetings on the web, and we are still one of a few councils to do so. We will communicate respectfully and as openly as the law allows. We will uphold high standards of conduct and integrity, exercising good governance so that our decision-making is timely and informed.

We will try out new ways to empower local ownership and influence, working particularly with our closest partners in public service: the 21 parish and town councils. We will engage continuously with Surrey County Council and other public service organisations to try to join up plans and how they affect people in the borough.

All our important policy decisions will be assessed on how they impact on vulnerable, disadvantaged and protected people and groups, by undertaking the appropriate impact assessments. Our future service provision will be affected by changes in Government policy, as well as challenges faced by our partner organisations. We will always implement national and local policy changes with fairness and particular care for the most vulnerable.

Our professional and qualified members of staff are key to delivering effective and efficient services. We will recruit, develop and retain staff who will be ambassadors for the borough and the council, who will empathise and listen, and who have a passion for improving public services. We will develop a new HR Strategy to complement this Corporate Strategy so that our employees are supported and encouraged to work in ways that work for the customer, for the business and for their happiness.

We expect the financial constraints affecting public services to continue to increase in severity. We will plan carefully and invest wisely so that we can reshape and fund our services to deliver good value for money. Collaboration with Surrey County Council, parish and town councils, Surrey Police, the NHS and other public and voluntary service organisations will be important in developing a shared agenda to benefit our borough, its residents, businesses and visitors.

We will cut bureaucracy and unnecessary process and minimise waste. We will review regularly how we run our services and structures, in line with our annual service and budget planning process. We will report on our progress on this Strategy as part of our regular performance updates to councillors.



## **STATEMENT OF LICENSING POLICY**

**Effective Period:  
01 August 2018 to 31 July 2023**

[Recommended to Council 17 July 2018]

# CONTENTS

<u>Section</u>	<u>Title</u>	<u>Page</u>
1.	Introduction	2
2.	The Statement of Licensing Policy	4
3.	Consultation	4
4.	Administration, Exercise and Delegation of Functions	4
5.	Fundamental Principles	5
<b>The Four Licensing Objectives</b>		
6.	Prevention of Crime and Disorder (LO 1)	8
7.	Public Safety (LO 2)	13
8.	Prevention of Public Nuisance (LO 3)	15
9.	Protection of Children from Harm (LO 4)	17
10.	Licensing Hours	21
11.	Transfer of Licences	21
12.	Variation of Licences	21
13.	Provisional Statements	22
14.	Sexual Entertainment Venues	22
15.	Complaints / Review of Licences	22
16.	Permitted Temporary Activities	22
17.	Shops, Stores and Supermarkets	23
18.	Integrating Strategies and Avoiding Duplication	23
19.	Enforcement	26
20.	Appeals	26
21.	Further information	26
Annex 1	Responsible Authorities	27
Annex 2	Useful sources of information	29
Annex 3	Table of Delegations of Licensing Functions	30



## **1. INTRODUCTION**

- 1.1 Waverley Borough covers an area of 345 square kilometres in southwest Surrey and is the largest district by geographic area in Surrey. The Borough is predominantly rural; three-quarters of the area is agricultural land and woodland, 61 per cent is Green Belt and 80 per cent is covered by environmental protection policies including the Surrey Hills Area of Outstanding Natural Beauty. Waverley is 35 miles from central London and is served by good strategic road and rail links but has a predominantly rural road network and limited public transport.
- 1.2 According to the 2011 Census, Waverley has a population of 121,572, of whom three-quarters live in the Borough's four main settlements; Farnham, Godalming, Haslemere and Cranleigh. The proportion of young people (0-14 years) is 18.4 per cent and is close to the regional and national averages. The district has 19.5 per cent of the population above pension age. The mean age is 41.5 years old. The proportion of people from ethnic groups other than 'white British' is 3.9 per cent; this compares with 9.3 per cent for the South East and 15.6 per cent for England.
- 1.3 The Council's Vision is. 'Making Waverley a better place to live and work'.
- 1.4 The Council recognises that the entertainment and leisure industry, and shopping, contribute to Waverley's urban and rural economies. These have a part to play in attracting tourists and visitors and are major employers.
- 1.5 Rural pubs and restaurants are an important part of village life, and pubs, bistros and restaurants contribute to the vitality of Waverley's towns, together with the arts and entertainment venues throughout the Borough.
- 1.6 In the past in Waverley, some licensed premises have caused nuisance to residents, either from noise or from behaviour of customers. Waverley wants to encourage all licensees to operate premises in a way that minimises future impact on neighbouring residents.
- 1.7 Waverley will also take into account wider issues of crime, disorder and nuisance including noise, littering and fouling of streets, street crime, together with the capacity of public transport and police to cope with concentrations of customers, particularly at night time.
- 1.8 This Statement of Licensing Policy ("this Policy") will both guide the Council in exercising its licensing functions as Licensing Authority for the Borough, and provide clarity for applicants for licensing and for residents.
- 1.9 Applicants are required when submitting operating schedules associated with their licensing applications to show how their proposals will meet this Policy and the Government's stated Licensing Objectives.
- 1.10 The Council is the "Licensing Authority" for the purposes of the Licensing Act 2003 ("the Act") and is responsible for granting licences, certificates and notices in the Borough of Waverley for the activities described by the Act as "Licensable Activities". These activities include:

- (a) Retail sale of alcohol, including pubs, nightclubs and shops
- (b) Supply of alcohol to club members
- (c) Provision of “regulated entertainment” (listed below) – to the public, to club members or with a view to profit
  - (1) A performance of a play (more than 500 persons and/or between 2300 and 0800)
  - (2) A showing of a film
  - (3) An indoor sporting event (more than 1000 persons and/or between 2300 and 0800)
  - (4) Boxing or wrestling entertainment (whether indoor or outdoor for more than 1000 persons and/or between 2300 and 0800))
  - (5) A performance of live music (but note the changes brought in by the Live Music Act 2012-see ‘NOTE’ below;
  - (6) Any playing of recorded music (but note the changes brought in by the Live Music Act 2012-see ‘NOTE’ below;
  - (7) A performance of dance (more than 500 persons and/or between 2300 and 0800)
  - (8) Entertainment of a similar description to that falling within the performance of live music, the playing of recorded music and the performance of dance, and including karaoke

NOTE

The Live Music Act 2012 and Deregulation Act 2015 amended the Licensing Act 2003 by deregulating aspects of the performance of live and recorded music so that, in certain circumstances, it is not a licensable activity. However, live and recorded music remains licensable;

- Where a performance of live (amplified or unamplified) and/or recorded music– whether amplified or unamplified – takes place before 0800 and after 2300 on any day
- Where a performance of amplified live and/or recorded music does not take place either on relevant licensed premises, or at a workplace that is not licensed other than for the provision of late night refreshment
- Where a performance of amplified live and/or recorded music takes place at relevant licensed premises, at a time when those premises are not open for the purposes of being used for the supply of alcohol for consumption on the premises
- Where a performance of amplified live and/or recorded music takes place at relevant licensed premises, or workplaces, in the presence of an audience of more than 500 people or
- Where a licensing authority intentionally removes the effect of the deregulation provided for by the 2003 Act when imposing a

condition on a premises licence or certificate as a result of a licence review.

NOTE The Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013 (from 27 June 2013) deregulates aspects of the performance of a play, performance of dance and indoor sporting events.

- It deregulates performance of plays / dance for audiences of up to 500 people, between the hours of 08:00 and 23:00 (with the exception of dancing for which a Sexual Entertainment Venue Licence is required);
- It deregulates indoor sporting events for audiences of up to 1000 people, between the hours of 08:00 and 23:00; and
- It clarifies that Combined Fighting Sports (Mixed Martial Arts etc) are a form of Boxing and Wrestling and will continue to be regulated.

(d) The supply of hot food and/or drink from any premises between 11.00 pm and 5.00 am – the provision of “Late Night Refreshment”.

## **2. THE STATEMENT OF LICENSING POLICY (Section 5(1) of Act)**

2.1 The Act requires that the Licensing Authority publishes a “Statement of Licensing Policy” that sets out the policies the Licensing Authority will apply in the exercise of its licensing functions under the Act. The Licensing Authority is obliged by the Act to review this Policy every five years.

2.2 This Policy has been prepared in accordance with the provisions of the Act and having regard to the statutory guidance (amended April [2017](#) [2018](#)) issued under Section 182 of the Act (“the Guidance”). This Policy will take effect on 1<sup>st</sup> August 2018 and will remain in force for a period of not more than 5 years, during which time it will be kept under review.

## **3. CONSULTATION**

3.1 This Policy has been prepared in consultation with the “Responsible Authorities” listed in Annex 1 to this Policy, bodies representing existing licence holders, representatives of registered clubs and businesses, residents in the Borough and advertised on Waverley’s website. The views of all these bodies, and evidence presented, have been given due weight in the determination of this Policy.

## **4. ADMINISTRATION, EXERCISE & DELEGATION OF FUNCTIONS**

4.1 The powers of the Licensing Authority under the Act may be carried out by the Council’s Licensing and Regulatory Committee, by its Licensing Sub-Committees or by one or more officers acting under delegated authority.

4.2 In the interests of speed, efficiency and cost-effectiveness to all parties involved in the licensing process, the Council has established a scheme of delegation to deal with applications received under the Act.

- 4.3 This form of delegation is without prejudice to the Officers referring an application to a Sub-Committee, or a Sub-Committee to the Licensing and Regulatory Committee, if considered appropriate in the circumstances of any particular case, and only in accordance with the Act.
- 4.4 Any applications dealt with by Officers will be reported weekly via email to the Licensing Chairman and Vice Chairman for the purposes of information and comment only.
- 4.5 The Council's approved table of delegation, showing the decision-making process for applications under the Licensing Act 2003, is attached at Annex 3 to this Policy document.

## **5. FUNDAMENTAL PRINCIPLES**

- 5.1 The Act requires that the Licensing Authority carry out its various licensing functions so as to promote the following four licensing objectives:
- **the prevention of crime and disorder**
  - **public safety**
  - **the prevention of public nuisance**
  - **the protection of children from harm.**
- 5.2 Each objective is of equal importance. It is important to note that there are no other licensing objectives, and therefore these four objectives are paramount considerations at all times. These four licensing objectives are considered in more detail in sections 6 to 9.
- 5.3 Due to the similarity between the application processes for both premises licences and club premises certificates, a reference to a premises licence in this section will also be a reference to a club premises certificate.
- 5.4 All applications for new premises licences and variations need to be supported by an operating schedule. The schedule must specify (amongst other things) the steps which the applicant proposes to promote each of the four licensing objectives.
- 5.5 If no Responsible Authority or 'other person' lodges an objection (known as a 'relevant representation') to the application, the Licensing Authority must grant the application as set out in the operating schedule, subject only to mandatory conditions under the Act. The steps proposed by the applicant will become licence conditions. The Licensing Authority will have no discretion to refuse the application or to alter or add to the conditions arising from the operating schedule.
- 5.6 Where, however, there are relevant representations, then a hearing of the opposed application before a Licensing Sub-Committee will normally follow. At the hearing the Sub-Committee must, having regard to the representations, take such steps as it considers appropriate to promote the four licensing objectives. These may include refusing the application or adding to or modifying the conditions proposed in the operating schedule.
- 5.7 In exercising its discretion, the Licensing Sub-Committee will have regard (amongst other things) to this Policy. Therefore, in drawing up their operating schedule,

applicants would be well advised to read this Policy carefully. Where an operating schedule complies with this Policy, it is generally less likely that any 'other person' or responsible authority will object to it, or that an objection will succeed. Therefore, compliance with this Policy is likely to assist the applicant to avoid the delay and expense of a contested licensing hearing, and the risk of a refusal or the addition of unwanted conditions.

