



**Waverley Borough Council**  
Council Offices, The Burys,  
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To: All Members of the Council

Emma McQuillan, Democratic Services  
Manager

**Policy and Governance**

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Date: 2 December 2016

Dear Councillor

**COUNCIL MEETING - TUESDAY, 13 DECEMBER 2016**

A MEETING of the WAVERLEY BOROUGH COUNCIL will be held in the COUNCIL CHAMBER, COUNCIL OFFICES, THE BURYS, GODALMING on **TUESDAY, 13 DECEMBER 2016** at **7.00 pm** and you are hereby summoned to attend this meeting.

The Agenda for the Meeting is set out below.

Yours sincerely

ROBIN TAYLOR

Head of Policy and Governance

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## AGENDA

1. MINUTES (Pages 5 - 10)

To confirm the Minutes of the Council meeting held on 18 October 2016 and of the Extraordinary Meeting held on 29 November 2016 (herewith).

2. APOLOGIES FOR ABSENCE

The Mayor to report apologies for absence.

3. DECLARATIONS OF INTEREST

To receive from Members, declarations of interest in relation to any items included on the agenda for this meeting in accordance with the Waverley Code of Local Government Conduct.

4. MAYOR'S ANNOUNCEMENTS

5. QUESTIONS FROM MEMBERS OF THE PUBLIC

To receive any questions from members of the public for which notice has been given in accordance with Procedure Rule 10.

The deadline for submission of questions is 5pm on Tuesday 6 December 2016.

6. QUESTION TIME

To answer any questions received in accordance with Procedure Rule 11.2.

7. MOTIONS

To receive any motions submitted in accordance with Procedure Rule 12.1.

8. MINUTES OF THE EXECUTIVE

To receive the minutes of the meetings of the Executive (coloured grey), held on:-

8.a 1 November 2016 (Pages 11 - 90)

8.b 29 November 2016 (Pages 91 - 124)

8.c Special Meeting - 13 December 2016 (to be tabled)

9. MINUTES OF THE AUDIT COMMITTEE (Pages 125 - 132)

To receive the minutes of the Audit Committee held on 15 November 2016 (coloured lilac).

10. MINUTES OF THE LICENSING AND REGULATORY COMMITTEE (Pages 133 - 174)

To receive the minutes of the Licensing and Regulatory Committee held on 24 November 2016 (coloured bright green).

11. EXCLUSION OF PRESS AND PUBLIC

To consider the following motion, to be moved by the Mayor, where appropriate:-

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 any matter on this agenda 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 item(s), there would be disclosure to them of exempt information (as defined by Section 100I of the Act) of the description specified in the appropriate paragraph(s) of the revised Part I of Schedule 12A of the Local Government Act 1972 (to be identified at the meeting).

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# Agenda Item 1.

13

MINUTES of the WAVERLEY  
BOROUGH COUNCIL held in  
the Council Chamber, Council  
Offices, The Burys, Godalming  
on 18 October 2016 at 7.00 pm

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## Present

Cllr Chris Storey (Mayor)	Cllr David Hunter
Cllr Simon Inchbald (Deputy Mayor)	Cllr Jerry Hyman
Cllr Brian Adams	Cllr Peter Isherwood
Cllr Mike Band	Cllr Anna James
Cllr Andrew Bolton	Cllr Martin Lear
Cllr Maurice Byham	Cllr Denise Le Gal
Cllr Carole Cockburn	Cllr Denis Leigh
Cllr Jim Edwards	Cllr Andy MacLeod
Cllr Patricia Ellis	Cllr Tom Martin
Cllr David Else	Cllr Stephen Mulliner
Cllr Jenny Else	Cllr Nabeel Nasir
Cllr Mary Forszyszewski	Cllr Julia Potts
Cllr John Fraser	Cllr Sam Pritchard
Cllr Pat Frost	Cllr Wyatt Ramsdale
Cllr Michael Goodridge	Cllr David Round
Cllr Tony Gordon-Smith	Cllr Richard Seaborne
Cllr John Gray	Cllr Bob Upton
Cllr Ged Hall	Cllr Ross Welland
Cllr Jill Hargreaves	Cllr Liz Wheatley
Cllr Stephen Hill	Cllr Nick Williams
Cllr Mike Hodge	Cllr John Williamson

## Apologies

Cllr Kevin Deanus, Cllr Val Henry, Cllr Nicholas Holder, Cllr Carole King, Cllr Robert Knowles, Cllr Peter Martin, Cllr Kika Mirylees, Cllr Libby Piper, Cllr Stefan Reynolds and Cllr Simon Thornton

Prior to the commencement of the meeting, prayers were led by the Reverend Alan Crawley

### 28/16 MINUTES (Agenda item 1.)

The Minutes of the Meeting of the Council held on 19 July 2016 were confirmed and signed.

### 29/16 APOLOGIES FOR ABSENCE (Agenda item 2.)

Apologies for absence were received from Cllrs Kevin Deanus, Val Henry, Nicholas Holder, Carole King, Robert Knowles, Peter Martin, Kika Mirylees, Libby Piper, Stefan Reynolds, Simon Thornton and John Ward.

### 30/16 DECLARATIONS OF INTEREST (Agenda item 3.)

Cllr Pat Frost declared a general non-pecuniary interest as a member of Farnham Town Council and Surrey County Council.

Cllr Martin Lear declared a non-pecuniary interest in Executive Minute No. 60 (meeting held on 27 September 2016) regarding the Bourne Recreation Ground as Chairman of the Bourne Asset Community Group. He left the meeting during consideration of the item.

Cllrs John Williamson and Andy MacLeod declared disclosable pecuniary interests in Executive Minute No. 47 (relating to the Brightwells Judicial Review) from the meeting held on 6 September 2016 as named parties in the challenge. They both left the Chamber during consideration of the item.

#### 31/16 MAYOR'S ANNOUNCEMENTS (Agenda item 4.)

The Mayor spoke kindly about his working relationship with Cllr Brian Ellis and the advice and benefit of his experience that Cllr Ellis had shared with him when he became Vice-Chairman of Planning and also Deputy Mayor. Cllr Ellis would be sadly missed by everyone.

The Mayor congratulated Cllr Ramsdale on his recent election to Surrey County Council and went on to read out a thank you letter that had been received from Her Majesty the Queen in response to the 90th birthday wishes that the Council had sent.

The Mayor had recently welcomed the Landrat from Mayen Koblenz and spent three days touring and learning about the Borough. He had learnt from the Landrat that in their borough of Mayen Koblenz, they were trying to find accommodation for over 2,000 refugees.

Finally, the Mayor reminded members about the Volunteers' reception at Charterhouse which would be taking place on 20 October, and encouraged members to support his Charity Masquerade Ball on 3rd December 2016 being held at Clock Barn Hall.

#### 32/16 MINUTES OF THE EXECUTIVE (Agenda item 8.)

#### 33/16 6 SEPTEMBER 2016 (Agenda item 8.a)

It was moved by the Chairman, and duly seconded that the minutes of the meeting of the Executive held on 6 September 2016 be approved and adopted.

##### i. Budget Management Report (Minute No. 47)

It was moved by Cllr Jerry Hyman and duly seconded by Cllr John Fraser that Recommendation 32 be amended to instead read:-

“Subject to officers obtaining a further opinion from leading Counsel (in accordance with Recommendation 4, Exempt Recommendation 1 and Exempt Financial Report paragraph 8.4 agreed by Council on 24 May 2016), a further supplementary estimate of £30,000 be approved

for external legal costs in defence of the Council's position on the East Street Judicial Review.

After some discussion about its validity, Cllr Hyman WITHDREW his amendment.

It was then moved by the Leader and seconded by Cllr Tom Martin that the recommendation be amended by the replacement of the words at the end "brought by the Farnham Interest Group (FIG)" with the words "brought by a group of named individuals".

It was further moved by Cllr Le Gal and seconded by Cllr Pat Frost that for simplicity, the recommendation be amended instead by the deletion of the words "brought by the Farnham Interest Group" but with no replacement wording.

This amendment was CARRIED.

NB. Cllrs Jerry Hyman and John Fraser abstained from the vote on the amended recommendation and asked that this be recorded in the minutes.

RESOLVED that the Minutes of the Executive held on 6 September 2016 be approved and the recommendation contained therein adopted, as amended.

[Cllrs Williamson and MacLeod returned to the meeting]

#### 34/16 27 SEPTEMBER 2016 (Agenda item 8.b)

It was moved by the Chairman of the Executive and duly seconded that the Minutes of the Meeting of the Executive held on 27 September 2016 be approved and adopted.

- i. Local Government Funding Update and Four Year Grant Settlement (Minute No. 57)

It was clarified that the column headings for the figures in the table at paragraph 57.3 should read £000s and not £ms.

Due to recommendation numbers not running consecutively between the two sets of Executive minutes, the recommendations for this minute were renumbered 33a, 33b and 34.

- ii. General Fund Property Investment Strategy (Minute No. 58)

The Leader of the Council notified members that the Non-Executive member appointed to the Investment Advisory Board would be Cllr Mike Band.

RESOLVED that the Minutes of the Executive held on 27 September 2016 be approved and the recommendations contained therein adopted.

35/16 MINUTES OF THE AUDIT COMMITTEE (Agenda item 9.)

It was moved by the Chairman of the Committee, duly seconded and

RESOLVED that the Minutes of the Meeting of the Audit Committee held on 13 September 2016 be approved and adopted.

36/16 MINUTES OF THE LICENSING AND REGULATORY COMMITTEE (Agenda item 10.)

It was moved by the Chairman of the Committee, duly seconded and

RESOLVED that the Minutes of the Licensing and Regulatory Committee held on 22 September 2016 be approved.

37/16 MINUTES OF THE STANDARDS PANEL (Agenda item 11.)

It was moved by the Chairman of the Panel, duly seconded and

RESOLVED that the Minutes of the Meeting of the Standards Panel held on 10 October 2016 be approved and the recommendations contained therein adopted.

38/16 LOCAL GOVERNMENT AND HOUSING ACT 1989  
LOCAL GOVERNMENT (COMMITTEES AND POLITICAL GROUPS)  
REGULATIONS 1990  
(Agenda item 12.)

The Leader introduced the report setting out the allocation of seats on Committees and the revised memberships following the recent changes to the political composition of the Council after the two Farnham by-elections held in August. She also updated the membership list for the Western Area Planning Committee to remove Cllr John Williamson and replace him with Cllr John Ward.

RESOLVED that the Principal and Area Planning Committees, together with the Surrey County Council Local Committee, be reappointed with the revised memberships as set out in the Annexe to the report, as amended and to be further amended following the outcome of the upcoming by-election.