- 5.8 This is not to say that an opposed application which complies with this Policy will necessarily be granted or that an opposed application which does not comply with it will necessarily be refused. Where there have been relevant representations, the Licensing Authority will always consider the merits of the case, and interfere with the operating schedule only when, and to the extent, appropriate to promote the four licensing objectives. Nor will blanket or standard conditions be applied without regard to the merits of the individual case. So, for example, the Licensing Authority will not interfere with an operating schedule which does not comply with this Policy where the steps proposed are sufficient to meet the four licensing objectives in the individual circumstances of the case.
- 5.9 However, this Policy represents the Licensing Authority's view of the best means of securing the four licensing objectives in most normal cases. It has been drawn up in consultation with other expert bodies and Responsible Authorities, together with community stakeholders. While the contents of the operating schedule are a matter for the applicant, where there is objection to a schedule which departs from this Policy, the Licensing Sub-Committee hearing an opposed application will normally expect to be given a good reason for the departure if it is asked to make an exception to this Policy.
- 5.10 In this Policy, there are a number of references to the Licensing Authority's expectation of applicants. As explained above, this Policy is only engaged where the Licensing Authority has a discretion following the receipt of a relevant representation. In such cases, the Licensing Authority will not apply this Policy rigidly, but will always have regard to the merits of the case with a view to promoting the four licensing objectives.
- 5.11 Further, the Licensing Authority may use this Policy when exercising other licensing functions. For example, when considering an application for review of a licence, the Licensing Authority is likely to view with concern premises which are being operated in clear breach of the terms of this Policy.
- 5.12 Nothing in this Policy will:
- undermine the rights of any person to apply under the Act for a variety of permissions and have each such application considered on its individual merits, and/or
  - override the right of any person to make representations on any application or seek a review of a licence or certificate where provision has been made for them to do so under the Act.
- 5.13 The Licensing Authority's purpose in licensing activities in premises is to work with the business community to maintain the level of business activity in towns and villages in a manner that has due regard for public enjoyment, health and safety in the area.

- 5.14 Licensing is about regulating licensable activities on licensed premises, by qualifying clubs or at temporary events within the terms of the Act, and the conditions attached to various authorisations will be focused on matters which are within the control of individual licensees and others with relevant authorisations, i.e. the premises and its vicinity. Whether or not incidents can be regarded as being “in the vicinity” of licensed premises is a question of fact and will depend on the particular circumstances of the case.
- 5.15 In addressing this matter, the Licensing Authority will primarily focus on the direct impact of the activities taking place at licensed premises on members of the public living, working or engaged in normal activity in the vicinity concerned.
- 5.16 The Licensing Authority acknowledges that licensing law is not the primary mechanism for the general control of nuisance or anti-social behaviour by individuals once they are away from the premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Nonetheless, it is a key aspect of such control and licensing law will always be part of a holistic approach to the management of the evening and night-time economy.
- 5.17 The Act requires applicants to consider carefully this Policy when drafting their applications. Applicants will show that they have considered the practical effects of managing their business to accord with this Policy.
- 5.18 Waverley expects holders of a Premises Licence, Club Premises Certificate and Temporary Event Notice to make every effort to minimise the impact of their activities and any nuisance or anti-social behaviour by their patrons within the vicinity of their premises.
- 5.19 The Human Rights Act 1998, incorporating the European Convention on Human Rights, makes it unlawful for a local authority to act in a way, which is incompatible with a Convention right. The Licensing Authority will have regard to the Human Rights Act when exercising its licensing functions, with particular reference to the following relevant provisions of the European Convention on Human Rights:
- Article 6 – In the determination of civil rights and obligations every person is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law
  - Article 8 – Every person has the right to respect for his home and private and family life.
  - Article 1 of the First Protocol – Every person is entitled to the peaceful enjoyment of his or her possessions.

## **THE FOUR LICENSING OBJECTIVES**

### **6. PREVENTION OF CRIME AND DISORDER**

**For how this Policy is to apply, please see section 5 (“Fundamental Principles”).**

- 6.1 The essential purpose of the premises licence or club premises certificate in the context of this licensing objective is to regulate the behaviour of people while on, or in the immediate vicinity of the premises as they seek to enter or leave.

## **Best Practice in crime prevention**

- 6.2 The Licensing Authority strongly encourages the implementation of best practice in licensed premises in the Borough in order to promote the crime prevention objective. Types of premises vary throughout the Borough, as do the types of licensable activities carried on at those premises, and therefore the steps appropriate to promote this objective will vary by premises.

## **Operating Schedules**

- 6.3 When preparing their operating schedules, applicants are encouraged to carry out a risk assessment of their premises by reference to the following items of best practice:
- 6.3.1 Training given to staff in crime prevention measures appropriate to the premises;
  - 6.3.2 The physical security features installed in the premises. This may include matters such as the position of cash registers; the place where alcohol is stored in “off-licences”; the standard of CCTV that is installed; the use of plastic, toughened or similar safety drinking glasses in pubs and clubs; and the secure storage of waste which could potentially be used as weapons;
  - 6.3.3 The avoidance of irresponsible pricing or other promotions that contravene the four licensing objectives. As of 1 April 2010, the Act imposes a mandatory condition on all premises licences and club premises certificates requiring the responsible person to take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises (the only exception being where a licence or certificate only authorises the sale or supply of alcohol for consumption off the premises);
  - 6.3.4 Measures to prevent the supply and consumption of illegal drugs, including any search procedures and entry policies. As of 1 April 2010, the Act imposes a mandatory condition on all premises licences and club premises certificates requiring the responsible person to ensure that free tap water is provided on request to customers where it is reasonably available (the only exception being where a licence or certificate only authorises the sale or supply of alcohol for consumption off the premises);
  - 6.3.5 Measures to raise staff awareness of, and discourage and prevent the use of, drugs on the premises;
  - 6.3.6 Arrangements to provide secure facilities to store seized drugs in a secure place. Where drugs have been seized, records should be kept and all entries in the log witnessed. This log should be made available to any Police Constable or authorised officer of the Licensing Authority. The Police should be advised immediately of any confiscated item;
  - 6.3.7 Variations in staffing levels or music style or volume before the premises closes;
  - 6.3.8 Where premises are subject to age restrictions, procedures to conduct age verification checks, e.g. adoption and use of secure proof of age scheme, for example, driving licence or passport;

As of 1 October 2010, the Act imposes a mandatory condition on all premises licences and club premises certificates requiring the premises licence holder or club premises certificate holder to ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark;

6.3.9 The likelihood of any violence, public order or policing problem if the licence or certificate is granted;

6.3.10 Whether the applicant is a member of one of the four Pubwatch schemes in the Borough.

6.4 Applicants are expected to include the above items of best practice in their operating schedules, where relevant to the premises. Where they elect not to do so, they are strongly advised to include information explaining the omission. This might be because a risk assessment has shown that the step is unnecessary or because the item is already the subject of another consent, e.g. a planning permission or statutory obligation. If such information is not included, it is more likely that a relevant representation will be made, leading to the cost and delay of a hearing before a licensing sub-committee.

6.5 The steps volunteered in the operating schedule will become conditions of the licence or certificate, and therefore applicants should consider carefully the steps appropriate for the promotion of the four licensing objectives at their particular premises.

### **Opposed Applications**

6.6 If a relevant representation is made, the Licensing Authority will have discretion to take such steps as are appropriate to promote the four licensing objectives. In exercising its discretion, it may where relevant take into account whether the applicant proposes to follow the best practice set out above.

6.7 The Council, and therefore the Licensing Authority, also has a duty under Section 17 of the Crime and Disorder Act 1998 to exercise its functions with due regard to the likely effect of the exercise of those functions on, and to do all it reasonably can to prevent, crime and disorder in the Borough.

6.8 As set out in section 18 of this Policy, the Licensing Authority recognises the need to avoid duplication with other regulatory regimes as far as possible, including avoiding replicating offences set out in the Act and other legislation. The Licensing Authority will, when considering an application following receipt of relevant representation, consider attaching conditions to licences and certificates intended to prevent and deter crime and disorder, and these should reflect the general principles regarding licence conditions set out in Chapter 1 of the guidance.

6.9 Any such conditions imposed will be tailored to the style and characteristics of the premises and the type of activities expected/permitted/licensed to take place there.

6.10 The Licensing Authority will work in partnership with the local Pubwatch Schemes in supporting licence holders to actively prevent crime and disorder and to form strategies to reduce current levels by meeting as necessary with members of the Scheme. The strategies seek to address matters such as under-age sales, problems



associated with drunken individuals, prevention of use of drugs, violent and anti-social behaviour.

### **Early Morning Restriction Orders (EMRO)**

- 6.11 The possibility of an Early Morning Alcohol Restriction Order (EMRO) was introduced by is an uncommenced power in the Licensing Act 2003 and that enables authorities to restrict sales of alcohol in the whole or a part of their areas for any specified period between 12 midnight and 6 am, if they consider this appropriate for the promotion of the licensing objectives.

The Licensing Authority after consultation with Surrey Police, has decided it is not appropriate for any area of the Borough to be covered by an EMRO at present.

The Licensing Authority will review the need for an EMRO's at least every five years as part of the review of this policy to see if circumstances have changed and any are needed, however Waverley would consider an EMRO at any time if circumstances changed and evidence supported this course of action.

### **Late Night Levy**

- 6.12 The Late Night Levy (the levy) enables licensing authorities to raise a contribution from late-opening alcohol suppliers towards policing the night-time economy. It is a local power that licensing authorities can choose whether or not to exercise and it must cover the whole of the licensing authority's area. However, the licensing authority will also choose the period during which the levy applies every night, between midnight and 6am, and decide what exemptions and reductions should apply from a list set out in regulations.

The Licensing Authority after consultation with Surrey Police has decided, it is not appropriate for the Borough to be covered by a Late Night Levy at present.

The Licensing Authority will review the need for a Late Night Levy at least every five years as part of the review of this policy to see if circumstances have changed and one is needed, however, Waverley would consider a Late Night Levy at any time if circumstances changed and evidence supported this course of action.