The meeting concluded at 8.45 pm

Mayor



MINUTES of the Extraordinary Meeting of the WAVERLEY BOROUGH COUNCIL held in the Council Chamber, Council Offices, The Burys, Godalming on 29 November 2016 at 7.05 pm

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- \* Cllr Chris Storey (Mayor)
- \* Cllr Simon Inchbald (Deputy Mayor)

- |                          |                          |
|--------------------------|--------------------------|
| Cllr Brian Adams         | * Cllr Carole King       |
| * Cllr Mike Band         | * Cllr Robert Knowles    |
| * Cllr Andrew Bolton     | Cllr Martin Lear         |
| * Cllr Maurice Byham     | * Cllr Denise Le Gal     |
| * Cllr Carole Cockburn   | * Cllr Denis Leigh       |
| * Cllr Kevin Deanus      | * Cllr Andy MacLeod      |
| * Cllr Jim Edwards       | * Cllr Peter Martin      |
| * Cllr Patricia Ellis    | * Cllr Tom Martin        |
| * Cllr David Else        | Cllr Kika Mirylees       |
| * Cllr Jenny Else        | * Cllr Stephen Mulliner  |
| * Cllr Mary Forszewski   | * Cllr Nabeel Nasir      |
| * Cllr John Fraser       | * Cllr Libby Piper       |
| Cllr Pat Frost           | * Cllr Julia Potts       |
| * Cllr Michael Goodridge | Cllr Sam Pritchard       |
| * Cllr Tony Gordon-Smith | * Cllr Wyatt Ramsdale    |
| * Cllr John Gray         | Cllr Stefan Reynolds     |
| * Cllr Ged Hall          | * Cllr David Round       |
| * Cllr Jill Hargreaves   | * Cllr Richard Seaborne  |
| * Cllr Val Henry         | * Cllr Jeanette Stennett |
| * Cllr Christiaan Hesse  | * Cllr Stewart Stennett  |
| Cllr Stephen Hill        | Cllr Simon Thornton      |
| * Cllr Mike Hodge        | Cllr Bob Upton           |
| * Cllr Nicholas Holder   | * Cllr Ross Welland      |
| * Cllr David Hunter      | * Cllr Liz Wheatley      |
| * Cllr Jerry Hyman       | * Cllr Nick Williams     |
| * Cllr Peter Isherwood   | * Cllr John Williamson   |
| * Cllr Anna James        |                          |

\*Present

### **Apologies**

Cllr Brian Adams, Cllr Martin Lear, Cllr Kika Mirylees, Cllr Sam Pritchard, Cllr Stefan Reynolds, Cllr Simon Thornton and Cllr Bob Upton

### 39/16 APOLOGIES FOR ABSENCE (Agenda item 1.)

Apologies for absence were received from Cllrs Brian Adams, Martin Lear, Kika Mirylees, Sam Pritchard, Stefan Reynolds, Simon Thornton and Bob Upton.

40/16 DECLARATIONS OF INTEREST (Agenda item 2.)

Cllr Mike Band declared a non-pecuniary interest as a Wonersh Parish Councillor and Waverley's representative on the Surrey Hills AONB Board – both organisations having submitted comments on the Local Plan Documents. Cllr John Gray declared a similar interest as a member of Dunsfold Parish Council who had also submitted comments on the Local Plan.

41/16 MINUTES OF THE EXECUTIVE - LOCAL PLAN ITEM ONLY (Agenda item 3.)

The minute of the Executive meeting held earlier in the evening, relating to the Local Plan Item only, had been tabled. All members of the Council had received the full officer report relating to the Local Plan Part I, along with the observations from the Joint Overview and Scrutiny Committee meeting held on 21 November 2016, the GL Hearn response to representations on the SHMA, a breakdown of affordable housing need, additional proposed minor modifications to the Local Plan and an update on the Infrastructure Delivery Schedule, in advance of the meeting. The minutes were moved by the Chairman of the Executive and duly seconded.

On moving to the recommendations, it was proposed, and supported by five further councillors, that a recorded vote be taken for the two recommendations as set out in the report. The voting was as follows:-

For (41)

Cllr Mike Band, Cllr Andrew Bolton, Cllr Maurice Byham, Cllr Carole Cockburn, Cllr Jim Edwards, Cllr Patricia Ellis, Cllr David Else, Cllr Jenny Else, Cllr Mary Forszewski, Cllr John Fraser, Cllr Michael Goodridge, Cllr Tony Gordon-Smith, Cllr Ged Hall, Cllr Jill Hargreaves, Cllr Val Henry, Cllr Christiaan Hesse, Cllr Mike Hodge, Cllr Nicholas Holder, Cllr David Hunter, Cllr Simon Inchbald, Cllr Peter Isherwood, Cllr Anna James, Cllr Carole King, Cllr Denise Le Gal, Cllr Denis Leigh, Cllr Andy MacLeod, Cllr Peter Martin, Cllr Tom Martin, Cllr Stephen Mulliner, Cllr Nabeel Nasir, Cllr Libby Piper, Cllr Julia Potts, Cllr Wyatt Ramsdale, Cllr David Round, Cllr Jeanette Stennett, Cllr Stewart Stennett, Cllr Chris Storey, Cllr Ross Welland, Cllr Liz Wheatley, Cllr John Ward, Cllr Nick Williams.

Against (1)

Cllr Jerry Hyman.

Abstentions (5)

Cllr Kevin Deanus, Cllr John Gray, Cllr Robert Knowles, Cllr Richard Seaborne and Cllr John Williamson.

RESOLVED that the minute of the Executive meeting relating to the Local Plan Submission, held on 29 November, be approved and the recommendations contained therein adopted.

The meeting concluded at 8.16 pm

Mayor

## WAVERLEY BOROUGH COUNCIL

### MINUTES OF THE EXECUTIVE - 1 NOVEMBER 2016

#### SUBMITTED TO THE COUNCIL MEETING – 13 DECEMBER 2016

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

#### **Present**

Cllr Julia Potts (Chairman)	Cllr Jim Edwards
Cllr Tom Martin (Vice Chairman)	Cllr Jenny Else
Cllr Brian Adams	Cllr Carole King
Cllr Andrew Bolton	Cllr Ged Hall
Cllr Kevin Deanus	

#### **Also Present**

Councillor John Gray

75. MINUTES (Agenda item 1)

The Minutes of the Meeting held on 27 September 2016 were confirmed and signed as a correct record.

76. DECLARATIONS OF INTERESTS (Agenda item 3)

There were no declarations of interest raised under this heading.

77. FORWARD PROGRAMME (Agenda item 5)

RESOLVED that the Executive Forward Programme be approved.

### **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.

78. BUDGET MANAGEMENT AND MID-YEAR BUDGET REVIEW (Agenda item 6)

78.1 The Executive has considered the budget management and mid-year review report for the general Fund and Housing Revenue Account against the budget forecast to 31 March 2017. The Executive

RESOLVED that

1. a supplementary estimate of £11,000 be agreed to cover the cost of waste collection on New Years' Eve;
2. a supplementary estimate of £30,000 be agreed for external legal costs regarding the Development Control appeal;

3. the current Council Tax Support Scheme remains unchanged for 2017/18;
4. a revision to Annexe 3 of the Annual Investment Strategy be agreed to increase the total investment limit for any approved group from £15m to £20m, with £10m becoming the maximum with any single member of that group;
5. a virement from the Ockford Ridge demolition budget into the Ockford Ridge Show homes budget of £49,000 be approved; and
6. £25,000 of the Fire Walls budget be rescheduled into 2017/18.

78.2 The Executive went on to consider a number of items that require Council approval, the details of which are set out below. The General Fund Capital programme is monitored each quarter. The total capital programme budget for 2016/17 is made up as follows:

<b>Capital Programme for 2016/17</b>		<b>£'000</b>
Original budget approved by Council in February 2016		2,588
Carry forward from 2015/16 approved during 2015/16		2,218
Carry forward from 2015/16 approved by Executive in June 2016		972
New schemes and additional budget approved during 2016/17		1,014
- Manfield Park Industrial Units	917	
- Other approvals e.g. S106 projects	97	
		<b>6,792</b>

78.3 The table below summarises current performance to date:

<b>Current Performance against Capital Programme for 2016/17</b>					
	<b>Current Budget</b>	<b>Forecast Outturn</b>	<b>Reschedule</b>	<b>(Underspend) /Overspend</b>	<b>Comment</b>
<b>Service</b>	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>	
Community	1,238	1,238	0	0	
Customer & Corporate	755	523	172	(60)	See a. below
Environment	374	304	0	(70)	See b. below
Other Projects	372	372	0	0	
Memorial Hall	2,177	2,177	0	0	
Manfield Industrial Unit	917	17	900	0	See c. below
Frensham Common	849	69	780	0	See d. below
Urgent schemes budget	110	110	0	0	
<b>Total programme</b>	<b>6,792</b>	<b>4,810</b>	<b>1,852</b>	<b>(130)</b>	

a. Customer & Corporate

- i. Farnham Museum works will not take place this year as temporary fix works have been undertaken and the works can now be deferred. Therefore it is suggested that this project should take place next financial year and that the budget of £92,000 is rescheduled to allow the works to be completed.
  - ii. The project at Gostrey Meadow Pavilion will not take place this financial year. Preparation for this project is taking place however it is foreseen that spend on this project will not be incurred before March 2017 and it is therefore requested that the full £80,000 budget is rescheduled into 2017/18.
  - iii. It is suggested that the Document Management project should no longer be undertaken. After further review it has been determined that there is currently no business case for this investment and the full budget of £60,000 will be a saving. The team is focussing on clearing other scanning projects.
- b. Environment
- i. High Street, Haslemere car park works are reaching completion at a saving to budget of circa £70,000.
  - ii. However, a retaining wall in Central car park has been deemed unsafe and needs rebuilding at a likely cost of £25,000. Additional maintenance works in our car parks have also been recognised. Consequently, it is requested that the £70,000 saving on the High Street, Haslemere is vired to the Car Park Rolling Maintenance Programme to allow this work to be undertaken.
  - iii. Cranleigh Leisure Centre requires a whole heating system replacement. This is part of the lifecycle costs; however, the costs of replacing the system are higher than forecast. Work is currently taking place to design the most cost effective replacement approach. The works will be partially funded by already approved budgets but additional budget may be required. Therefore, to be prudent, it is requested that budgets for Office Lighting replacement (£62,000) and Electricity meter installation (£5,000) are vired to allow the heating system replacement to take place. The new boiler will offer a significant energy saving and therefore revenue savings going forward.
- c. Manfield Park industrial units are unlikely to start on site this financial year. Work is being undertaken by the developer in preparation and a planning application is to be submitted, however it is requested that the £900,000 budget is rescheduled into 2017/18 as works will not start this financial year. Some budget will be needed this year for fees and preparatory work.
- d. Due to delays in the consultation and design process, the Frensham Common Site Re-development project will not start construction works this financial year. Some redesign work will be undertaken in the meantime. To enable to works to be carried out next year it is requested that £780,000 of the 2016/17 budget is rescheduled into 2017/18.
- 78.4 The total Housing Revenue Account capital programme approved budget for 2016/17 is made up as follows:

**Approved Budget for 2016/17**

	<b>£'000</b>
Original budget approved by Council in February 2016	8,619
Carry forward from 2015/16 approved during 2015/16	810
Carry forward from 2015/16 approved by Executive in June 2016	800
<b>Total</b>	<b>£10,229</b>

78.5 Pressures on the Responsive Repairs and Voids budgets, and as a result of the Housing and Planning Act 2016, will bring about out significant reductions in funding available to the Council for future capital investment. As a result, officers have started to look for opportunities to scale back requirements for capital spending in year in all but the most essential areas. At the same time work has taken place during the year to identify Housing Revenue Account property and land assets that are no longer economic to maintain and therefore can be earmarked for disposal. The capital receipts from the sale of these assets will provide an additional source of capital funding that can be reinvested back into the housing service in future years. The table below summarises the capital spend and committed work to date.

Work Stream	Approved Budget as at 30/09/16 for 2016/17 £'000	Forecast Outturn £'000	Reschedule £'000	(Underspend) /Overspend £'000	Comment
Kitchen & Bathrooms	3,327	3,327	0	0	
Windows & Doors	822	512	250	(60)	See paragraph 78.6 below
Roofing & Associated Work	1,174	654	100	(420)	See paragraph 78.7 below
Aids & Adaptions	200	200	0	0	
Structural & Damp Work	1,094	844	0	(250)	See paragraph 78.8 below
Health & Safety	575	515	25	(35)	
Building Services	2,542	2,542	0	0	
Communal & Estate Work	315	315	0	0	
Professional Fees & Miscellaneous.	380	165	0	(215)	See paragraph 78.8 below
Target Savings					Included in above
Core Capital Programme	(200)	0	0	200	underspend
<b>Grand Total</b>	<b>£10,229</b>	<b>£9,074</b>	<b>£375</b>	<b>(£780)</b>	

78.6 As previously reported to the Executive, the main windows and door replacement contract specification has been finalised however, the delay in

getting a contract in place has led to works being delayed. It is therefore requested that £250,000 budget is rescheduled into 2017/18. Additionally replacement windows and associated works at Hillcroft, Haslemere are not due to be as extensive as originally expected, therefore a saving of circa £60,000 will be achieved.