### **Cumulative Impact**

- 6.13 The Licensing Authority has decided that, at present, it is not appropriate for any area of the Borough to be covered by a special policy on cumulative impact. There is therefore no special policy creating a rebuttable presumption that applications within a particular area of the Borough for new premises licences or club premises certificates or material variations thereto will normally be refused, if relevant representations are received about the cumulative impact on the four licensing objectives. The views of Surrey Police were taken into account when the Licensing Authority made this judgement.
- 6.14 The Licensing Authority will review the need for a special policy on cumulative impact at least every five years as part of the review of this policy to see if circumstances have changed and one is needed.
- 6.15 The Licensing Authority would not use such a special policy solely:

- ♦ as grounds for revoking a licence when representations are received about problems with an existing licensed premises, or,
  - ♦ to refuse applications to vary an existing licence, except where the modifications are directly relevant to this Policy. For example, where the application is for a significant increase in the capacity limits of a premises, and are appropriate for the promotion of the four licensing objectives.
- 6.16 The Licensing Authority will not take “need” (i.e. the commercial demand for premises offering a particular type of licensable activity) into account when considering an application that has attracted relevant representations, as this is a matter for planning control and the market. However, the impact of the number, type and density of licensed premises in a given area may lead to serious problems of nuisance and disorder outside and some distance from the premises. This is described as the “cumulative impact”, and is a proper matter for consideration by the Licensing Authority in the future.
- 6.17 The absence of a special policy does not prevent any responsible authority or any ‘other person’ making representations on a new application for the grant, or variation, of a premises licence or club premises certificate on the grounds that the premises will give rise to a negative cumulative impact on one or more of the four licensing objectives.
- 6.16 However, there will be no quota imposed by the Licensing Authority to restrict the number of premises or licences in the area as a whole.
- 6.19 The Licensing Authority will consider representations based upon the impact on the four licensing objectives if a particular application were to be granted. However, the onus would be on the individual or organisation making the objection to provide evidence to support their assertion that the addition of the premises in question would produce the cumulative impact on the objectives claimed, taking into account that the impact will be different for premises with different styles and characteristics.
- 6.20 The Licensing Authority will only consider restrictions relating to any cumulative effect regarding a particular application where relevant representations have been made on the grounds that the premises will give rise to a negative cumulative impact on one or more of the four licensing objectives, and then only where such restrictions are considered appropriate for the promotion of the four licensing objectives.
- 6.21 The Licensing Authority recognises that there are a number of other mechanisms, both within and outside the licensing regime, for addressing unlawful or anti-social behaviour which occurs away from licensed premises. These include:-
- planning controls;
  - positive measures to provide a safe and clean town or village centre environment in partnership with local businesses, transport operators and other departments of the Licensing Authority;
  - the provision of CCTV surveillance in town centres,..... (see Licensing Act guidance version April 2018 paragraphs 2.3, 2.8, 10.10, 12.16 and 14.47)
  - powers to designate parts of the Borough as places where alcohol may not be consumed publicly;

- police enforcement of the law with regard to disorder and anti-social behaviour, including the issue of fixed penalty notices;
- prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk;
- confiscation of alcohol from adults and others in designated areas;
- police powers to close down instantly for up to 24 hours (extendable to 48 hours) any licensed premises or temporary event on the grounds of disorder, the likelihood of disorder or excessive noise emanating from the premises;
- the powers of police, other responsible authority or a local resident or business to seek a review of the licence or certificate in question
- Early Morning Alcohol Restriction Orders (EMROs)
- Late Night Levy

6.22 The Licensing Authority will address a number of these issues in line with the strategic objectives for crime and disorder reduction within the Borough.

## **7. PUBLIC SAFETY**

**For how this Policy is to apply, please see section 5 (“Fundamental Principles”).**

- 7.1 The public safety objective is concerned with the physical safety of the people, including any performers appearing at the premises, attending licensable activities at the relevant premises.
- 7.2 The Licensing Authority is committed to ensuring public safety across the Borough by working in close partnership, in particular with Surrey Police, Surrey Fire and Rescue, and licensees, and with any other relevant bodies.

### **Best Practice in public safety**

- 7.3 The Licensing Authority strongly encourages the implementation of best practice in licensed premises in the Borough in order to promote the public safety objective. Types of premises vary throughout the Borough, as do the types of licensable activities carried on at those premises, and therefore the steps appropriate to promote this objective will vary by premises.

### **Operating Schedules**

- 7.4 When preparing their operating schedules, applicants are reminded that it is a requirement of legislation that any licensed premises carry out a Fire Risk Assessment and to record the significant findings in writing (Regulatory Reform (Fire Safety) Order 2005 Article 9 paragraph 6).  
When preparing their operating schedules, risk assessments of the premises should make reference to the following items of best practice:

- 7.4.1 Occupancy Limits – The authority will not generally impose conditions as to occupancy levels where these are adequately addressed by other controls but may do so in any other case where relevant representations are made. Capacities should be addressed in the fire risk assessment.

Fire Safety – The fire risk assessment completed in relation to the use of the premises, should assist applicants in satisfying the Fire and Rescue Authority that the Public Safety objective will be met.

- 7.4.2 Levels of door supervision adequate to control access to and egress from premises in order to ensure the public safety;
  - 7.4.3 Training for current and future staff in matters relating to public safety, where not already required by other legislation;
  - 7.4.4 Prevention of injury – Where there is evidence of a current or past problem in relation to particular premises or a particular locality, or in all circumstances it is considered likely that such a problem might occur, and/or premises are to be used primarily for the sale or supply and consumption of alcohol on premises (particularly if those premises have little seating for patrons relative to their size/capacity), applicants should give consideration to a policy of using plastic, polycarbonate or toughened glass, and a policy not to pass glass bottles over the bar, either throughout the period of operation or at certain times or on certain occasions.
  - 7.4.5 Measures to reduce the impact of noise both in terms of staff safety and protection of hearing of the public and staff at the premises, where such measures are not already required by other legislation;
  - 7.4.6 Measures to ensure that litter does not cause a nuisance, health hazard to the public or a fire hazard to the vicinity, as generated by the activity at or near to the premises.
- 7.5 Applicants are expected to include the above items of best practice in their operating schedules, where relevant to the premises. Where they elect not to do so, they are strongly advised to include information explaining the omission. This might be because a risk assessment has shown that the step is unnecessary or because the item is already the subject of another consent, e.g. a planning permission or statutory obligation. If such information is not included, it is more likely that a relevant representation will be made, leading to the cost and delay of a hearing before a licensing sub-committee.
- 7.6 The steps volunteered in the operating schedule will become conditions of the licence or certificate, and therefore applicants should consider carefully the steps appropriate for the promotion of the four licensing objectives at their particular premises.

### **Opposed Applications**

- 7.7 If a relevant representation is made, the Licensing Authority will have discretion to take such steps as are appropriate to promote the four licensing objectives. In exercising its discretion, it may where relevant take into account whether the applicant proposes to follow the best practice set out above.
- 7.8 As set out in section 18 of this Policy, the Licensing Authority recognises the need to avoid duplication with other regulatory regimes as far as possible, including avoiding replicating offences set out in the Act and other legislation. The Licensing Authority will, when considering an application following receipt of relevant representation, consider attaching conditions to licences and certificates intended to prevent public nuisance, and these should reflect the general principles regarding licence conditions set out in Chapter 1 of the guidance.

- 7.9 Any such conditions imposed will be tailored to the style and characteristics of the premises and the type of activities expected/permitted/licensed to take place there.
- 7.10 When exercising its functions regarding premises licences and club premises certificates, the Licensing Authority will take into account (where relevant) applicants' requests for terminal hours in the light of the four licensing objectives and this Policy, and in view of:
- environmental quality;
  - residential amenity;
  - character or function of a particular area; and
  - nature of the proposed activities to be provided at the premises.
- 7.11 The terminal hours will normally be approved where it is shown that the proposal would not adversely affect the issues listed in 7.10 above. The Licensing Authority may set an earlier terminal hour where it considers this is appropriate to the nature of the activities and the amenity of the area having regard to the four licensing objectives and representations from responsible authorities or any 'other person'.

## **8. PREVENTION OF PUBLIC NUISANCE**

**For how this Policy is to apply, please see section 5 (“Fundamental Principles”).**

- 8.1 In considering the promotion of this licensing objective, the Licensing Authority will focus on impacts of the licensable activities at the specific premises on persons living and working (including doing business) in the vicinity that are disproportionate or unreasonable.
- 8.2 The Licensing Authority will mainly be concerned with noise nuisance, light pollution, noxious smells and litter.
- 8.3 Under the Act, “public nuisance” retains its broad common law meaning. The prevention of public nuisance could therefore include low-level nuisance perhaps affecting a few people living locally as well as major disturbance affecting the whole community. It may also include, in appropriate circumstances, the reduction of the living and working amenity and environment of any other person.

### **Best practice in the prevention of public nuisance**

- 8.4 The Licensing Authority strongly encourages the implementation of best practice in licensed premises in the Borough in order to promote the prevention of public nuisance objective. Types of premises vary throughout the Borough, as do the types of licensable activities carried on at those premises, and therefore the steps appropriate to promote this objective will vary by premises.

### **Operating Schedules**

- 8.5 When preparing their operating schedules, applicants are encouraged to carry out a risk assessment of their premises by reference to the following items of best practice:

- 8.5.1 Measures to prevent noise and vibration escaping from the premises, including music, noise from ventilation equipment, and human voices. Such measures may include the installation of soundproofing, air conditioning (though these may add to the problem, especially if left on overnight), acoustic lobbies and sound limitation devices;
  - 8.5.2 Measures to prevent disturbance by patrons/customers arriving at or leaving the premises, particularly between the hours of 10.00 pm and 7.00 am;
  - 8.5.3 Measures to prevent queuing or, if queuing is inevitable, to divert queues away from neighbouring premises, or otherwise to manage the queue to prevent disturbance or obstruction;
  - 8.5.4 Measures to ensure that customers/patrons and staff leave the premises quietly;
  - 8.5.5 Arrangements for parking by patrons/customers, and minimisation of the effect that parking will have on local residents and businesses;
  - 8.5.6 Measures to reduce the impact that the use of gardens or other open-air areas will have on local residents and businesses;
  - 8.5.7 The siting of external lighting, including security lighting that is installed appropriately;
  - 8.5.8 Accessibility to local public transport services, including taxis and private hire vehicles;
  - 8.5.9 Measures to minimise the impact of refuse storage or disposal (including noise associated with bottle delivery and disposal), or additional litter (including fly posters and unauthorised placards) in the vicinity of the premises.
- 8.6 Applicants are expected to include the above items of best practice in their operating schedules, where relevant to the premises. Where they elect not to do so, they are strongly advised to include information explaining the omission. This might be because a risk assessment has shown that the step is unnecessary or because the item is already the subject of another consent, e.g. a planning permission or statutory obligation. If such information is not included, it is more likely that a relevant representation will be made, leading to the cost and delay of a hearing before a licensing sub-committee.
- 8.7 The steps volunteered in the operating schedule will become conditions of the licence or certificate, and therefore applicants should consider carefully the steps appropriate for the promotion of the four licensing objectives at their particular premises.

### **Opposed Applications**

- 8.8 If a relevant representation is made, the Licensing Authority will have discretion to take such steps as are appropriate to promote the four licensing objectives. In exercising its discretion, it may where relevant take into account whether the applicant proposes to follow the best practice set out above.
- 8.9 As set out in section 18 of this Policy, the Licensing Authority recognises the need to avoid duplication with other regulatory regimes as far as possible, including avoiding

replicating offences set out in the Act and other legislation. The Licensing Authority will, when considering an application following receipt of relevant representation, consider attaching conditions to licences and certificates intended to prevent public nuisance, and these should reflect the general principles regarding licence conditions set out in Chapter 1 of the guidance.

- 8.10 Any such conditions imposed will be tailored to the style and characteristics of the premises and the type of activities expected/permitted/licensed to take place there.
- 8.11 If the applicant has previously held a licence within the Borough, the history of any enforcement or any relevant action arising from the previously licensed premises (e.g. a noise abatement notice) may be requested by the Licensing Authority, where relevant, should relevant representations be received in respect of the application.
- 8.12 Similarly, the enforcement history of the premises the subject of the application may also be requested from the appropriate responsible authority where considered relevant, and then only where relevant representations are received in respect of the application.

## **9. PROTECTION OF CHILDREN FROM HARM**

**For how this Policy is to apply, please see section 5 (“Fundamental Principles”).**

- 9.1 The protection of children from harm includes the protection of children from moral, psychological and physical harm, and this would include the protection of children from too early an exposure to strong language and sexual expletives, for example, in the context of film exhibitions or where adult entertainment is provided. Surrey County Council Child Employment Services in particular are the relevant authority competent to advise on the protection of children from harm.
- 9.2 However, in the context of many licensed premises such as pubs, restaurants, café bars and hotels, the Licensing Authority recognises that the development of family-friendly environments should not be frustrated by overly restrictive measures in relation to children.
- 9.3 The Licensing Authority recognises that the admission of children to premises holding a premises licence or club premises certificate should normally be freely allowed without restricting conditions unless the Act itself imposes such a restriction or there are good reasons to restrict entry or to exclude children completely. The Licensing Authority will focus on enforcing the law concerning the consumption of alcohol by minors.

### **Access to Licensed Premises**

- 9.4 The Act prohibits unaccompanied children from entering certain premises and between certain hours. It is an offence under the Act to:
  - (a) permit children under the age of 16 who are not accompanied by an adult (aged 18 or over) to be present on premises being used exclusively or primarily for the supply of alcohol for consumption on those premises under the authority of a premises licence, club premises certificate or temporary event notice, and
  - (b) permit the presence of children under the age of 16 who are not accompanied by an adult between midnight and 5.00 am at other premises supplying

alcohol for consumption on the premises under the authority of a premises licence, club premises certificate or temporary event notice

Other than set out above, and subject to the licensee's discretion, the Act does not prevent unaccompanied children from having free access to any licensed premises where the consumption of alcohol is not the exclusive or primary activity

9.5 The Licensing Authority will consider the individual merits of each application, and then only when an application attracts relevant representations, before deciding whether it is appropriate to limit the access of children to any given premises. The following are examples of premises that will raise particular concern:

- where there have been convictions for serving alcohol to minors or with a reputation for under-age drinking;
- where there is a known association with drug taking or drug dealing;
- where there is a strong element of gambling on the premises;
- where entertainment of an adult or sexual nature is provided;
- where films with age-restricted classifications are to be shown.

9.6 Where relevant representations are received in respect of an application, the Licensing Authority may consider the following additional measures (which may be adopted in combination) for limiting the access of children to licensed premises in order to prevent harm:

- Limitations on the hours when children may be present;
- Limitations on ages below 18;
- Limitations or exclusion when certain activities are taking place;
- Restrictions or exclusions in respect of parts of premises;
- Requirements for an accompanying adult;
- Full exclusion of people who are under 18 years of age from the premises when any licensable activities are taking place.

9.7 No conditions will be imposed requiring that children be admitted to any premises and, where no limitation is imposed, this will be left to the discretion of the individual licensee or club or person who has served a temporary event notice on the Licensing Authority.

9.8 Applicants for premises licences and club premises certificates must send copies of their applications to the Surrey Safeguarding Children Unit (see list at Annex 1) on any application that indicates that there may be concern over access for children.

### **Illegal sales of restricted goods**

9.9 The Licensing Authority and the Police take a serious view of the sale to minors of age-restricted goods. Trading Standards in Surrey will continue to seek to ensure that there is no illegal sale of age-restricted goods. The work of the Trading



Standards Department in setting up systems to avoid sales to minors taking place is acknowledged and welcomed by the Licensing Authority. This work will continue and the Licensing Authority will welcome reports from the Trading Standards Department on any licensing matter. The Licensing Authority has particular regard to addressing problems caused by the link between alcohol sales to minors and crime and disorder issues.

### **Best practice in the protection of children from harm**

- 9.10 The Licensing Authority strongly encourages the implementation of best practice in licensed premises in the Borough in order to promote the protection of children from harm objective. Types of premises vary throughout the Borough, as do the types of licensable activities carried on at those premises, and therefore the steps appropriate to promote this objective will vary by premises.

### **Operating Schedules**

- 9.11 When preparing their operating schedules, applicants are encouraged to carry out a risk assessment of their premises by reference to the following items of best practice:

9.11.1 Staff training on the law with regard to restricted sales;

9.11.2 Training records and documentation to be kept available for inspection;

9.11.3 Staff training to include checking identification (ID) for proof of age through a secure system. As of 1 October 2010, the Act imposed a mandatory condition on all premises licences and club premises certificates requiring the premises licence holder or club premises certificate holder to ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark;

9.11.4 A responsible person (as identified by Section 153 (4) of the Act) who is present and responsible for transactions made through staff that may be under 18 years of age;

9.11.5 Procedures in place to train and remind staff that all age-restricted products may only be sold in accordance with the Act (and other legislation) so that proof of age may be sought where needed;

9.11.6 Procedures in place to record refusals of sales, with such records kept available for inspection;

9.11.7 Vending machines dispensing age-restricted goods to be positioned to allow for proper supervision at all times;

9.11.8 Arrangements for restricting children from viewing age-restricted films, classified according to the recommendations of the British Board of Film Classification (BBFC) or the Licensing Authority.

9.11.9 Where the majority of the intended audience at regulated entertainment is expected to be children or the entertainment offered is of a nature likely to be of interest to children (e.g. theatre productions or film shows), the following

are considered best practice arrangements in order to control their access and egress and to assure their safety:

- Each event/facility to assess requirements has undertaken specific risk assessments to identify ratios/regulations required for applicant may be asked to provide proof of risk assessment.
- A “Lost Child” policy which identifies arrangements for the safe care of lost children until they are reunited with the parent/guardian.
- A staff-to-children ratio which will ensure adequate supervision.

9.12 Applicants are expected to include the above items of best practice in their operating schedules, where relevant to the premises. Where they elect not to do so, they are strongly advised to include information explaining the omission. This might be because a risk assessment has shown that the step is unnecessary or because the item is already the subject of another consent, e.g. a planning permission or statutory obligation. If such information is not included, it is more likely that a relevant representation will be made, leading to the cost and delay of a hearing before a licensing sub-committee.

9.13 The steps volunteered in the operating schedule will become conditions of the licence or certificate, and therefore applicants should consider carefully the steps appropriate for the promotion of the four licensing objectives at their particular premises.

### **Opposed Applications**

9.14 If a relevant representation is made, the Licensing Authority will have discretion to take such steps as are appropriate to promote the four licensing objectives. In exercising its discretion, it may where relevant take into account whether the applicant proposes to follow the best practice set out above.

9.15 As set out in section 18 of this Policy, the Licensing Authority recognises the need to avoid duplication with other regulatory regimes as far as possible, including avoiding replicating offences set out in the Act and other legislation. The Licensing Authority will, when considering an application following receipt of relevant representation, consider attaching conditions to licences and certificates intended to protect children from harm, and these should reflect the general principles regarding licence conditions set out in Chapter 1 of the guidance.

9.16 Any such conditions imposed will be tailored to the style and characteristics of the premises and the type of activities expected/permitted/licensed to take place there.

## **10. LICENSING HOURS**

10.1 The Act does not promote or prohibit longer licensing hours. However, the Licensing Authority recognises that the Guidance emphasises that the aim through the promotion of the four licensing objectives should be to reduce the potential for concentrations of, and a slower dispersal of, people from licensed premises through flexible opening times. This may be important to ensure that large concentrations of people do not leave premises at the same time and it may reduce the friction at late night hot food outlets, taxi ranks (hackney carriage stands), taxi or private hire operators’ offices and other sources of transport that can lead to disorder and disturbance.

- 10.2 The Licensing Authority will not set fixed opening hours within certain areas, as this may lead at particular times to the movement of significant numbers of people seeking premises opening later, resulting in concentrations of disturbance and noise.
- 10.3 The Licensing Authority may consider imposing stricter conditions in respect of noise control where premises are situated in areas that have dense residential accommodation and/or are close to sensitive areas, for example hospitals, schools, places of worship, nursing homes. However, regard will be given to the individual merits of any application, and the Licensing Authority would only have discretion to consider attaching such conditions where a relevant representation is received in respect of an application, and then only where considered appropriate for the promotion of the four licensing objectives.

## **11. TRANSFER OF LICENCES**

When considering an application for the transfer of a premises licence, the authority will only have regard to the exceptional circumstances of the case as set out in any objection raised by the police on the grounds that the transfer will undermine the crime prevention objective. The effect on the crime prevention objective will be considered against the background of the policies contained in this document.

## **12. VARIATION OF LICENCES**

- 12.1 When considering an application for the variation of a licence, the authority will consider the impact of the variation in terms of the policies in this document and the four licensing objectives. It will not use such an application as a means to review the licence terms and conditions already granted.
- 12.2 Minor Variations - A premises licence/club premises certificate holder may apply under the minor variation procedure for small variations that will not impact adversely on the four licensing objectives. There is no right to a hearing if the minor variation application is rejected. In its place a full variation application may be made.
- 12.3 Disapplication of Designated Premises Supervisor – Where community premises hold a premises licence allowing the sale/supply of alcohol, the licence holder can apply to have the mandatory condition requiring a Designated Premises Supervisor to be appointed, be removed. This passes the responsibility for the sale/supply of alcohol to the premises Management Committee.

## **13. PROVISIONAL STATEMENTS**

An application for a provisional statement will be considered in the same way as would an application for a premises licence or club premises certificate, on the assumption that the works are completed as per the schedule of works submitted by the applicant.