78.7 With regard to roofing and associated works, £200,000 for porches & canopies and £250,000 of the Roofline & Surface Water budget is unlikely to be spent this financial year. It is requested that £100,000 of the porches budget is rescheduled into 2017/18 to enable this work to be completed. The remaining budget will be a saving this financial year.

78.8 For structural and damp works, savings have been achieved on the structural projects budgeted for this financial year. It is requested that £250,000 is vired into revenue to fund the additional works being undertaken on responsive repairs. Survey work is being completed; therefore works on pre-1945 properties is unlikely to be undertaken in 2016/17 and will be encompassed in the 2017/18 budget. It is requested that £215,000 is vired into revenue to fund the additional repairs works being undertaken on void properties.

78.9 The total stock remodelling capital programme approved budget for 2016/17 is made up as follows:

Work Stream	Approved Budget 2016/17 as at 30/09/16	Forecast Outturn as at 30/09/16	Reschedule	(Underspend) /Overspend	Comment
	£'000	£'000	£'000	£'000	
Approved Schemes	253	253	0	0	
Potential Schemes	4,169	3,538	50	(581)	See para 42. below
<b>Total</b>	<b>£4,422,422</b>	<b>£3,791,791</b>	<b>£550</b>	<b>(£581)</b>	

78.10 The housing projects at Cranleigh Day Centre and 8 Elmbridge Cottages will not be continuing. Therefore a £631,000 saving was due to be achieved. To enable works to be undertaken at Cranleigh Day Centre so it is brought back into community use, it is requested that £50,000 of this saving is built into the 2017/18 budget.

78.11 The Executive therefore

**RECOMMENDS that**

**57. £92,000 for Farnham Museum be rescheduled into 2017/18, as detailed in paragraph 78.3 a;**

**58. £80,000 for Gostrey Meadow Pavilion be rescheduled into 2017/18, as detailed in paragraph 78.3 a;**

59. a virement from High Street Haslemere car park for Car Parks Rolling Maintenance of £70,000 be approved, as set out in paragraph 78.3 b;
60. a virement from Office Lighting replacement (£62,000) and Electricity meter installation (£5,000) to Installation of heating system at Cranleigh Leisure Centre be approved, as set out in paragraph 78.3 b;
61. £900,000 for Manfield Park Industrial Units be rescheduled into 2017/18, as detailed in paragraph 78.3 c;
62. £780,000 for Frensham Common Site Redevelopment be rescheduled into 2017/18, as detailed in paragraph 78.3 d;
63. £250,000 for Windows & Doors be rescheduled into 2017/18, as detailed in paragraph 78.6;
64. £100,000 for Roofing and Associated works be rescheduled into 2017/18, as set out in paragraph 78.7;
65. a virement from Structural & Damp works of £250,000 for Responsive Repair works be approved, as set out in paragraph 78.8;
66. a virement from Professional fees of £215,000 for Void Repair works be agreed, as set out in paragraph 78.8; and
67. the rescheduling of £50,000 for Cranleigh Day Centre be approved, as set out in paragraph 78.10.

*[Reason: to consider the mid-year budget review and agree any necessary actions resulting]*

79. EWHURST CONSERVATION AREA APPRAISAL (Agenda item 10)

- 79.1 Ewhurst is one of 43 Conservation Areas (CAs) in Waverley. In 2011, the Executive agreed a programme for the commencement of CAAs which has been extended to 2020. Prior to the programme 4 CAAs had been adopted. Since the programme has commenced, 9 CAAs have been adopted, Ewhurst will be the 10th to be adopted in the programme alongside Ewhurst Green.
- 79.2 The need to undertake CAAs is set out in the Planning (Listed Building and Conservation Areas) Act 1990 (Section 71) and is supported through saved policy HE8 of the Waverley Local Plan and Emerging Local Plan Policy HA1.
- 79.3 CAAs are undertaken to identify and explain the character of the Conservation Area (CA). This document will identify the specific qualities of the Cranleigh CA and thereby help to manage change within the area. The Management Plan section also identifies a variety of projects that should be implemented to preserve and enhance the area.



- 79.4 It is considered pertinent for Waverley to undertake CAAs and this process allows for a review of the boundary and an assessment of adjacent areas to evaluate whether the boundary should be extended.
- 79.5 Four extensions were proposed to the existing CA boundary and formed part of the consultation. Additionally three areas were proposed to be removed from the CA. These are detailed within the CAA document, which is attached at Annexe 1.
- 79.6 Once the document is adopted, it will be fully published to incorporate additional photographs and be published on the Waverley website.
- 79.7 Ewhurst CAA has been subject to a robust consultation process to ensure residents and interested stakeholders had the opportunity to comment. A walkabout was conducted with the Local Councillor and representatives from the Parish Council. A public consultation was undertaken to support the development of the CAA and to ask the public's views of the proposed extensions. 8 responses were received to the consultation and were summarised in the Consultation Statements considered by the Executive. The Executive now

**RECOMMENDS that**

**68. the Conservation Area Appraisal (CAA) for Ewhurst be adopted as a material planning consideration, to include the following amendments to the boundary:**

- **Extension: Ewhurst Burial Ground, Village Hall and surrounding properties**
- **Extension: Curtilage of The Old Rectory**
- **Extension: Properties to the south west of Garlands**
- **Extension: Garden of Mundy's Hill**
- **Removal: Field to the west of Shere Road**
- **Removal: Field at High Edser Farm**
- **Removal: Ballindyne, Ockley Road**

*[Reason: to recommend adoption of a Conservation Area Appraisal as a material planning consideration]*

**80. EWHURST GREEN CONSERVATION AREA APPRAISAL (Agenda item 11)**

- 80.1 Ewhurst Green is one of 43 Conservation Areas (CAs) in Waverley. In 2011, the Executive agreed a programme for the commencement of CAAs which has been extended to 2020. Prior to the programme 4 CAAs had been adopted. Since the programme has commenced, 9 CAAs have been adopted, Ewhurst Green will be the 11th to be adopted in the programme alongside Ewhurst.
- 80.2 The need to undertake CAAs is set out in the Planning (Listed Building and Conservation Areas) Act 1990 (Section 71) and is supported through saved Policy HE8 of the Waverley Local Plan and Emerging Local Plan Policy HA1.

- 80.3 CAAs are undertaken to identify and explain the character of the Conservation Area (CA). This document will identify the specific qualities of the Cranleigh CA and thereby help to manage change within the area. The Management Plan section also identifies a variety of projects that should be implemented to preserve and enhance the area.
- 80.4 It is considered pertinent for Waverley to undertake CAAs and this process allows for a review of the boundary and an assessment of adjacent areas to evaluate whether the boundary should be extended.
- 80.5 Two extensions were proposed to the existing CA boundary and formed part of the consultation. Additionally three areas were proposed to be removed from the CA. These are detailed within the CAA document, which is attached at Annexe 2. Once the document is adopted, it will be fully published to incorporate additional photographs and be published on the Waverley website.
- 80.6 Ewhurst Green CAA has been subject to a robust consultation process to ensure residents and interested stakeholders had the opportunity to comment. A walkabout was conducted with the Local Councillor and representatives from the Parish Council. A public consultation was undertaken to support the development of the CAA and to ask the public's views of the proposed extensions.
- 80.7 14 responses were received to the consultation and were summarised in the separate Consultation Statements which were considered by the Executive. Following consultation and consideration of the responses, one area (land at Chanrossa) originally proposed for exclusion is proposed to be retained in the Conservation Area. The Executive now

#### **RECOMMENDS that**

- 69. the Conservation Area Appraisal (CAA) for Ewhurst Green be adopted as a material planning consideration, to include the following amendments to the boundary:**

- **Extension: Garden of Burstowes Croft**
- **Extension: Curtilage of Rumbeams Farm**
- **Removal: Garden of Rumbeams Cottage**
- **Removal: Southern tip on Horsham Road and land at Hilltop View**

*[Reason: to recommend adoption of a Conservation Area Appraisal as a material planning consideration]*

#### **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.

81. FUTURE PROVISION OF THE PAYROLL SERVICE (Agenda item 7)

RESOLVED that

1. the payroll service be transferred to MidlandHR following the Epsom and Ewell termination of the payroll bureau shared service;
2. the hosting of the iTrent system be transferred from Tandridge to MidlandHR; and
3. the authority enters into a contract with Midland HR to provide the payroll function at Waverley BC.

*[Reason: to consider options and agree the way forward for the future provision of the payroll service]*

82. STRATEGIC REVIEW 2016/17 (Agenda item 8)

RESOLVED that a supplementary estimate of £12,000 be agreed to fund the appointment of an external consultancy to complete a Strategic Review by the end of December 2016, to be funded from the Revenue Reserve.

*[Reason: to seek authority to commission and fund a strategic review]*

83. FIXED PENALTY NOTICE FINE LEVELS UNDER NEW FLY-TIPPING LEGISLATION (Agenda item 9)

RESOLVED that the level of the fine for fixed penalty notices for fly-tipping be set at £400, with a discount to £300 if paid within 10 days.

*[Reason: to determine fixed penalty notice fine levels for fly-tipping in the Borough]*

84. DEVELOPMENT OF AFFORDABLE HOMES AT NURSERY HILL, SHAMLEY GREEN (Agenda item 12)

RESOLVED that the appointment of the preferred Contractor 3 be approved, following the successful completion of the second stage of the tender process in accordance with the Council's Contract Procedure Rules, subject to the final contract sum being within the approved budget and in consultation with the Director of Resources and the Portfolio Holders for Housing and Finance.

*[Reason: to seek approval for the appointment of a build contractor]*

85. DEVELOPMENT OF AFFORDABLE HOMES AT SHERRYDON, CRANLEIGH (Agenda item 13)

RESOLVED that

1. the appointment of the preferred build contractor following the successful completion of the tender process be approved, in accordance with the Council's Contract Procedure Rules, subject to the contract sum being within

the approved budget, and in consultation with the Director of Finance and Resources and the Portfolio Holders for Housing and Finance; and

2. the rescheduling of £60,000 budget from 2017/18 forward into 2016/17 to allow construction works to begin be agreed.

*[Reason: to seek approval to appoint a build contractor]*

86. EXECUTIVE DIRECTOR'S ACTIONS (Agenda item 14)

The Executive noted the following action taken by the Executive Director after consultation with the Chairman and Vice-Chairman since its last meeting:

i. Appointment of Examiner for the Farnham Neighbourhood Plan

To authorise the appointment of Intelligent Planning and Examinations (IP) Ltd to undertake the examination of the Farnham Neighbourhood Plan, with Mr Derek Stebbing as the examiner, on the terms and conditions set out in the appointment letter dated 15 September 2016, at an estimated cost of £15,000 to be met from the Neighbourhood Planning Grant.

**The meeting commenced at 6.45 pm and concluded at 7.09 pm**

**Chairman**

# Ewhurst Conservation Area Appraisal and Management Plan

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## **PART 1 – Ewhurst Conservation Area Appraisal**

### **1. Introduction**

#### **1.1 What is a Conservation Area?**

A Conservation Area (CA) is defined as “an area of special architectural and historical interest, the character or appearance of which it is desirable to preserve or enhance”<sup>1</sup>. Designation of a CA covers all land within the CA and therefore planning control is directed at maintaining the special interest of the entire area, including the buildings, streetscene, uses and the relationship of these elements with open spaces and landscape.

CA designation gives a degree of protection against demolition of buildings and walls and the removal, or works, to trees, as well as reducing householder permitted development rights. CA designation enables the planning authority to ensure that the historic character and special interest, which attracts people to live, work and visit the area, remains intact and that development is of high architectural quality and in keeping with the area’s existing character.

#### **1.2 What is a Conservation Area Appraisal (CAA) and Management Plan?**

A CAA sets out to identify and assess the special interest of the CA, such as the notable buildings and open spaces, and the inter-relation of these together to form a unique character. The Management Plan will use the information gathered in the CAA to identify and implement enhancement and public realm enhancement schemes to preserve and enhance the CA.

The final document will inform positive management of the CA and will be adopted by the Council as a material consideration to be used in the determination of any application for planning permission and listed building consent within the CA. It will also be used to influence enhancement schemes for the long term management of the CA.