## **14. SEXUAL ENTERTAINMENT VENUES**

- 14.1 Where premises are to be used on twelve or more occasions within a 12-month period for relevant sexual entertainment, the premises must also be licensed as a Sexual Entertainment Venue. Relevant sexual entertainment includes lap dancing, pole dancing, table dancing, strip shows, peep shows and live sex shows. This activity is the subject of a separate Council policy.

14.2 This licence only applies in areas where Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 (as amended by the Policing and Crime Act 2009) has been adopted.

## **15. COMPLAINTS / REVIEW OF LICENCES**

15.1 The Licensing Authority will investigate complaints relevant to the four licensing objectives in relation to licensed premises. In the first instance, complainants will be encouraged to raise the complaint directly with the licensee or business concerned. Where a Responsible Authority or any 'other person' has made:

- (a) valid representations about licensed premises; or
- (b) a valid application for a licence to be reviewed

then the Licensing Authority may initially arrange a mediation meeting to address, clarify and try to resolve the issues of concern.

15.2 This process will not override the right of any Responsible Authority or any 'other person' to ask that the Licensing Authority consider an application for a review of the premises licence or club premises certificate, or for any licence holder to decline to participate in a mediation meeting.

## **16. PERMITTED TEMPORARY ACTIVITIES**

16.1 Where a person wishes to use premises for one or more licensable activities for a period not exceeding 168 hours, that person can serve a:

- Standard Temporary Event Notice (TEN) on the Licensing Authority in notifying it of the event. The TEN must be served on the Licensing Authority and a copy served on the Police and Environmental Health, as Responsible Authorities no later than ten clear working days before the event is to begin. To avoid confusion, the ten working days does not include weekends, public holidays, the day of receipt of the TEN and the day of the event itself.
- Late Temporary Event Notice (LATE TEN) on the Licensing Authority in notifying it of the event. The TEN must be served on the Licensing Authority and a copy served on the Police and Environmental Health, as Responsible Authorities no later than 5 working days before the first day of the event and no earlier than 9 working days before the first day of the event

16.2 The maximum number of persons allowed on the premises at the same time during the temporary event is 499.

16.3 If alcohol is to be supplied, all supplies must be carried out by or under the authority of the person serving the TEN, and that person need not hold a personal licence.

16.4 Only the Police and Environmental Health may object to the staging of a temporary event. If they believe that any of the of the four licensing objectives will be undermined by the event they will issue an 'Objection Notice'

16.5 Where an Objection Notice is received in relation to a standard TEN, a licensing Panel will be held to determine the notice within seven working days of the Objection Notice being issued. The Licensing Authority will notify all relevant parties of the time and venue for the hearing. A hearing will not always be necessary if an agreed modification can be

made beforehand. Where an Objection Notice is received in relation to a Late TEN, the event will automatically be refused authorisation. There is no right of appeal in this instance.

- 16.6 There are limitations on the number of TENs that individuals can give and which can be given in relation to particular premises.
- 16.7 A Licensing Authority may impose conditions on a TEN if it considers that this promotes the licensing objectives. A Licensing Authority can only impose such conditions if an objection has been made by at least one relevant person (and the licensing authority considers that permitting the event to proceed would promote the licensing objectives), and at least a part of the premises in relation to which the TEN is given is already subject to a premises licence or club premises certificate. Any such conditions must be consistent with the activity authorised by the TEN and existing conditions attaching to the subsisting licence or certificate.
- 16.8 Where the limitations on a temporary event cannot be fulfilled, for example due to the large numbers attending, a premises licence will be required. The Licensing Authority would expect early notice of such a major event to allow Responsible Authorities to discuss and agree operating schedules.

## **17. SHOPS, STORES AND SUPERMARKETS**

- 17.1 The Licensing Authority will consider licensing shops, stores and supermarkets to sell alcohol for consumption off the premises at any times they are open for shopping.
- 17.2 The Licensing Authority may consider whether there are very good reasons for restricting those hours. For example, a limitation of opening hours may be appropriate following relevant representations from the Police in the case of shops known to be the focus of disorder and disturbance because people gather there and engage in nuisance and/or anti-social behaviour.

## **18. INTEGRATING STRATEGIES AND AVOIDING DUPLICATION**

- 18.1 The Licensing Authority recognises the need to avoid duplication with other regulatory regimes as far as possible. This Policy is not intended to duplicate existing legislation and regulatory regimes that place duties upon employers and operators. In the event that conduct of activity related to the business has been found to be in contravention of other regulatory regimes the Licensing Authority will have regard to such conduct in considering licensing applications.
- 18.2 Some regulations do not cover the particular circumstances that arise in connection with entertainment. The Licensing Authority may, for example, attach conditions to premises licences and club premises certificates where these are considered appropriate for the promotion of the four licensing objectives and are not already provided for in any other legislation.
- 18.3 The Council has set up multi-disciplinary working groups to ensure the proper integration of local crime prevention, e.g. Joint Action Group (JAG). The Council has also set up a Joint Enforcement Initiative (JEI) to protect the Borough's environment by combating environmental crime, and to work more cohesively and effectively to enforce against anti-social behaviour. Waverley is committed to support safeguarding children and vulnerable people. Waverley's Safeguarding Policy can be found at:

[http://www.waverley.gov.uk/info/870/community\\_safety/920/safeguarding/1](http://www.waverley.gov.uk/info/870/community_safety/920/safeguarding/1)

In addition, the Safer Waverley Partnership Draft Partnership Strategy and Plan 2017-20 at:

[http://www.waverley.gov.uk/downloads/file/5767/safer\\_waverley\\_partnership\\_SWP\\_partnership\\_and\\_strategy\\_plan\\_2017-2020](http://www.waverley.gov.uk/downloads/file/5767/safer_waverley_partnership_SWP_partnership_and_strategy_plan_2017-2020)

## Planning

- 18.4 The Licensing Authority recognises that there should be a proper separation of the planning and licensing regimes to avoid duplication and inefficiency. Licensing applications should not be a re-run of planning applications and should not cut across decisions taken by the Council's Area and Joint Planning Committees (or their successor committees) or following appeals against decisions taken by those Committees. Similarly, applicants for premises licences are responsible for making sure that they have the appropriate planning permission to reflect the proposals in their operating schedule and to enable them to comply with the commitments to service provision detailed in their operating schedule. Applicants should not propose in their operating schedule management measures affecting health and safety that conflict with planning or listed building control.
- 18.5 The Council's planning policies are set out in the Waverley Borough Local Plan Part 1: Strategic Policies and Sites, which was adopted by the Council in February 2018, the retained policies from the Waverley Borough Local Plan 2002 and supplementary planning guidance. In addition, the Council is preparing its Local Plan Part 2: Site Allocations and Development Management Policies which, in time, will replace the retained policies from the 2002 Plan.
- 18.65 Both Local Plan Part 1 and the retained policies in the ~~The~~ Waverley Borough Local Plan 2002 and the emerging Local Plan acknowledges that restaurants, public houses and other such uses are important elements in the mix of uses found in town centres and to the evening economy. Policy TCS1 in Local Plan Part 1 says that within town centres a variety of town centre uses will be encouraged, including food and drink, leisure and cultural uses– that add to the liveliness, attractiveness and vitality and viability of the centre. Policy TD1 of Local Plan Part 1 is an overarching policy on townscape and design. One of its requirements is that new development is designed so that creates safe and attractive environments that meet the needs of users and incorporates the principles of sustainable development. Policy ST1 of Local Plan Part 1 says that –new development should make appropriate provision for car parking, having regard to the type of development and its location, in accordance with local standards. Food and drink uses are considered under retained Policy S6 of the 2002 Local Plan. This policy deals with a range of issues associated with such uses, including impact on amenity resulting from matters such as noise, fumes and odours and excessive activity particularly at unsocial hours. It also deals with issues around parking and access associated with such uses. ~~(Chapter 8 development plan policy)~~. Planning cannot ~~take into account~~ regulate the possible behaviour or public order issues resulting from new development or changes of use, as these are not land–use issues. It does, however, recognise that such uses can cause disturbance to neighbours and can have an adverse effect on the character of an area. It seeks to eliminate or limit such adverse impacts in various ways, by imposing reasonable planning conditions restricting hours of operation, and ensuring that parking activities are controlled, particularly at unsocial hours. ~~The Waverley Borough Local Plan 2002 and the emerging Local Plan acknowledges that restaurants, public houses and other such uses are important elements in the mix of uses found in town centres and to the~~

~~evening economy. Food and drink uses are considered under Policy S6 of the Local Plan (Chapter 8 development plan policy). Planning cannot take into account the possible behaviour or public order issues resulting from new development or changes of use, as these are not land use issues. It does, however, recognise that such uses can cause disturbance to neighbours and can have an adverse effect on the character of an area. It seeks to eliminate or limit such adverse impacts in various ways, by imposing reasonable planning conditions restricting hours of operation, and ensuring that parking activities are controlled, particularly at unsocial hours.~~

~~18.76 The Council's planning policies are set out in the Waverley Borough Local Plan 2002, the emerging Local Plan and supplementary planning guidance.~~

### **Crime Prevention**

18.87 Conditions attached to premises licences and club premises certificates will, so far as possible, reflect local crime prevention and crime and disorder strategies and applicants will be expected to address these in their operating schedules.

### **Cultural Strategies**

18.98 The Licensing Authority will monitor the impact of licensing on regulated entertainment particularly live music, dance and theatre. The Licensing Authority aims to support the development of Cultural Services.

18.109 Specific reference is made within Waverley's Cultural Strategy to support for the development of arts centres, including provision of live music, dance and theatre. The Strategy also seeks to continue to promote the use of parks in the Borough as a venue for seasonal live theatre events.

18.110 As part of implementing the Cultural Strategy, the Licensing Authority recognises the need to encourage and promote live music, dance and theatre for the wider cultural benefit of the community, particularly for young people. It is also keen to promote new and to continue existing cinema provision in the Borough.

### **Sports**

18.124 The Council encourages local sporting organisations, through its Cultural Strategy, to generate revenue by making best use of their pavilions and any other facilities they may have.

### **Transport**

18.132 Where appropriate, the Licensing Authority will arrange for protocols with the Surrey Police to provide for reports to the Local Authority Committee responsible for transport matters on the need for the swift and safe dispersal of people from the town centres to avoid concentrations, which can produce disorder and disturbance.

### **Tourism & Employment**

18.143 Arrangements will be made for the Licensing & Regulatory Committee to receive reports on the following relevant matters to ensure these are reflected in their considerations:

- the needs of the local tourist economy and cultural strategy for the Borough, and,
- the employment situation in the Borough and the need for investment and employment where appropriate.

18.154 The Licensing Authority will seek to discharge its licensing responsibilities with due regard to other Government strategies that impact upon the four licensing objectives e.g.

- Safer Clubbing
  - National alcohol harm reduction strategy
  - Home Office Action Plan for tackling alcohol-related crime, nuisance and disorder
  - LACORS/TSI Code of Best Practice on test purchasing
- HSE Events Guide (particularly, but not exclusively, for temporary events and Temporary Events Notices)

## 19. ENFORCEMENT

19.1 The Licensing Authority has established a protocol with the Responsible Authorities on the enforcement of the Act. This provides for the efficient deployment of Authority Officers engaged in enforcing the Act and inspecting licensed premises, in order to ensure that resources are targeted at problem and high-risk premises. The Council's Licensing Enforcement Protocol is available at Waverley Borough Council's website.