The document should be read in conjunction with Waverley’s Local Plan (both adopted and emerging) and National Planning Policy Framework (NPPF).

#### **1.3 Planning Policy Framework and Sources**

The Planning (Listed Building and Conservation Area) Act 1990 Section 71 states:

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<sup>1</sup> Planning (Listed Buildings and Conservation Area) Act 1990

*“It shall be the duty of a local planning authority from time to time to formulate and publish proposals for the preservation and enhancement of any parts of their area which are conservation areas.”*

Policy HE8 in the Local Plan states:

*“...the Council will seek to preserve or enhance the character of conservation areas by...(e) carrying out conservation area appraisals”.*

The NPPF, Chapter 12 (126) states:

*“Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment...”*

The CAA helps to identify the significance of heritage assets, and as such enables planners to confidently determine whether an application will devalue the significance of the CA.

It is in accordance with the above legislation and local policy that this CAA has been conducted. This appraisal was compiled with the assistance of Historic England’s guidance “Conservation Area Designation, Appraisal and Management” (February 2016). Historic England has also published guidance called “Knowing Your Place” (March 2011).

#### **1.4 Methodology**

To assess the CA comprehensively, a historic study of the area was undertaken, including assessment of historic maps in comparison to modern maps. In conjunction with this, site visits were conducted to establish the character and identify the architectural interest of the CA. A photographic survey was undertaken of the key views and vistas within the CA, and is used throughout this appraisal. The boundary has also been reviewed.

#### **1.5 Community Involvement**

A site visit was held on 10 March 2016 with Local Councillors to identify enhancement schemes and gain feedback on the CAA, with any comments made incorporated.

A six week consultation was undertaken to seek residents’ views. Key stakeholders (including Historic England and the Parish Council) were also consulted. Responses to the consultation were reviewed and where necessary the document updated.



## **1.6 Summary of Ewhurst Conservation Area**

<b>Table 1: Ewhurst CA at a glance</b>	
Date of designation	24 February 1970
Location	Easting (x) 509,038.01m; Northing (y) 140,749.40m
Current size	12.7ha
Changes to boundary	2016
General Condition	Good
Heritage Assets	14 Listed Buildings, 2 Buildings of Local Merit, 9 Heritage Features
Positive Factors	The two distinct areas are still visible within the streetscene despite intensification over recent years.
Negative Factors	Flat- roofed front extensions and box dormers on front elevations

## 2. Defining the Special Interest

Historic England defines special interest as the “special architectural or historic interest” of the area that warrants designation and the “character or appearance of which it is desirable to preserve or enhance”<sup>2</sup>.

### 2.1 Summary of the Special Interest

The following provides a summary of the special interest of Ewhurst CA:

Overview	Ewhurst developed as three separate areas, two of which form the CA. These are; an open area at the north end of the village with a small green which is flanked by a group of listed buildings and the Bulls Head Pub, the church and surrounding properties, and Ewhurst Green which forms its own CA. Overtime infill development has linked the two areas within the CA together. However, their distinctly different characters remain evident through the use of different street frontages.
Special architectural or historic interest	Ewhurst CA has several buildings of architectural interest, they are based around the two distinct areas of development within the CA, the small green and the church. They typify the Surrey vernacular with traditional local materials. Some of the architectural features include dominant chimneys, exposed timber framing, clay tile hanging and ridge crest details. The CA is a good example of the development of a isolated Surrey village, some of the earliest surviving buildings within the CA originated as hall houses reflecting the increased colonisation of the weald. The lack of 18 <sup>th</sup> century buildings and the influence of more national architectural styles of the period within the CA reflects the lack of wealth and isolation of the village during this period of time. Notable buildings include St Peter and St Paul’s Church and White Hart Cottages.
Form	Linear: in a north-south pattern as a result of its use as a route to the weald and the original wooded nature and heavy clay soils of the low weald.
Character Areas	Three character areas: spread along the road representing two areas of development and the more rural area at the

<sup>2</sup> <https://content.historicengland.org.uk/images-books/publications/understanding-place-conservation-area/understanding-place-ca-designation-appraisal-management.pdf/>

	north end.
Vistas	The key vistas are associated with the main focal points through the village which are the church and the village green.

### 3. Assessing the Special Interest

#### 3.1 Location and Setting

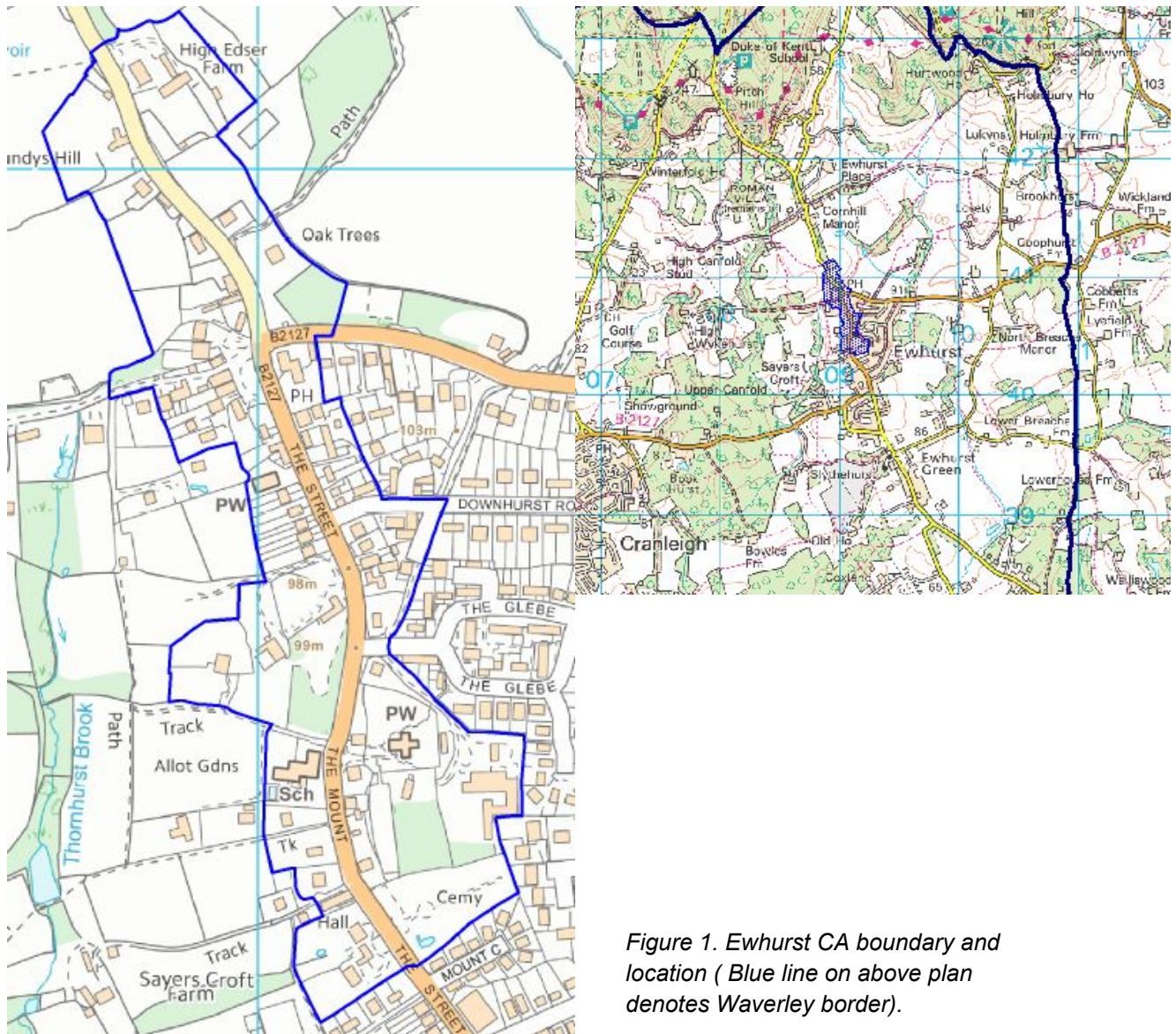


Figure 1. Ewhurst CA boundary and location ( Blue line on above plan denotes Waverley border).

Ewhurst CA is located in the north east of Waverley on its eastern boundary with Mole Valley District Council. It is set between Pitch Hill and Ewhurst Green and is to the north east of Cranleigh. The B2127 'The Street' runs through the CA turning sharply right at a roundabout by the Bulls Head Pub to head towards Ockley. The B2127 is an important cross route and therefore receives a moderate volume of traffic, particularly as it may be considered as a 'back road' alternative route to the A24 and onto Gatwick Airport and the M23. However, it does not significantly detract from the CA.

### **3.1.1 Landscape Setting**

Ewhurst CA is set on the lower weald clay, to the north lies the Greensand escarpment of Pitch Hill. The CA reflects the Wealden landscape with softly undulating hills and slopes, particularly to the south by the church.

### **3.1.2 General Character and Plan Form**

Ewhurst CA has a linear plan form running north to south declining down Shere Road onto The Street. The CA is relatively densely packed, with little public open space. The land use is mainly residential with a school, two churches, hotel/pub and some retail units.

Historic assessment and site visits identify that there are three main character areas in Ewhurst CA.

1. The Civic Centre – This area is identified by the church sited on a ridge of land running east to west with the lychgate and war memorial fronting the highway framed by a group of cottages. The school is the only visible building on the western side, the majority of it has dense boundary treatment mainly consisting of trees and other vegetation obscuring the dwellings behind.
2. Main Street – this area has a mixed use and is identified by its tighter development to the east and west culminating in the village green at the north end with a group of listed buildings.
3. Shere Road - This character area is identifiable as the more rural area of the CA as Shere Road slowly inclines up towards Pitch Hill.

### **3.1.3 Economic profile and potential forces for change**

Census data show that, within the built up area of Ewhurst, 99% of the economically active population are employed or self-employed and 81% of the population own their own properties.

Ewhurst CA, as previously identified, is mainly residential. There are a few retail units and pub in the central area of the CA.

As with many CAs throughout Waverley, there is pressure for development on the outskirts of Ewhurst CA. Future development proposals should take into account the character and special interest of the CA as identified within this appraisal to ensure the CA is preserved for future generations.



### 3.1.4 Vistas

Below are a selection of the key vistas that are important to the character of the CA and experienced by those who live, work and travel through the CA.



Figure 2. Plan of key vistas through south end of CA



Vista 1: War memorial with the church behind



Vista 3: Looking south through Bramble Court towards the church



Vista 2: View south towards The Mount with the Church up on the ridge



Figure 3. Plan of key vistas through north end of CA



Vista 4: View north along The Street towards the village green and group of listed buildings with Pitch Hill in the background



Vista 6: View north along Shere Road towards Mundys Hill



Vista 5: View from Shere Road towards the village green and surrounding listed buildings



### **3.2 Historic Development**

The name Ewhurst derives from the Old English 'hyrst', meaning 'wooded-hill', and 'iw' meaning 'yew tree'. Ewhurst built up around three separate areas, the church, a small area of green to the north and Ewhurst Green to the south. The former two now form the majority of the CA.

Ewhurst is not named in the Domesday Book as it was part of the Royal Manor of Gumshall and was sparsely populated and dispersed. The CA, and the parish, is linear in form with a north to south pattern as a result of it being used as a through route from Gomshall to get to the weald for the seasonal grazing of livestock and abundance of timber which was a valuable resource at the time.



The church of St Peter and St Paul is the oldest building within the CA and is evidence of Ewhurst beginning to be populated, most likely around the turn of the 11/12th century. The Norman doorway is described by Pevsner as the best piece of Norman architecture in the county. This is also around the time that the Manor of Gumshall was split into three with Ewhurst CA within Somersbury.

The earliest house in the CA is in the separate group to the north of the church. White Hart Cottages a hall house was built in the 15<sup>th</sup> century during the medieval period in which the colonisation of the Weald intensified due to the increasing general population and need for more agricultural land. This area did not have a



system of open or common field farming, and pastoral activities, such as stock rearing, were more important than cereal growing.