19.2 The Licensing Authority is also subject to a corporate Enforcement Policy and Concordat, based on the principles of consistency, transparency and proportionality as set out in the Department of Trade and Industry's Enforcement Concordat. This ensures that any enforcement action taken is proportionate and reflects the risk posed to the promotion of the four licensing objectives, and that it is carried out in a fair and consistent manner, including prosecution where appropriate.

19.3 Waverley will continue to support and participate in the Surrey county-wide licensing forum – a local forum which aims to:

- help develop consistency between the statutory agencies responsible for licensed premises;
- develop potential for a joint approach to implementation and administration;
- act as a strategic forum for licensing in Surrey;
- develop liaison with agencies and other relevant organisations;
- promote best practice;
- enhance the potential for sharing resources.

## 20. APPEALS



Applicants and those making representations in respect of applications and reviews to the Licensing Authority have a right of appeal to the Magistrates' Court against the Authority's decisions. Further information on how to appeal can be obtained by contacting the Guildford Magistrates' Court, The Law Courts, Mary Road, Guildford, Surrey GU1 4PS. Tel: 01483 405300.

**21. FEES**

Following amendments that came into force in October 2012 the Licensing Act 2003 requires a Licensing Authority to suspend a premises licence or club premises certificate if the annual fee is not paid when it is due.

**22. FURTHER INFORMATION**

If you need more details about the licensing process or making an application please contact the Licensing Section, Waverley Borough Council, The Bury's, Godalming, Surrey, GU7 1HR. Tel: 01483 523033

\*\*\*\*\*

RESPONSIBLE AUTHORITIES

- (a) **Police Authority**  
Chief Officer of Police, c/o Waverley Licensing Officer, Surrey Police, P O Box 101,  
GU1 9PE  
Tel: 01483 639512
- (b) **Fire Authority**  
Surrey Fire and Rescue Service, Headquarters, Croydon Road, Reigate, Surrey,  
RH2 0EJ.  
Tel: 01483 517277
- (c) **Trading Standards**  
Surrey County Council Trading Standards, Consort House, 5-7 Queensway, Redhill,  
Surrey, RH1 1YB  
Tel: 01372 371700
- (d) **Health and Safety at Work**  
Head of Environment, Waverley Borough Council, The Burys, Godalming, Surrey,  
GU7 1HR.  
Tel: 01483 523333
- (e) **Local Planning Authority**  
Head of Planning, Waverley Borough Council, The Burys, Godalming, Surrey,  
GU7 1HR.  
Tel: 014873 523333
- (f) **Local Authority – Prevention of Pollution (to environment or harm to human health)**  
Head of Environment, Waverley Borough Council, The Burys, Godalming, Surrey,  
GU7 1HR.  
Tel: 01483 523333
- (g) **Protection of Children from Harm**  
County Child Employment and Strategy Manager, Quadrant Court, 35 Guildford  
Road, Woking, Surrey, GU22 7QQ  
Tel: 01483 517838
- (h) **Licensing Authority (Other than the relevant licensing authority) in whose area part of the premises is situated**
- (i) **Public Health**  
Room G55, County Hall, Penrhyn Road, Kingston Upon Thames, KT1 2DN  
Tel: 01737 733746
- (j) **Home Office (Immigration Enforcement)**  
Alcohol Licensing Team, Lunar House, 40 Wellesley Road, Croydon, Surrey, CR9  
2BY

To be advised on individual cases

- (j) **In relation to a vessel - Navigation Authority**

Navigation Manager, National Trust, River Wey Navigations, Dapdune Wharf, Wharf  
Road, Guildford, Surrey, GU1 4RR.  
Tel: 01483 561389

OTHER USEFUL SOURCES OF INFORMATION

- A. The Licensing Act 2003 can be viewed on the web site at [www.legislation.gov.uk/ukpga/2003/17/contents](http://www.legislation.gov.uk/ukpga/2003/17/contents)
- B. The latest revised Guidance for the Licensing Act 2003 (April 2017) can be viewed on the web site at [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/705588/Revised\\_guidance\\_issued\\_under\\_section\\_182\\_of\\_the\\_Licensing\\_Act\\_2003\\_April\\_2018\\_.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705588/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003_April_2018_.pdf)
- C. The Home Office has issued its Modern Crime Prevention Strategy (March 2016) which potentially impacts on licensing, including the encouragement of partnership working schemes, improved local intelligence systems for use as evidence in licensing hearings, and support to local authorities in efforts to diversify late night economy away from alcohol-led premises, and which is available on the Home Office website at <https://www.gov.uk/government/publications/modern-crime-prevention-strategy>
- D. The Government's Alcohol Harm Reduction Strategy can be viewed at <https://www.gov.uk/government/publications/alcohol-strategy>
- E. The Licensing Authority's latest licensing information can be found on its own web site at [www.waverley.gov.uk/site/scripts/services\\_info.php?serviceID=220](http://www.waverley.gov.uk/site/scripts/services_info.php?serviceID=220)
- F. [www.ias.org.uk](http://www.ias.org.uk) (the website of the Institute of Alcohol Studies)
- G. Registration and training of doorstaff (from 2005) has been the responsibility of the Security Industry Authority. Information can be obtained from <https://www.sia.homeoffice.gov.uk/Pages/home.aspx>
- H. The British Institute of Innkeeping (BII) is a trainer and an awarding body for the appropriate qualifications. It can be contacted on [www.bii.org/](http://www.bii.org/) or 01276 684 449, email [enquiries@bii.org](mailto:enquiries@bii.org)
- I. Surrey Safeguarding Children Board - information can be obtained from <http://www.surreyscb.org.uk/> or 01372 833330 or email; [sscb@surreycc.gov.uk](mailto:sscb@surreycc.gov.uk)
- 
- J. Surrey Alcohol and Drug Advisory Service. Information can be found at <http://www.catalystsupport.org.uk/> or 01483 590150 or email; [info@catalystsupport.org.uk](mailto:info@catalystsupport.org.uk)

## TABLE OF DELEGATIONS OF LICENSING FUNCTIONS

Approved by the Council 20th July 2004

<b>MATTER TO BE DEALT WITH</b>	<b>FULL COMMITTEE</b>	<b>SUB-COMMITTEE (3 MEMBERS)</b>	<b>AUTHORISED OFFICERS</b>
Application for personal licence		If an objection made	If no objection made
Application for personal licence with unspent convictions		All Cases	
Application for premises licence/club premises Certificate		If a representation made	If no representation made
Application for provisional statement		If a representation made	If no representation made
Application for Minor Variation to vary premises licence/club registration certificate			All Cases
Application to vary premises licence/club registration certificate		If a representation made	If no representation made
Application to vary designated personal licence holder		If a police objection	All other cases
Request to be removed as designated personal licence holder			All cases
Application for transfer of premises licence		If a police objection	All other cases
Application for Interim Authorities		If a police objection	All other cases
Application to review premises licence/club premises Registration		All cases	
Decision on whether a complaint is irrelevant, frivolous, vexatious, etc.			All cases
Decision to object when local authority is a consultee and not the lead authority		All cases	

Determination of a police and/or Environmental health representation to Standard temporary event notices		All cases	
Determination of a police and/or Environmental health representation to 'Late' temporary event notices			Officers to reject application in all cases

## WAVERLEY BOROUGH COUNCIL

EXECUTIVE – 10 JULY 2018

---

**Title:**

**LEISURE CENTRE INVESTMENT: FARNHAM, GODALMING AND CRANLEIGH**

**[Portfolio Holder: Cllr Jenny Else]  
[Wards Affected: All]**

---

**Note Pursuant to Section 100B(5) of the Local Government Act 1972**

Annexes to this report contain exempt information by virtue of which the public is likely to be excluded during the item to which the report relates, as specified in paragraph 3 of the revised part 1 of Schedule 12A to the Local Government Act 1972, namely:-

Information relating to the financial or business affairs of any particular person (including the authority holding that information)

---

**Summary and purpose:**

As part of the continued improvement of our leisure facilities a feasibility study was completed in October 2017, by SLC consultancy, to identify viable options for future leisure investment across Waverley.

The outcomes of the feasibility report are supported by a robust assessment of the need for improved leisure facilities in Waverley.

A summary of the viable options derived from the SLC report were presented to the Community Wellbeing O&S Committee in November 2017 and were received positively. Some engagement with Cranleigh Parish Council also took place during the feasibility work.

This report presents the most favourable viable options and requests formal approval to progress with detailed design and procurement of extensions to Godalming and Farnham Leisure centres. It also requests approval to begin a consultation process for investment in leisure in Cranleigh.

---

**How this report relates to the Council's Corporate Priorities:**

The wellbeing and prosperity of our communities is a priority for the Council and the provision of leisure and recreational facilities will enable residents to be active, lead a healthy lifestyle and where appropriate progress their sporting ambitions.

Future investment in leisure facilities will be based on a robust feasibility assessment that offers value for money to the Council. External funding and developer contributions will be sought to supplement any capital cost.

**Equality and Diversity Implications:**

There are no Equality and Diversity implications associated with this report.

### **Financial Implications:**

There are a range of proposals within this report, all of which have financial implications if the schemes are approved. The proposed improvements to Farnham and Godalming Centres require an investment of some £3.32m, inclusive of contingency and are anticipated to generate revenue improvement of some £410k pa. There are potential developer contributions which would substantially reduce Waverley's direct investment. Most of the figures within the report have been supplied by SLC consultancy.

The recommended funding of the Farnham and Godalming leisure centre proposals is given in the table below:

	<b>£ m</b>
Contribution from Brightwells Capital Receipt	2.5
Section 106 and other developer contributions	0.6
Other capital receipts	0.12
<b>Total funding</b>	<b>3.22</b>

There are a range of options in respect of Cranleigh Leisure Centre, from a new build on a new (though adjacent) site to a planned closure over a period. The most economic option while retaining a centre in Cranleigh is the new build option, which offers the lowest running cost over the period of its projected lifespan. There are planning risks associated with this route and the amount of investment required would necessitate external borrowing. However, the recommendation at this stage is to begin the exploration of a new site.

The most obvious financial implications are the potential improved management fee arrangements, but the profit share arrangements also offer potential revenue benefits as well. However, the profit share arrangements depend on the operating success of Places for People (PfP), the current management operator, and cannot be guaranteed. In addition, the fundamental changes to the centres and the financial structure proposed do offer PfP the contractual opportunity to invoke the 'realignment review' clause in its contract which could lead to renegotiation of management fees and profit share arrangements. Clearly Waverley officers would negotiate robustly in order to gain the best outcome for Waverley.