The small green is the surviving remnant of a larger 'bottle shaped' green which could be closed off at the north and south ends to pen livestock. As the area developed in the 16<sup>th</sup> and 17<sup>th</sup> centuries, houses were tightly grouped to the north of White Hart Cottages around the top end of the green and more dispersed around the church forming the two distinct areas. The style and materials used suggest an element of wealth within the community. However, the period of prosperity was not to last. The 1664 Hearth Tax records show that over half of the households in the parish only had one hearth which is



considered to be an indicator of poverty; this placed the parish in the bottom quarter of parishes in Surrey for wealth.

The agricultural 'improvements' of the 18th century did not benefit the lower levels of society. The parish was not affected by enclosures but the mechanisation of formerly labour intensive agriculture led to much hardship. Poaching and smuggling were rife; Ewhurst Mill and The Windmill Inn are reputed to have been haunts of smugglers. It was this poverty which helped to ensure the survival of many early buildings as there was not the wealth to rebuild them.

In the first half of the 19th century, the parish continued to be very poor, as a result of the heavy clay and poor roads causing it to be isolated. The 1834 Poor Laws grouped parishes together in Unions, and Ewhurst became part of the Hambledon Union. In 1846 a National school was built to provide elementary education for the poorer children.

The village remained small and isolated until the late 19th century. Improved communications and a growing appreciation of the beauty of the wild Surrey countryside brought many wealthy businessmen and artistic people into the area. They commissioned architects to design new houses for them outside of the CA to the north, or restored and enlarged some of the old timber frame houses. At the same time, smaller new development to the south of the church, including shops and the Church Hall, began to shift the focus of the village.

By the beginning of twentieth century, the village was a thriving and self-contained community with many shops and businesses. Census returns show that, whilst agriculture was still important, the economy had become more service based and large numbers of people were employed as domestic servants, gardeners, coach men, laundry workers etc.

Throughout the 20<sup>th</sup> century the village continued to thrive and development increased the size of the village mainly to the east and south. Shops continued to move outside of the CA to the Hazelbank area including the Post Office after World War II. 20<sup>th</sup> century infill development now links the two once separate areas of the CA and the majority of shops have left the area completely with only a few retail premises surviving.

### 3.3 Architectural Quality and Built Forms

Ewhurst CA can be divided into 3 Character Areas (see plan below).

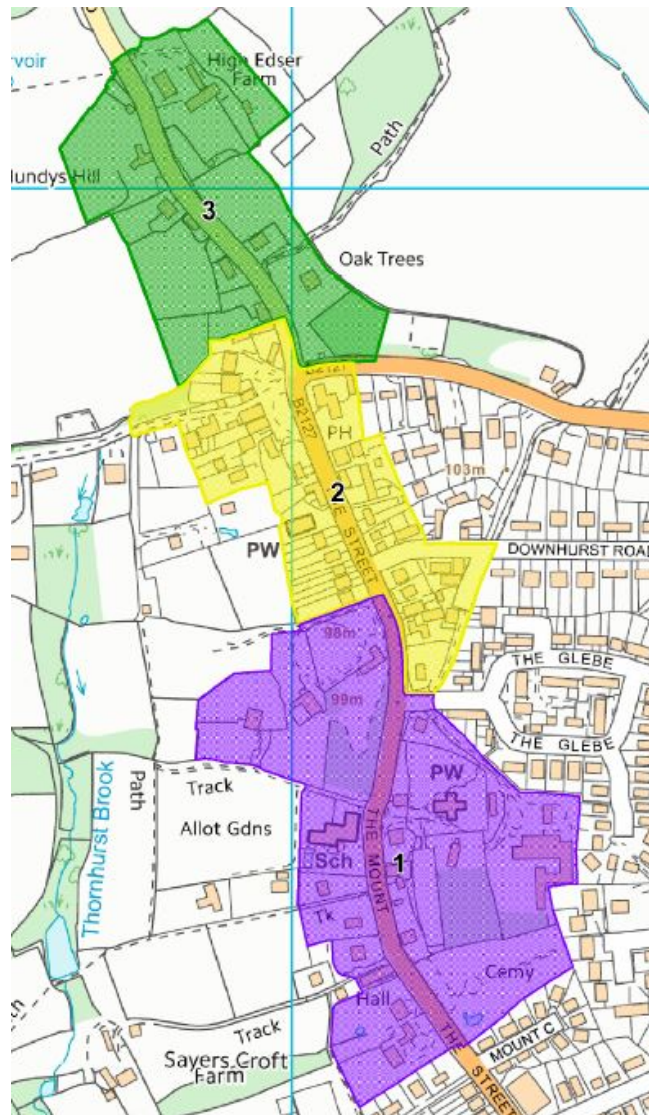


Figure 4. Plan of character areas

The CA generally follows the traditional appearance of the Surrey vernacular whilst exhibiting a variety of architectural periods. Key details which cover all Character Areas (ChAs) include:

- Timber framed buildings
- Clay tile hanging
- Red brick
- Plain clay tile roofs

Analysis of the architectural quality and built form is described in more detail, per area, below.

### **3.3.1 ChA 1 The Civic Centre**

#### Period and style

The centre of this character area is the church which, as the oldest building in the CA, has a different architectural style. Built c.1140 in the early Romanesque style the church is an aisleless cruciform building built using local weald sandstone with galleting and a Horsham Stone Slate roof. The central tower fell in 1838 and was rebuilt by Robert Ebbels in the Norman style. However, the church is set back with mature landscaping and large areas of graveyard making views of the church limited. The lych-gate, cottages and war memorial are more prominent features and serve as an introduction to the church behind.

The buildings surrounding the church are of mixed periods and styles. Including some from the mid – late 19<sup>th</sup> century , a century of fast changing styles which picked up on styles from the previous centuries such as medieval renaissance at Ewhurst C of E School and picturesque arts and crafts at Garlands.

To the south, there are several more recent additions which do not contribute significantly to the architectural interest of the CA mixed in with the Village Hall and the Grade II listed Mascalls.

#### Scale and height of buildings

The buildings in this area are primarily two storey buildings with single storey elements. The exception to this is The Old Rectory and Garlands which are two and a half storeys high. However, the single storey school is more prominent within the street scene due to its location on higher ground fronting the highway.

#### Street form and frontages

The dwellings on the west side of The Mount are set back from the road and obscured from the road by strong boundary treatment such as trees and other vegetation. The only dwellings visible on this side are the two public buildings, the school and the village hall.

The dwellings on the east are more visible within the street scene as a result of being set further forward to the road. A group of dwellings form a picturesque frame around the war memorial with the church visible behind, as the road drops down either side boundary treatment such as stone walls and hedging have been used so only the roof forms are visible.

#### Details

- Galleting

- Tile hanging
- Decorative chimney pots
- Oriel windows

### 3.3.2 ChA 2 The Main Street

#### Period and style

This area is characterised by the group of 16/17<sup>th</sup> listed buildings around The Green. They are of the typical Surrey vernacular with exposed timber frames, some of which originated as hall houses. They have all been adapted and modified in the past, including Wyndrums which now has a weatherboarded exterior. This differs from the usual clay tile hanging. There are also properties of this type further south closer to the civic centre.



The majority of this ChA is defined by residential development although there are a few single storey retail/office units that are prominent within the street scene as they are set fronting the highway. However they do not contribute significantly to the architectural interest of the ChA and obscure the view of the Grade II\* White

Hart cottages behind.

Infill development, on both sides of the road, between the Baptist Church and Garlands and along Downhurst Road was developed post-war in the mid-late 20<sup>th</sup> century and does not contribute significantly to the architectural interest of the CA although some have attempted to reflect the character of the area through the use of clay tile hanging and other Surrey vernacular features. Apart from Bramblecourt, a group of bungalows built in the early 1980s, whilst they do not reflect the character area through the use of pantiles and low pitched roofs, they have interest themselves by the unfamiliarity and the great use of the space.

#### Scale and height of buildings

The buildings in this area are, with the exception of the Bulls Head, primarily two storeys in height with single storey elements. The Bulls Head is prominent within the street scene as a result of its height and its location on a spacious corner plot by an area of open space.

### Details

- Galleting
- Weatherboarding
- Tile hanging
- Herringbone brick infill
- Wind eye (unglazed window)

### Street form and frontages

The street frontages along this character zone differ from the other two with the properties set further forward, some right up to the pavement or road. Those that are set slightly further back have low walls, picket fencing or domestic size hedging in front of a small maintained garden. This creates a very open road where the properties can be visibly seen, ending in the focal point of the village green at the northern end.



### **3.3.3 ChA 3 Shere Road**

#### Period and style

The properties in this area are of differing periods and styles as a result of slow development. The properties at the most northern point date from the 16<sup>th</sup> century and are in the typical surrey vernacular. However, this area also has late 19<sup>th</sup> century semi-detached properties in the tudorbethan pastiche style.

#### Scale and height of buildings

The buildings in this area are domestic in scale and primarily two storeys in height with single storey elements.

### Details

- Tile hanging
- Exposed timber frame

### Street form and frontages

Along Shere Road the street frontages have a more rural feel, the properties are still reasonably close to the road and therefore still visible within the street scene but

they are more spaced apart. Heading north, domestic height hedges fencing gives way to and thicker and taller boundary treatments such as less maintained hedging and trees opening out at points to allow views out to the fields to the east and west.



### 3.4 Listed Buildings and Heritage Features

By definition these features and buildings make a significant and positive contribution to the CA.

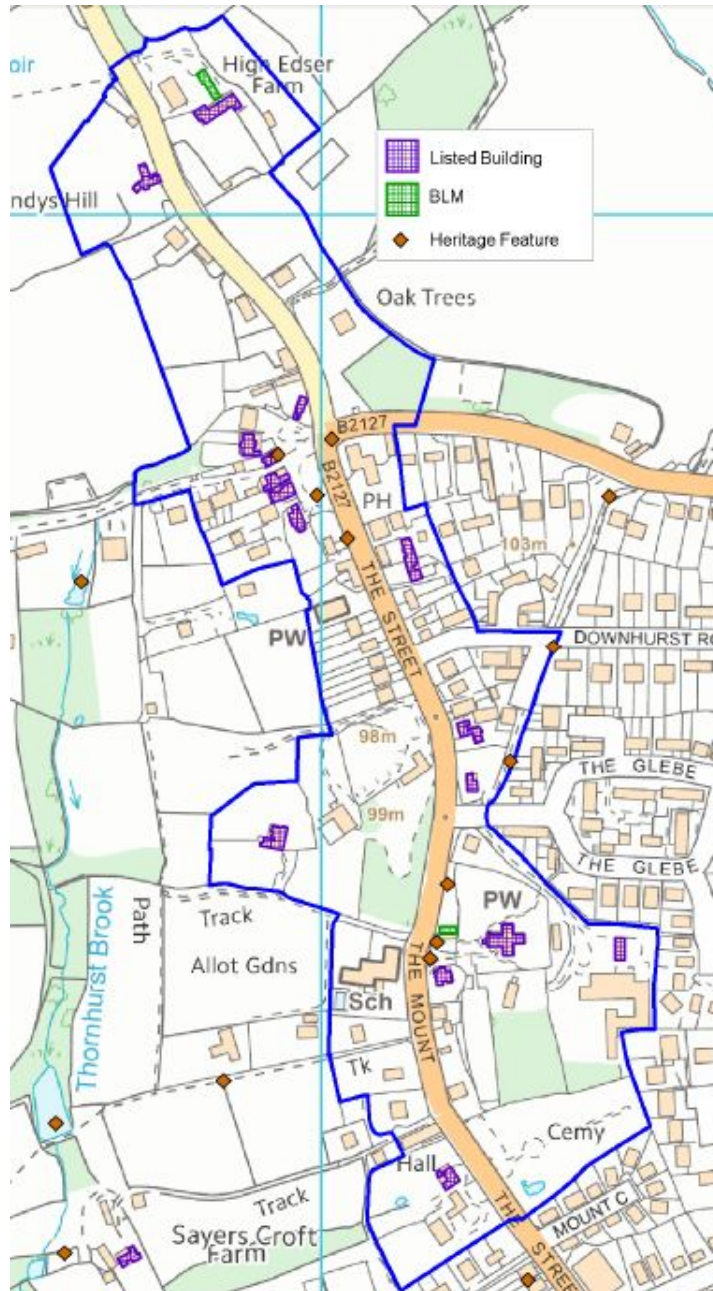


Figure 5. Plan of Heritage Assets

#### 3.4.1 Listed Buildings

There are 14 statutory listed buildings in the CA:

##### Grade I

- Church of St Peter & St Paul, The Street

##### Grade II\*

- White Hart Cottages (1,3,4 & 5), The Street

##### Grade II

- Lantern Cottage, The Street
- Wyndrums, The Street
- The Old Cottage, Shere Road
- Crown & Little Crown, The Street
- Ivy Cottage, The Street
- Deblins Green & Old Farm, The Street
- The Old Post Office, The Street
- Barn in the grounds of the Old Rectory, The Street
- Winton House, The Street
- Milk Hill, The Street
- High Esder Farmhouse, Shere Road
- Mundys Hill, Shere Road
- Mascalls, The Street
- Hoyle Cottage & The Hoyle, The Street

### **3.4.2 Buildings of Local Merit (BLMs)**

Buildings of Local Merit (BLMs) are buildings identified by Waverley as of local historic, architectural or townscape merit. Many local authorities have lists of such buildings, sometimes called the local list and sometimes Buildings of Townscape Merit (BTM). They are considered to be non-designated heritage assets.