### **Legal Implications:**

The current status of the leisure centre management contract is set out within the report, including the circumstances in which the Council receives a management fee from PfP and the level of fee currently received. Should the Council renegotiate the management fee under the 'realignment review' provisions as described above, the risk of such a review falling outside of the scope of the Public Contracts Regulations 2015, and other applicable procurement law, would be low as the review provisions are a term of the tendered contract. This would take place in the context of the management contract currently running until 2023.



## **Background**

1. There are significant future housing developments in the Borough that will need to be considered in relation to leisure facilities provision. The increased population will undoubtedly put pressure on the existing leisure infrastructure in Waverley.
2. The Council has a proven track record in successfully delivering sustainable investments in its leisure facility portfolio having undertaken a series of developments as part of its previous Leisure Investment Strategy 2009-2015.
3. In order to continue improving the current leisure facilities and the offering to cope with Waverley's increasing population the Council commissioned a feasibility study in April 2017. The purpose of the feasibility study was to identify viable options for additional investment in Waverley's leisure centres.
4. Haslemere Leisure Centre was the most recent site to receive investment with a £4.1m refurbishment in 2014 and therefore no further investment is required at this time. This recent investment has been a great success with usage continuing to rise. The centre meets current and projected need, however we will continue to monitor this as part of our Leisure Facilities Strategy.
5. A new Godalming Leisure Centre was built in 2012 costing £5.85m and is currently oversubscribed. Farnham Leisure Centre was refurbished in 2010 costing £3.6m.
6. Cranleigh Leisure Centre was refurbished in 2009 at a total cost of £1.67m. However, due to the age of the centre (built in 1975), significant increasing maintenance and repair costs are becoming unavoidable. The longer the delay before further investment is made, the greater investment will ultimately be required to simply maintain the centre in Cranleigh.
7. The success of the most recent leisure investments is evident. The existing management contract was originally tendered in 2008 at a total management fee payable by Waverley to DC Leisure (now PfP) of £845k pa. As a result of continued contract negotiation, management action and capital investment Waverley currently receive a management fee paid by PfP of £70k pa increasing to £120k pa in 2018 – an improvement of some £965k pa over the 10-year period. The contract is currently running until 2023. In addition the leisure contract also creates a profit share payment to Waverley, which in 2016/17 exceeded £400k.
8. However, a change to the portfolio of leisure facilities, such as the proposed in this report, does give PfP the contractual opportunity to request a formal review of the contract terms. It is possible that PfP may seek to amend the contract terms, particularly the profit share terms, on the basis that the current proposals constitute a fundamental change to the facilities and trading operation that was originally tendered in 2008 and upon which the current financial terms are based.

## **Strategic Needs Assessment**

9. Both nationally and locally there is a drive to encourage an active lifestyle. Waverley's Health and Wellbeing Strategy adopted in 2016, outlines the Council's commitment to promoting health and wellbeing within its communities. Physical activity features very strongly within the Strategy's priorities to develop a preventative approach and improve

the wellbeing of children and young people. Activity provided through leisure centres undoubtedly has a positive impact on the health and wellbeing of individuals as well as social and economic benefits.

10. A robust analysis of the need for sport and leisure facilities in Waverley was carried out as part of the development of the Indoor Leisure Facilities Strategy in 2017. The report concluded that although the current supply of sports halls and swimming pools in the area are more than adequate, in order to cope with the projected population growth elements of dry side provision would not be sufficient.
11. In addition to the needs analysis as part of the Indoor Leisure Facilities Strategy, SLC carried out a latent demand analysis which assesses the market potential based on a defined area and population. This analysis examined the likely total demand generated by a given population, for key income generating areas of leisure provision of health and fitness, general swimming and swimming lessons. This was then modelled against the existing total provision and projected increase in demand.
12. Both needs assessments have concluded the following:

A. Farnham

Farnham is projected to have 2,780 new homes under housing development plans. There is also very strong local competition for health and fitness facilities in the area, with approximately 17 other providers within a 5 mile radius of Farnham Leisure Centre.

Farnham Leisure Centre is showing a current and future oversupply in health and fitness, general swimming and swimming lessons, which indicates that the current facility is suitably sized. However in order to differentiate the centre from other competitors there is an opportunity to diversify its offer by providing new facilities to attract a younger and more family orientated market. There is an identified demand for indoor adventure play and climbing models that provide opportunities for children and young people to be more active.

B. Godalming

Godalming is anticipated to have an additional 1,520 houses over the next few years. This will create a demand for health and fitness in an area that is already in short supply.

Godalming Leisure Centre has exceeded the expectations of usage since it was initially designed. There has been an increase in health and fitness membership from c. 500 at the old centre to 2100 in December 2017. The gym is overcrowded at peak times and the area designated for spinning classes is not ideal due to the noise generated. The exercise class programme is very popular but at capacity. The majority of classes are booked up two weeks in advance and the lack of available spaces causes dissatisfaction amongst members.

Parking availability is also under pressure on this site. There are currently 70 spaces available for customers which struggle to cope with demand. Additional car parking will be necessary before considering further investment on this site.

### C. Cranleigh

Cranleigh will see a significant number of new housing with planning consent already granted to build 2600 new homes at Dunsfold Park and a further 1700 in Cranleigh itself. Planned developments will increase demand for local facilities, particularly as the main facility, Cranleigh Leisure Centre, is no longer fit for purpose. The latent demand analysis has identified an undersupply for health and fitness as well as childrens swimming lessons.

Within the Indoor Leisure Facility Strategy, when comparing to other facilities, Cranleigh Leisure Centre has been graded as 'below average' in terms of the condition of the building. Significant capital investment will be required to maintain and keep the facility open. This increases the importance of finding a solution for this site as a matter of urgency.

### **Viable proposals**

13. The Options Appraisal for Future Leisure Investment report, produced by SLC, has explored a number of options for redevelopment in Cranleigh as well as extensions to Godalming and Farnham leisure centres with a view to better meet local demand and deliver a return on the Council's investment.

#### Farnham Leisure Centre

14. It is proposed that the Council considers the funding of an extension to incorporate children's soft play and "clip and climb" facility, with the addition of a larger café area. This will involve the relocation of the current offices. The local supply of such facilities appears to be low in the surrounding area therefore offering an opportunity for Farnham Leisure Centre to improve and diversify the current offering. (Exempt) Annexe 1 shows the draft drawings of this proposal.

#### Godalming Leisure Centre

15. It is proposed that the Council supports an extension of the current site to increase the size of the gym by 35 stations, introduce a second dance studio and double the size of members changing facilities.

However, the car park at Godalming Leisure Centre is insufficient to meet current levels of use and any extension to the centre will not be viable without increasing the car parking provision. The most feasible way of achieving this is through an extension of the existing car park creating approximately 88 additional spaces on an unused corner of the adjacent Broadwater School land owned by Surrey County Council.

The existing car park was leased from the school for an initial 7 years. This lease will come to an end in 2019 and negotiations to extend it have already begun with Surrey County Council and Broadwater School. The timing of the lease extension conversations offers an opportunity to discuss the potential extension to the car park at the same time. The drawings of a proposal including the car park extension are shown in (Exempt) Annexe 2. The cost of building the additional car park is included in the costs of the building extension that are presented in more detail below.

## Cranleigh Leisure Centre

16. It is proposed that the Executive approves in principle the investment in leisure in Cranleigh. The existing facility mix is meeting the current demand for the area and therefore would remain the same for any potential refurbishment or new site. A higher quality and more attractive centre is very likely to attract more customers and in order to future proof the new or improved facility the changes need to cater for an expected increase in use. This should accommodate the increased use following the 2,600 new homes at Dunsfold Aerodrome and the additional 1700 homes in Cranleigh. A new or improved site should include an extended gym, more flexibility in shallow water space by including a movable floor to the main pool, additional changing facilities as well as additional multi purpose exercise studios.

## **Business Plans**

17. The Options Appraisal work by SLC has produced estimated development costs that are based on industry benchmarks and are therefore as accurate as they could be prior to undergoing a formal procurement process. They also include an indication of management fee uplift for each development. It is important to note however that the position is not fully agreed and further negotiations with PfP will have to take place before proceeding with any investment.
18. The Council has a management contract with PfP for the operation of the Council's five leisure facilities which expires in July 2023. The contract was originally set up in 1996 and was subject to a 15-year negotiated extension which began in July 2008.
19. The business plans developed by SLC are a robust, independent assessment of projected income and expenditure based on industry knowledge and benchmarking of similar developments. They have been developed for a 15 year period, which is considered suitable given the fact that 5 years remain on the existing leisure management contract with PfP and any new contract is likely to be for a further 10 years as a minimum. All of the investment options have been calculated over a lifespan of at least 15 years for comparison purposes. However a new build leisure centre in Cranleigh will be expected to have lifespan of over 30 years.

## Farnham Leisure Centre

20. Projections for the additional income generated by the proposed investment at Farnham Leisure Centre are based upon anticipated visitor numbers for the soft play and 'clip and climb' facilities. They also include assumptions regarding the number of children's parties and the secondary spend associated with such facilities.
21. The additional expenditure includes staffing and other associated operational costs together with proportionate additional central costs and operator profit. The figures are also inclusive of professional fees and contingency.
22. The 15-year revenue business plan shown in Exempt Annexe 3 also includes an indicative repayment for the £1.475M development cost. These repayments assume the capital funding for this development will be taken from Waverley reserves and no borrowing charges will apply.

23. The extended facilities at Farnham Leisure Centre are estimated by SCL to generate an average operational surplus. The figure is detailed within Exempt Annexe 3 and is subject to negotiation and agreement with the operator PfP.

#### Godalming Leisure Centre

24. Projections for the additional income generated by the Godalming Leisure Centre extension are based on the increased capacity of the health and fitness facilities as a result of the proposed investment.

25. The 15-year revenue business plan shown in Exempt Annexe 3 includes the additional income and expenditure together with proportionate additional centre costs and operator profit using industry benchmark ratios.

26. The additional 36 stations in the extended gym provide capacity for a further 792 members generating an additional income. The additional studio will double the existing studio capacity to accommodate the increased membership and to provide capability for more 'casual' or 'pay and play' exercise class attendees.

27. The additional expenditure projections take account of the increased class programme (additional instructors) and an assumed increase in general operational costs (maintenance, utilities, admin etc.)

28. The extended facilities at Godalming Leisure Centre are estimated by SCL to generate an average operational surplus. The figure is detailed within Exempt Annexe 3 and is subject to negotiation and agreement with the operator PfP.

#### Cranleigh Leisure Centre

29. Over the next few years a significant capital outlay will be required in order to continue operating and maintain the current site to a reasonable standard. This investment would only cover the essential lifecycle costs and would have no return on investment for the Council.

30. Initial options have been explored for the future of Cranleigh Leisure centre and these include a new build on an alternative location or a fundamental remodelling of the existing site. The options of doing nothing or closing the centre all together have also been explored for a more comprehensive options assessment. The table below summarises the business case for all of the four options explored over the lifespan of each option.

Options	Estimated Capital cost	Annual Average Saving <sup>1</sup>	Annual Average management Fee	Annual Average Lifecycle cost	Annual Borrowing cost	Potential Lifetime of Building	Net cost over lifetime
	£	£	£	£	£	Years	£
<b>New build</b>	12.7m	614,000	-	- <sup>2</sup>	621,000	30	210,000
<b>Remodel</b>	8.7m	403,000	-	- <sup>2</sup>	677,000	15	4,110,000
<b>Business as usual</b>	-		149,000	300,000		10	4,490,000
<b>Timed Closure</b>	-		149,000	300,000		5	2,245,000

31. These options were presented to Community Wellbeing O&S committee in November 2017. The new build option was the most favourable one based on the lesser net cost over its lifetime, but also as there will be no customer and service disruption. Officers were directed to further explore the option for a new build centre and the remaining 3 options were dismissed on financial grounds.

32. A new build option will require significant financial commitment from the Council, but offers a greater return on investment, as well as providing an enhanced offering for leisure centre users. This option also offers the greatest opportunity for renegotiation of PFP's CLC management fee arrangement, which at the moment is costing the Council £149k per year. Capital investment on this scale will necessitate external borrowing. Borrowing costs vary on a daily basis depending on the repayment options and could be more or less than shown above.

33. SLC's income projections for the new build option are based on actual income for the existing site plus additional income for the increased size of certain facilities. Additional income in other areas will be as a result of the 'new build factor' i.e. a new centre will naturally attract more users than the existing facility.

34. Expenditure projections for the new build option are based on actual expenditure for the existing site plus additional staffing expenditure for the increased size of certain facilities (e.g. gym, studios and café.) Reductions in premises costs are projected due to reduced maintenance liabilities and energy consumption. A new facility will require less maintenance than the existing centre and will benefit from more energy efficient plant, thereby reducing utilities costs significantly.

35. The 15-year revenue business plan shows that the Council could expect to receive an improved management fee payment the details of which can be seen in Exempt Annexe 3.

<sup>1</sup> Inclusive of repairs and maintenance costs

<sup>2</sup> Lifecycle costs for this option have been taken into account when calculating the annual saving.

36. More details of both business plans with detailed income and expenditure is included in Appendix F of the Options Appraisal for Future Leisure Centre Investment report by SLC.
37. In order to progress with this development it would be prudent to carry out more detailed consultation on the location of a potential new site. The cost of a six month consultation will be covered by existing resources.

### **Risks and Project Management**

38. There are a number of risks associated with redevelopment projects. An initial risk register has been produced which covers the risks from the very early stages of design up to the completion of the tender stage. A more comprehensive risk register will be created at a later stage to cover the risks further into the process.
39. PFP are one of the largest leisure operators in the country with many years of successfully managing leisure centres. Their expertise in operating leisure facilities has been invaluable during past redevelopment projects where PFP had the key responsibility to project manage the delivery.
40. The project management structure of the previous investment in the leisure centres worked well and reduced Waverley's risk in relation to loss of income and project delays. The structure placed PFP as the project lead which allowed the Council to take advantage of PFP's industry knowledge and extensive project management experience of other leisure centres. This process worked well and delivered a high quality product aligned to service need. It is intended for PFP to have a key part in project managing the redevelopment proposed in this report.

### **Conclusions**

41. The Council's leisure centres in Cranleigh, Godalming and Farnham have played a critical role in providing publicly accessible sports and leisure facilities for the residents of these towns. The projected population growth across the borough creates a need to enhance and improve the existing facilities in order to meet the future demands of Waverley's local population. The key findings of the options appraisal work have identified opportunities for the Council to invest to save in its leisure portfolio.
42. The facilities at Farnham Leisure Centre continue to meet demand for key activities such as swimming and health and fitness. There is however, an opportunity to diversify the offer by providing new soft play and climbing facilities to appeal to a broader market. The proposed extension at Farnham Leisure Centre is projected to generate a significant revenue improvement compared to the existing management arrangement.
43. There is strong evidence to support an extension at Godalming Leisure Centre to provide additional gym space, an additional studio and members changing rooms. A parking arrangement is also integral to this project as current provision is insufficient. The proposed extension is projected to generate a significant revenue improvement compared to the existing management arrangement.

44. The most favourable option for Cranleigh Leisure Centre would be for a new build on an alternative location, and though requiring the most significant investment it is the most economic of the options in the long term. The new build option will ensure that the current centre would remain operational during the build of the new site, minimising disruptions to users and eliminating the risk of closure costs.
45. After initial consultation with Members it was felt that although there is a need for a new leisure centre in Cranleigh, more work needs to be done to identify the most suitable location for a new facility that mitigates some of the risks identified. It is proposed that consultant support is appointed to facilitate the consultation work. A separate budget will be required to carry out this work over a 6 month period.
46. More detailed and robust negotiations with PfP will need to take place in parallel to the tender process for the works to ensure that Waverley achieves the best possible return from the capital investment.
47. All proposed projects, as with past refurbishments, will be tendered as a design and build contract reducing the construction and financial risk to the Council. PfP will be asked to take a project management role through the refurbishment projects.

---

## **Recommendation**

That the Executive recommends to Council that:

1. A capital budget of £3.22m is agreed and officers progress with more detailed specification and procurement of the Farnham and Godalming leisure centre schemes, subject to negotiations with Places for People on future management fee payments (PfP);
2. The Farnham and Godalming schemes are funded as per the table included in the financial implications section and the final funding arrangement be delegated to the Strategic Director (S151 Officer) and the Deputy Leader;
3. That officers are given the delegated authority to negotiate the management fee terms for the remainder of the contract with PfP, on the basis that the extended facilities are delivered;
4. That authority is delegated to the Strategic Director in consultation with the Deputy Leader to enter into appropriate lease and/or contractual arrangements to enable the car park lease extension at Godalming Leisure Centre.
5. That the Council commits to a multi-million pound investment in leisure facilities in Cranleigh and agree that officers begin a detailed consultation, with the support of external consultants, to identify a potential location for the Cranleigh Leisure Centre and report back to Executive.

---

## **Background Papers**

- Options Appraisal for future leisure centre investment December 2017



- Indoor Leisure Facilities Strategy 2017-2027

---

**CONTACT OFFICER:**

**Name:** Kelvin Mills  
Head of Communities and Major Projects

**Telephone:** 3432  
**E-mail:** [kelvin.mills@waverley.gov.uk](mailto:kelvin.mills@waverley.gov.uk)

**Name:** Tamsin McLeod  
Leisure Services Manager

**Telephone:** 3423  
**E-mail:** [tamsin.mcleod@waverley.gov.uk](mailto:tamsin.mcleod@waverley.gov.uk)

This page is intentionally left blank

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank

## ANNEXE 2

### WAVERLEY BOROUGH COUNCIL

### COUNCIL MEETING – 17 JULY 2018

LOCAL GOVERNMENT AND HOUSING ACT 1989

LOCAL GOVERNMENT (COMMITTEES AND POLITICAL GROUPS) REGULATIONS 1990

Nominations for agreement on 17 July 2018 are shown in **bold type** below.

<b>Committee</b>	<b>Conservative</b>	<b>Farnham Residents</b>	<b>Liberal Democrats</b>
<b><u>Overview and Scrutiny Committees</u></b>			
<u>Value for Money and Customer Service</u> (9)	Cllr Brian Adams Cllr Mike Band Cllr Nicholas Holder Cllr Stephen Mulliner* Cllr Nabeel Nasir Cllr David Round Cllr Richard Seaborne Cllr Bob Upton	<b>Cllr David Beaman#</b>	
	<u>Substitutes</u> Cllr Liz Townsend <b>Cllr Tony Gordon-Smith</b>	<b>Cllr John Ward</b>	
<u>Housing</u> (9) [+2 Tenants]	Cllr Carole Cockburn Cllr Patricia Ellis Cllr Pat Frost (Vice-chairman) Cllr Michael Goodridge Cllr Tony Gordon-Smith Cllr Richard Seaborne Cllr Liz Townsend	Cllr John Ward (Chairman)	<b>Cllr Paul Follows</b>
	<u>Substitutes</u> Cllr Sam Pritchard Cllr Bob Upton	<u>Substitutes</u> Cllr Jerry Hyman	

# indicates nomination for Chairman

\* indicates nomination for Vice-Chairman

<b>Committee</b>	<b>Conservative</b>	<b>Farnham Residents</b>	<b>Liberal Democrats</b>
<u>Joint Planning Committee (23)</u>	Cllr Brian Adams Cllr Mike Band Cllr Maurice Byham Cllr Carole Cockburn Cllr Kevin Deanus Cllr David Else # Cllr Mary Foryszewski Cllr Michael Goodridge Cllr John Gray Cllr Val Henry Cllr David Hunter <b>Cllr Simon Inchbald</b> Cllr Peter Isherwood* Cllr Anna James Cllr Denis Leigh Cllr Stephen Mulliner Cllr Nabeel Nasir Cllr Chris Storey Cllr Liz Townsend Cllr Nick Williams	Cllr Jerry Hyman Cllr John Ward	Cllr Paul Follows

Substitute  
Cllr John Fraser

Conservative Substitutes

<u>Central</u>	<u>Eastern</u>	<u>Southern</u>	<u>Western</u>
Cllr Andrew Bolton	Cllr Patricia Ellis	Cllr Jim Edwards	Cllr Pat Frost
Cllr Nicholas Holder	Cllr Richard Seaborne	Cllr Christiaan Hesse	Cllr Stephen Hill
Cllr Peter Martin	Cllr Jeanette Stennett	Cllr Carole King	Cllr Mike Hodge
Cllr Tom Martin	Cllr Stewart Stennett	Cllr Robert Knowles	Cllr Martin Lear
Cllr Stefan Reynolds		Cllr Libby Piper	Cllr Julia Potts
Cllr Bob Upton		Cllr David Round	Cllr Sam Pritchard
Cllr Liz Wheatley			

# indicates nomination for Chairman

\* indicates nomination for Vice-Chairman



<b>Committee</b>	<b>Conservative</b>	<b>Farnham Residents</b>	<b>Liberal Democrats</b>
<u>Western Area</u> <u>Planning (14)</u> (13 + Chairman of Southern)	Cllr Carole Cockburn* Cllr Pat Frost Cllr Stephen Hill Cllr Mike Hodge Cllr Martin Lear Cllr Nabeel Nasir Cllr Julia Potts Cllr Sam Pritchard Cllr Chris Storey	Cllr John Fraser Cllr Jerry Hyman Cllr John Ward <b>Cllr David Beaman</b>	
<u>Standards Panel</u> <u>Committee (9)</u>	Cllr Mike Band Cllr Carole Cockburn Cllr Kevin Deanus Cllr David Else Cllr Michael Goodridge # Cllr John Gray Cllr David Hunter Cllr Robert Knowles	<b>Cllr John Ward</b>	

# indicates nomination for Chairman

\* indicates nomination for Vice-Chairman

This page is intentionally left blank