There are presently 2 BLMs within Ewhurst CA:

- Mount Cottage, The Street
- Barn at High Edser Farm, Shere Road

### **3.4.3 Heritage Features**

In 1986, Waverley Borough Council produced a list of heritage features in Waverley<sup>3</sup>. The list covers natural landmarks, archaeological sites, historic structures, historic trees, roads, track ways and gardens. The purpose of the list was to identify features that for the most part were not protected by legislation, but were a significant and valuable part of the character and history of the Borough. The intention was that by recording them there would be more awareness of the value of preserving them.

List of heritage features:

- Lamp standard, presumed to be a Gas lamp, new glass was inserted and it was electrified in 1994. It is located on the east side of the street opposite Ewhurst C of E School.

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<sup>3</sup> Waverley Borough Council (1986) 'Heritage Features in Waverley' ( 4 volumes)



- First World War Memorial in front of the church lychgate.
- Wrought Iron sign commemorating coronation of Elizabeth II on Village Green.
- Window at 'Wyndrums' containing a signed pane of glass '*Jno Peter Glazier Capell Surrey 1780*'.
- Well in the garden of Well Cottage, may have been originally outside the garden boundary and could have been the village well.
- Wooden guide post with three arms pointing towards Cranleigh & Guildford, Ockley & Dorking and Peaslake, Shere & Gomshall in black lettering on white background. This has unfortunately been replaced by a modern sign.

Additionally St Peter and St Paul's Church and the surrounding churchyard is a Site of Archaeological Interest.

### **3.5 Heritage at Risk**

There are no buildings within the CA on the Waverley BC & English Heritage "Heritage at Risk Register"<sup>4</sup>.

At time of print, there are no identified Grade II properties which are considered to be 'at risk'.

It is important to ensure that any listed buildings that fall into disrepair are identified early, so that Waverley Borough Council can work with the owners to find appropriate solutions and bring the building into a productive use.

### **3.6 Buildings which positively contribute to the CA**

Positive Contributors are buildings which are not listed, or locally listed, but positively contribute to the special interest of the CA.



The following buildings have been identified as positively contributing to the character of the CA:

**Bulls Head Pub:** Built in 1908, the pub is a prominent building within the streetscene. It has a lively elevation that shows good craft and skill. It is quirkier than the normal roadhouse.

<sup>4</sup> <https://historicengland.org.uk/advice/heritage-at-risk/search-register/>

Church Gate Cottage: a semi detached property developed from one original building (the other half, Mount Cottage, is a Building of Local Merit). The Cottages were split into two in the early 19<sup>th</sup> century and the front parts became shops. The front part was used as a schoolroom in the early 19<sup>th</sup> century before the National School opened and then as numerous shops up until the 1970s when it was converted back to residential use.

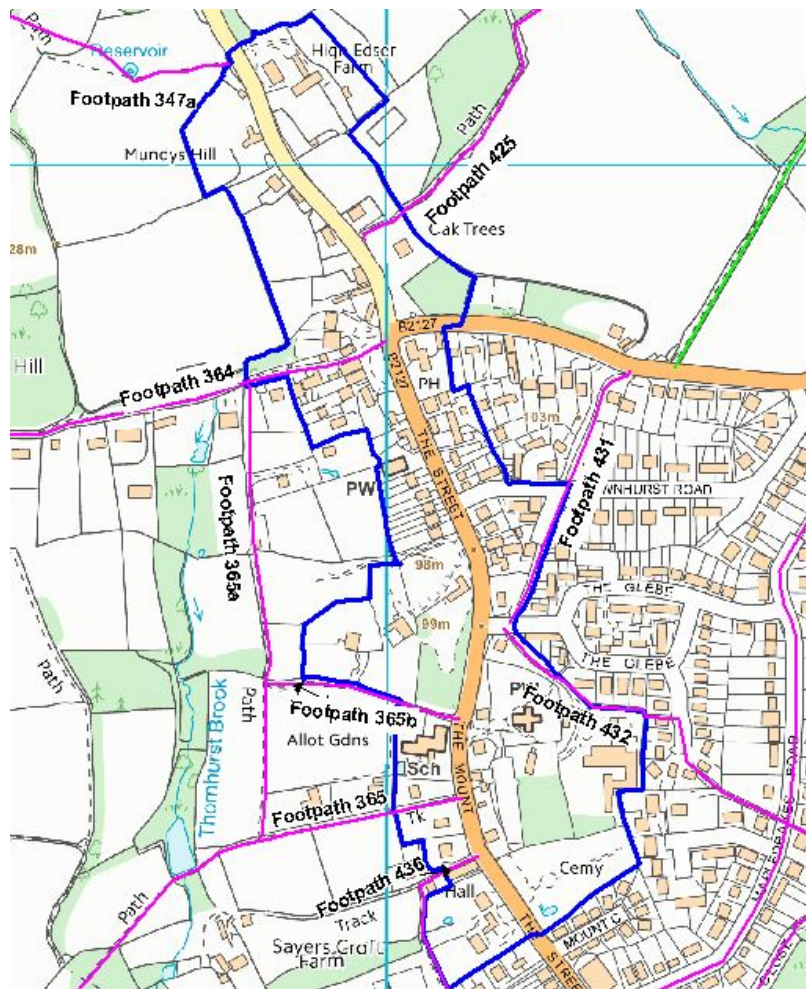
## **3.7 Open Spaces and Streetscape**

### **3.7.1 Open spaces**

As a result of its linear form the public space is limited to a small area of grass (known locally as Bull's Head Green or the village green) at the junction of Shere Road, Ockley Road and The Street and an area of green in front of the cemetery. These areas are well maintained and of benefit to the public.

The village green has a small seated shelter in the middle with a litter bin provided. It is often used as a communal meeting area by walkers and cyclists. In addition, it still retains a K6 telephone kiosk the telephone box is a heritage icon that is in rapid decline. It is therefore important that they are retained and maintained.

The area of green in front of Ewhurst Burial Ground is an important area of open space at the southern end of the CA creating a clear boundary between the CA and the later development to the south.



*Figure 6. Plan of footpaths in and around Ewhurst CA*

There are 9 main Public Rights of way within and adjacent to Ewhurst CA, identified on Figure 6. These link the CA with the surrounding countryside and villages, providing interesting and scenic walks to residents and visitors of the CA alike. The sign for Footpath 364 has fallen down and is currently being propped up by a fence.

### **3.7.2 Streetscape**

There is no definable commercial area within the CA, as a result the streetscape is predominantly residential in character. Properties are either fronting directly onto the street or set back, separated from the pavement by low hedges or fencing. Several properties to the south and north ends of the CA, retain a more rural feel and are obscured from the road by taller vegetation and trees.

The CA does receive a high level of traffic at peak times due to its use as an access route, this does present a danger by the village hall to pedestrians due to lack of visibility and speed. Additionally there is little parking availability with the CA and thus some areas do become cluttered with parked vehicles, however the majority of properties do have off- street parking.

### **3.8 Assessment of Condition**

Overall: Good condition

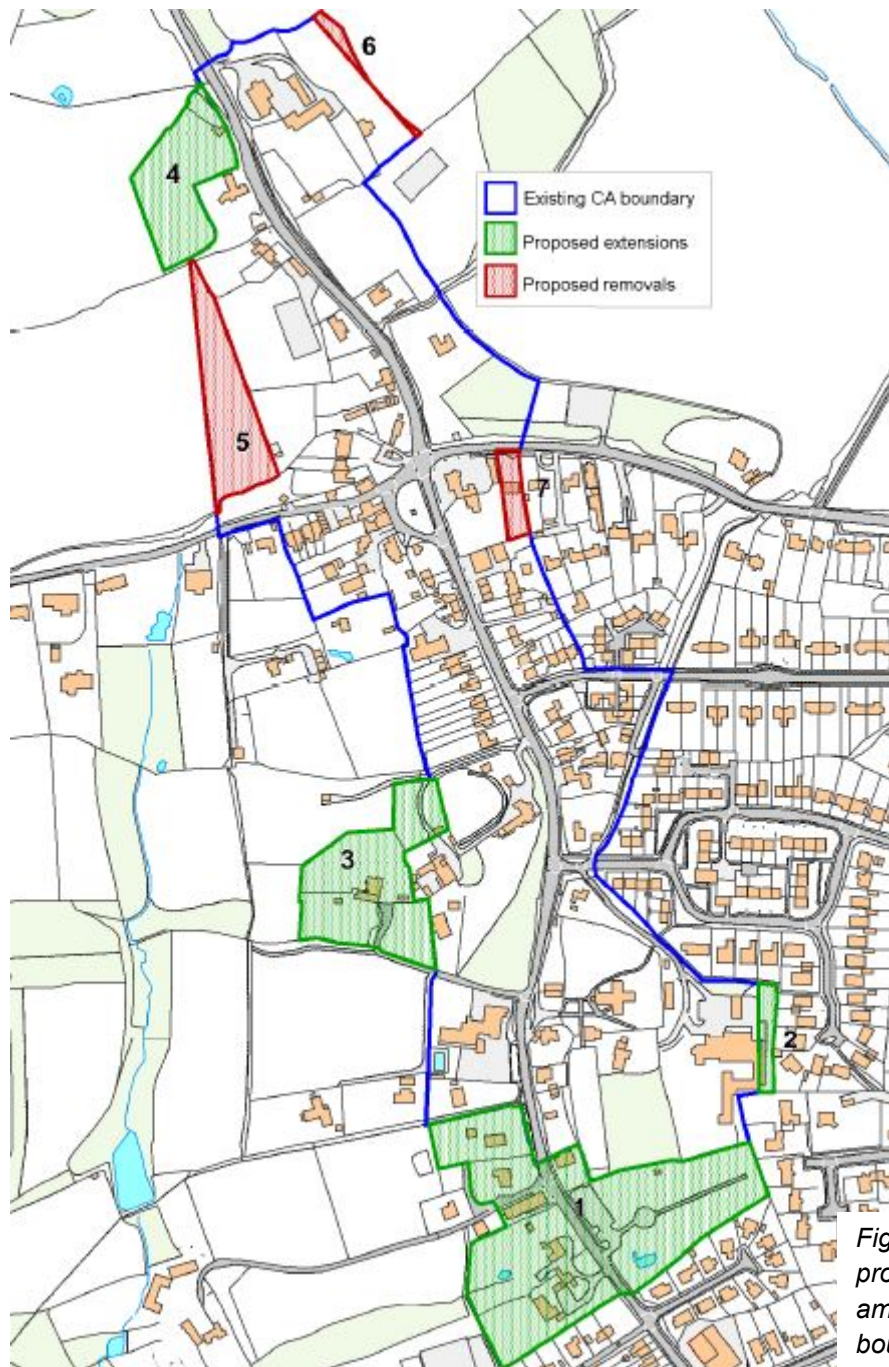
The listed buildings, buildings of local merit and other buildings within the CA are all in good condition and appear to be well maintained, which reflects on the character of the CA.

However, the following issues have been identified within the CA:

- Quality of pavement in front of the Baptist Church and use of this area as parking.
- Fencing around church is missing railings.
- Lack of parking resulting in a cluttered streetscape along The Street.
- K6 Telephone kiosk is unmaintained.

### **3.9 Identifying the Boundary**

Ewhurst CA was designated over 40 years ago. Therefore areas within the boundary may no longer have special interest. Physical boundaries/curtilages may have changed or areas that were previously omitted may now be considered to be of special interest. As part of the appraisal, the boundary of Ewhurst CA has been reviewed using Historic England's guidance (Conservation Area Designation, Appraisal and Management (2016)). The following changes are identified for the boundary, and the reasons for these amendments are discussed below.



*Figure 7. Plan of proposed amendments to boundary*



1. Extension: Ewhurst Burial Ground, Village Hall and surrounding properties.

The land proposed for inclusion at the south end of the Conservation Area includes the Ewhurst Burial Ground and surrounding open space, the Village Hall and the properties 'The Mallards', 'Mascalls' (Grade II listed building), 'Hillside', 'Glenacre' and 'Woodstock'.

The east side of this proposed area includes Ewhurst Burial Ground and 'Hillside'. The burial ground and surrounding open space are an extension of the church (only the church cemetery immediately surrounding the church is owned by the church, the burial ground to the south is owned and managed by Ewhurst Parish Council) to the north and were originally part of the glebe lands the open space is an important feature of the village. The rear garden and outbuildings of Hillside are currently within the CA, however the dwelling is not. Whilst of no historical or architectural interest Hillside is built using local materials in the Surrey vernacular and is the middle of the extended area, therefore it seems sensible to rationalise the boundary by extending it to include the whole of the curtilage.

The buildings on the west side of the proposed extension are in the main, not visible within the street scene as a result of being set further back and strong boundaries which mainly consist of trees and vegetation. Consequently, these buildings play an important part in the transition through the civic centre.

It is proposed to extend the boundary to the south of the cemetery and The Mallards where there is a clear boundary where the later infill development starts.

2. Extension: Curtilage of The Old Rectory

Since the CA was originally designated The Old Rectory has been extended and as a result the existing boundary currently dissects the building. Although, of no particular architectural interest the property does have historical links with the church and is the predecessor of at least two earlier rectories to have stood on the site. Therefore, the inclusion of the The Old Rectory within the original designation is supported. To rationalise the boundary, and remove any confusion over the protection status of the property, the whole curtilage is proposed to be included within the CA.

1. Extension: properties to the south west of Garlands

The land proposed for inclusion to the south west of 'Garlands' includes 'Hoyle House' and 'Hoyle Cottage' (Grade II listed), 'Roseacre' (a new build) and the front garden of 'The Cottage'.

When the CA was originally designated the boundary followed the original boundary for Garlands. As a result, the existing boundary currently dissects the curtilage of 'The Cottage' and 'Roseacre'. Evidence suggests that 'The Cottage' was originally the coach house for 'Garlands' and was converted into a separate dwelling when the main house was split into two after World War II. 'Roseacre' is a new build, however, its design and materials would not have a detrimental effect on the character of the CA.

Although already protected under their listed status, it is proposed to include 'The Hoyle' and 'Hoyle Cottage' as they are situated on former glebe land and therefore have historical links to the civic centre. In addition, its location means it can be viewed from within the CA as part of the group of buildings.

### 3. Extension: Garden of Mundy's Hill

Since the CA was designated, the curtilage of Mundy's Hill has changed, and thus the existing CA now has no definable boundary. Therefore it is proposed to rationalise the boundary by extending it to include the whole curtilage of Mundy's Hill. Although the tennis court is not particularly favourable within the CA, it is considered justifiable in order to have distinct edge to the boundary.

### 4. Removal: Field to the west of Shere Road.

The field to the west of Shere Road and the north of Wykehurst Lane has been recommended for removal from the CA following assessment of the land in accordance with guidance from Historic England. Conservation Areas are defined as 'an area of special architectural and historical interest, the character or appearance of which is desirable to preserve or enhance'. The guidance is clear that CA designation is not generally appropriate for protecting areas of wider landscape, unless the character or appearance of the open area particularly relates to the historic fabric of which the CA designation relates.

The CA currently cuts across the field, as there is no architectural interest on the site, and there is no evidence of any historical links between the field and the wider CA to warrant the protection of an area of wider landscape. Therefore, to avoid future confusion, it is proposed that the whole field be removed from the CA.

It should also be noted that the CAA, and any proposed amendments to the boundary, is assessed taking into account the value of the CA and surrounding area in terms of architectural and historic interest. The potential for future development is not a consideration within the assessment of the CA boundary, and it is not appropriate to designate land to protect from future development. In

this instance, the site is also within the Green Belt and an Area of Outstanding Natural Beauty and the CAA will not alter these designations.

6. Removal: Field at High Edser Farm

The existing boundary line at High Edser Farm currently does not follow any physical features. The land surrounding the farm has no architectural interest on the site, and there is no evidence of any historical links between the field and the wider CA to warrant the protection of an area of wider landscape. Therefore it is proposed to tighten the boundary to just around the residential curtilage to remove any confusion over its protection status.

7. Removal: Ballindyne, Ockley Road

It is proposed to remove this property from the CA because it was built just after the CA was originally designated and is in line with properties to the east which are not within the CA.



## **PART 2 – Management Plan**

### **4.0 Management Plan**

The following sections within the Management Plan set out specific actions/projects aimed at preserving and enhancing the CA in the future.

#### **4.1 Managing Change**

The qualities that make CAs appealing can often lead to further pressure for development. However, given the close knit development pattern of the CA, there are few (if any) opportunities for new development (beyond smaller extensions or alterations to existing buildings). It is expected that where consent or planning permission is necessary, the appraisal section of this document should be taken into account when making the decision.

Various small scale enhancement opportunities within the CA have also been identified and form part of this management plan.

#### **4.2 Designation**

##### **4.2.1 Buildings of Local Merit**

In addition to statutory listing, the NPPF states that Heritage Features and BLMs are non-designated heritage assets. Waverley has set up a project to identify, review and adopt additional BLMs. This is a community led project which includes a consultation process with owners and local amenity societies. The Parish Council takes the lead on the project with support given by Waverley.

#### **Recommendation:**

That Ewhurst Parish Council with the support of Waverley Borough Council officers undertake a review of the BLMs to identify potential candidates to be designated as a BLM.

#### **4.3 Heritage at Risk**

The character of Ewhurst CA is heavily reliant on the preservation of the heritage assets. These assets should be preserved, and those which are deemed 'at risk' identified.

#### **4.4 Celebration: Waverley Design Awards**

The Waverley Design Awards scheme was introduced in 1995 to encourage an interest in the quality of the built and natural environment of the borough. The

scheme promotes an awareness of the need for high standards in design including planning, architecture, sustainable development and landscaping.

The awards are made every two years and the next one is due in 2018. It is important to ensure that outstanding design is identified and promoted especially when it preserves and enhances the CA.

**Recommendation:**

Ewhurst Parish Council is encouraged to nominate new, outstanding developments to the Waverley Design Awards.

**4.5 Enhancement Schemes**

**4.5.1 Utility companies**

Utility companies often carry out works on the highway within the CA (road or pavement). Utility companies (and their contractors) are required to ensure that the surface is made good, to the same standard that was originally there. In addition, it is understood that they can implement a temporary surface for a period of six months before making the area good. Within a CA unsatisfactory works by utility companies can undermine the character of the area and have a detrimental impact on the appearance of the street.

A Task Group at Surrey County Council (SCC) has produced a report: “Improving the Co-ordination and Quality of Work of Utilities Companies in Surrey”, 10 January 2013, which considered the views of residents, councillors, utilities companies and officers. The conclusions were that SCC could undertake a number of actions to work more effectively with utilities companies to improve the quality of street works in Surrey, minimising the disruption caused to residents and road users by:

- Communication
- Monitoring and Reporting
- Utility companies must apply for a permit from the Streetworks team at SCC.
- Improved working in areas with special conditions (including Conservation Areas).

**Recommendation**

Utility Companies should be made aware of the CAA document, and in particular be encouraged to ensure that their work is completed and ‘made-good’ as soon as practically possible. Where this has not happened (and within the existing guidance) the Streetworks Team at SCC should be informed so that they can take appropriate action.

#### **4.5.2 Standardisation of street furniture and de-cluttering**

It is important to reinforce the distinctiveness of Ewhurst CA through a clear and consolidated approach to street furniture, including bollards, lamp posts, benches and litter bins.

Road markings should be kept to a minimum and thin (conservation area) double yellow lines should be used where necessary.

Improving the CA does not just mean the installation of new coordinated street furniture, it also means rationalising what is already there and removing or repositioning signage and street furniture that is no longer required or used. It also involves cleaning road signs on a regular basis.

Ewhurst CA is well maintained and the Parish Council is doing a good job in supplying new benches etc and bringing projects forward. Such as the new paths around the church (this project was carried out by the Parochial Church Council). This means that there are only few projects identified here. However, Waverley Borough Council should work closely with Ewhurst Parish Council in order to identify future projects.

#### **Recommendation**

A Steering Group should conduct a survey with SCC to identify areas most in need, and specific signs to be removed. This could include:

- Redundant posts with no signage
- Redundant signage no longer required
- The rationalisation of signage and furniture where other, more appropriate signage/furniture exists
- Upgrade, clean or replace signage in poor repair
- Regular meetings between Ewhurst Parish Council and WBC Planning Projects Team to help identify future projects.

#### **4.5.3 Repair and maintenance of fencing around St Peter and St Paul's Church**

The fencing which runs along the boundary of the church is missing a rail on the north entrance and is in need of a paint job. This fencing is a lovely addition to the church yard and, if poorly maintained, is in danger of being replaced with cheaper, uglier fencing in future.



### **Recommendation**

Survey the fencing to identify any other missing rails, replace any missing rails, de-rust and repaint.



#### **4.5.4 Repair fencing by War Memorial**

The fencing above the wall fronting the road by the War Memorial is in a state of poor repair, It has been repaired well in the past but more recent repairs have included the use of duck tape, which is considered inappropriate.

#### **4.5.5 Green space in front of Ewhurst C of E School**

As a result of the removal of the bus stop in front of the school there is now a small area of grass with the footpath behind it. This area is currently very muddy due to it being used as a storage area for materials for building works at the school and therefore does not look very attractive and, in addition, the footpath does lead anywhere.

### **Recommendation**

Remove the footpath and produce a suitable landscaping scheme to enhance the area.

#### **4.5.6 Lessen the impact of fencing in front of Winton House**

The fencing fronting the highway at Winton House is tall and close boarded. It has an impact on the character of CA when viewed heading north towards The Street, particularly as the listed building behind can longer be viewed as part of the street scene. This is under private ownership and it is appreciated that the fence was most likely made higher to alleviate the noise from traffic. However, the strip in front of the fence is under different ownership (most likely SCC Highways) and therefore a landscaping scheme could be implemented to lessen the impact.

### **Recommendation**

Identify ownership of land in front of fencing, if the County Highways Authority, discuss the implementation of a suitable landscaping scheme. This could be in conjunction with the Parish Council who may be able to support the longer term maintenance.

#### **4.5.7 Pavement in front of Ewhurst Baptist Church**

The pavement in front of the Baptist church is currently being used as additional parking space and is in a state of poor repair. This additional parking space, due to its location, is fairly dominant within the street scene. Whilst it is appreciated that there is a limited amount of parking space within the CA, the separation from the existing parking makes it stand out more.



#### **Recommendation**

Establish ownership and rights of access and encourage the owner to repair the tarmac. Talk to owner of land, Ewhurst Baptist Church and owners of Jasmine Cottage to come up with a scheme of either extending the parking area belonging to the church and moving the picket fence further forward or introduce landscaping to soften the area.

#### **4.6 Taking the CAA forward**

It is recognised that the CAA is a living document that informs the consideration of planning applications within the area. It also, through the Management Plan, identifies the key environmental enhancements that are a priority for the CA. Whilst Waverley Borough Council has a key role in ensuring that the document is implemented and regularly reviewed, many of the Management Plan actions need to be co-ordinated with partner organisations such as Surrey County Council and Ewhurst Parish Council. Without these partners' involvement, many of the projects will neither be viable or achievable.

## **Appendices**

### **Appendix 1: Extracts from Waverley BC Local Plan 2002**

#### **Local Plan Policy HE8 – Conservation Areas**

The Council will seek to preserve or enhance the character of conservation areas by:

- (a) the retention of those buildings and other features, including trees, which make a significant contribution to the character of the conservation area;
- (b) requiring a high standard for any new development within or adjoining conservation areas, to ensure that the design is in harmony with the characteristic form of the area and surrounding buildings, in terms of scale, height, layout, design, building style and materials;
- (c) in exceptional circumstances, allowing the relaxation of planning policies and building regulations to secure the retention of a significant unlisted building;
- (d) protecting open spaces and views important to the character and setting of the area;
- (e) carrying out conservation area appraisals;
- (f) requiring a high standard and sympathetic design for advertisements. Internally illuminated signs will not be permitted;
- (g) encouraging the retention and restoration of shop fronts where much of the original detailing still remains. Alterations will take into account the upper floors in terms of scale, proportion, vertical alignment, architectural style and materials. Regard shall be paid to the appearance of neighbouring shop fronts, so that the proposal will blend in with the street scene.
- (h) encouraging the Highway Authority to have regard to environmental and conservation considerations in implementing works associated with its statutory duties, including the maintenance, repair and improvement of public highways and the provision of yellow lines, street direction signs and street lighting.

## Appendix 2 - Glossary of terms

IMPORTANT NOTE: This glossary does not provide legal definitions, but acts as a guide to key planning terms.

Building of Local Merit: BLM stands for Building of Local Merit. It is a building identified by Waverley as of local historic, architectural or townscape merit. Many local authorities have lists of such buildings, sometimes called the local list and sometimes Buildings of Townscape Merit (BTM). In Waverley we chose the designation BLM because it is less likely to be confused with statutory listed buildings and also recognises that not all our valuable buildings are within towns.

Conservation Areas: Areas designated by the Local Planning Authority under the Planning (Listed Buildings and Conservation Areas) Act 1990 Section 69 as being of special architectural or historic interest, the character of which it is desirable to preserve and enhance.

Designated Heritage Asset: A World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park and Garden, Registered Battlefield or Conservation Area designated under the relevant legislation.

Development: Development is defined under the 1990 Town and Country Planning Act as “the carrying out of building, engineering, mining or other operation in, on, over or under land, or the making of any material change in the use of any building or other land.”

Galletting: Architectural technique of placing pieces of ironstone or flint in the mortar between bricks or stonework.

Heritage Assets: Parts of the historic environment which have significance because of their historic, archaeological, architectural or artistic interest. This includes designated heritage assets and non-designated heritage assets.

Listed Building: A building of special architectural or historic interest. Listed buildings are graded I, II\* or II. Listing includes the interior as well as the exterior of the building, and any

buildings or permanent structures (e.g. walls) within its curtilage. English Heritage is responsible for designating buildings for listing in England.

Local Plan: A development plan prepared by district and other local planning authorities.

Non-designated Heritage Asset:

These are buildings, monuments, sites, places, areas or landscapes that have not previously been formally identified but that have a degree of significance meriting consideration in planning decisions, because of its heritage interest.

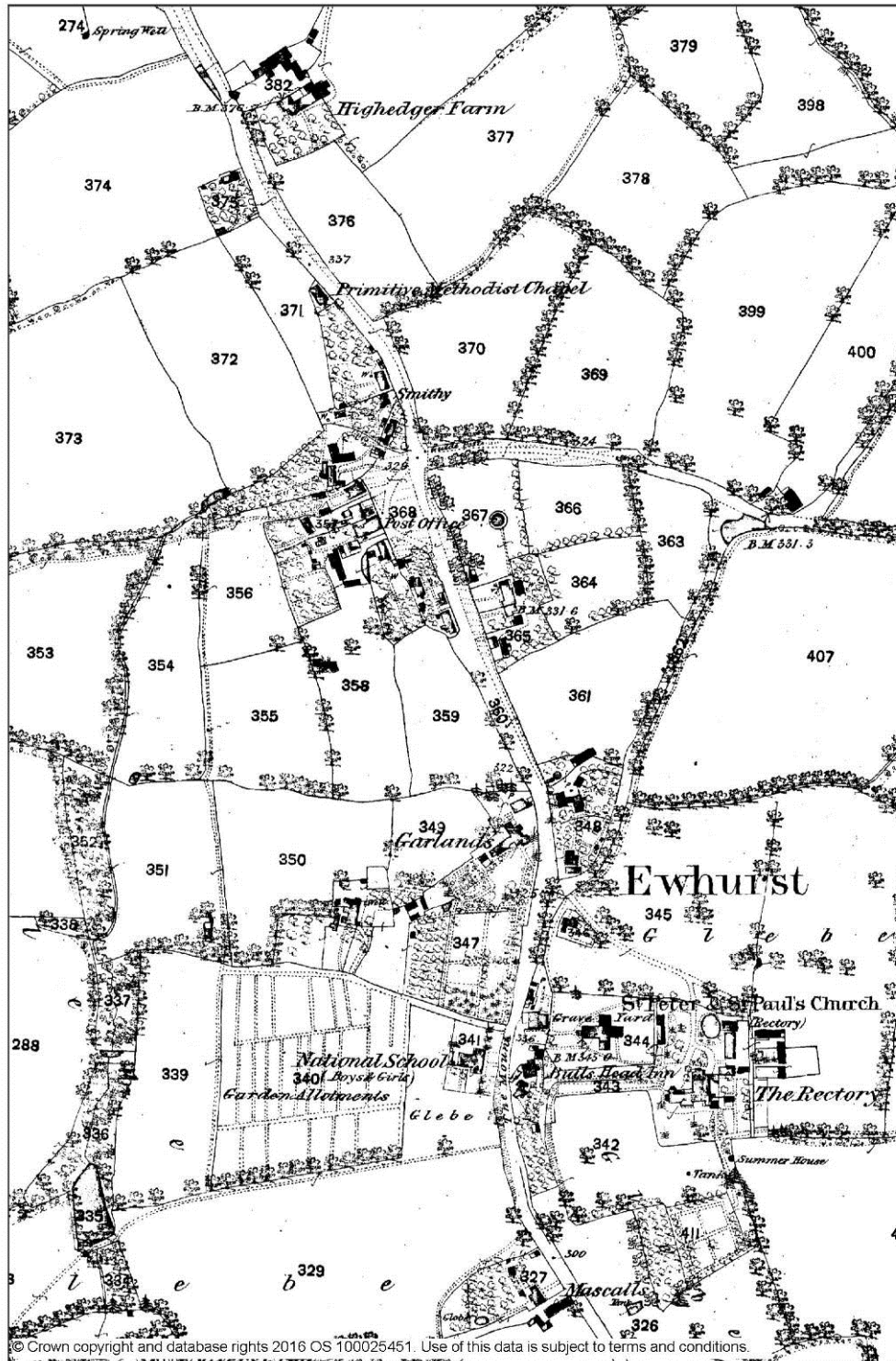
National Planning Policy Framework:

Issued by central government setting out its planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system only to the extent that it is relevant, proportionate and necessary to do so. It provides a framework within which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities.

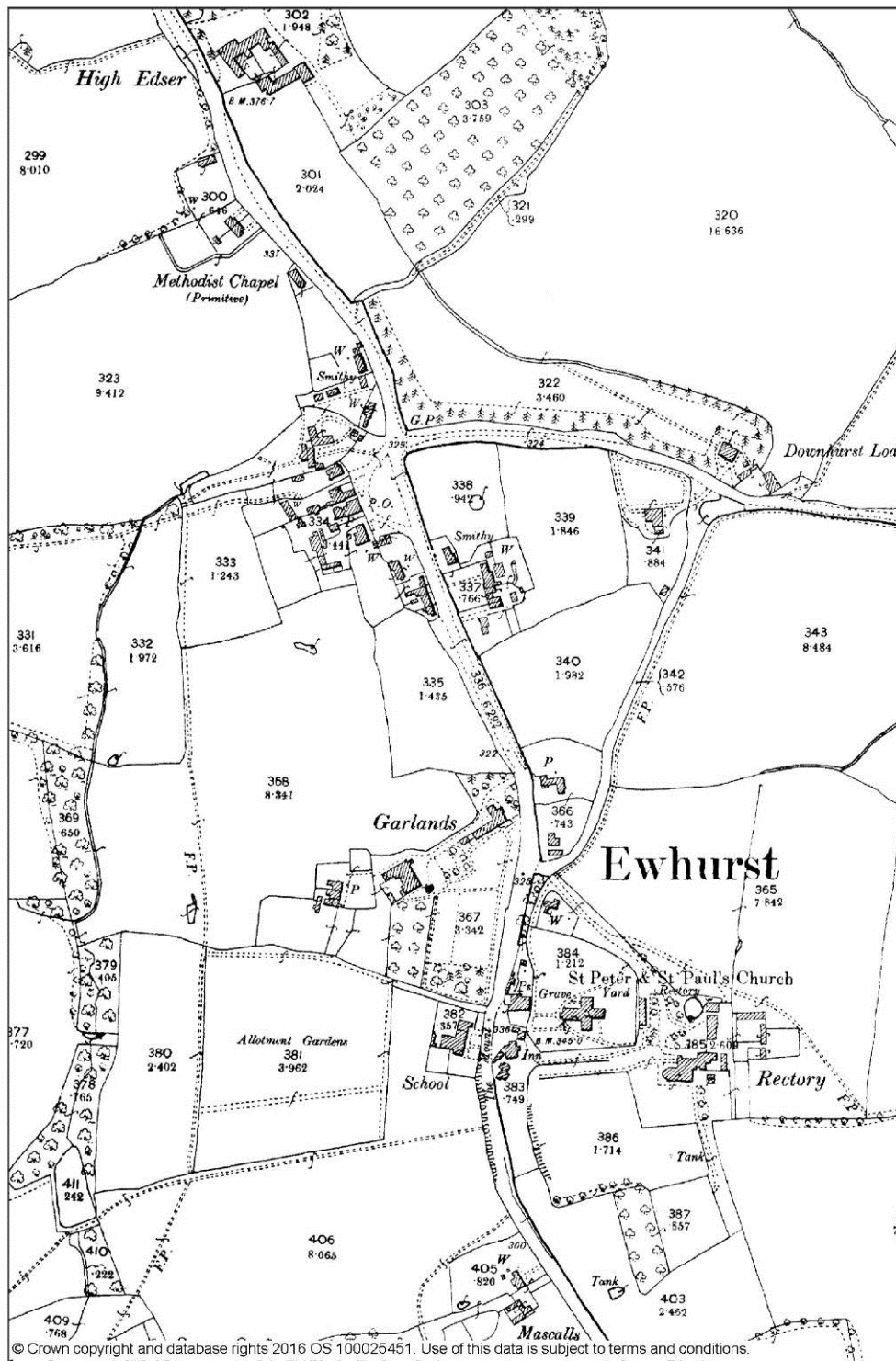
Vernacular: Traditional architecture using local materials and following well-tried forms and types. For example, the Surrey vernacular is typified by steep tiled roofs, timber frames, brickwork and tile hanging.



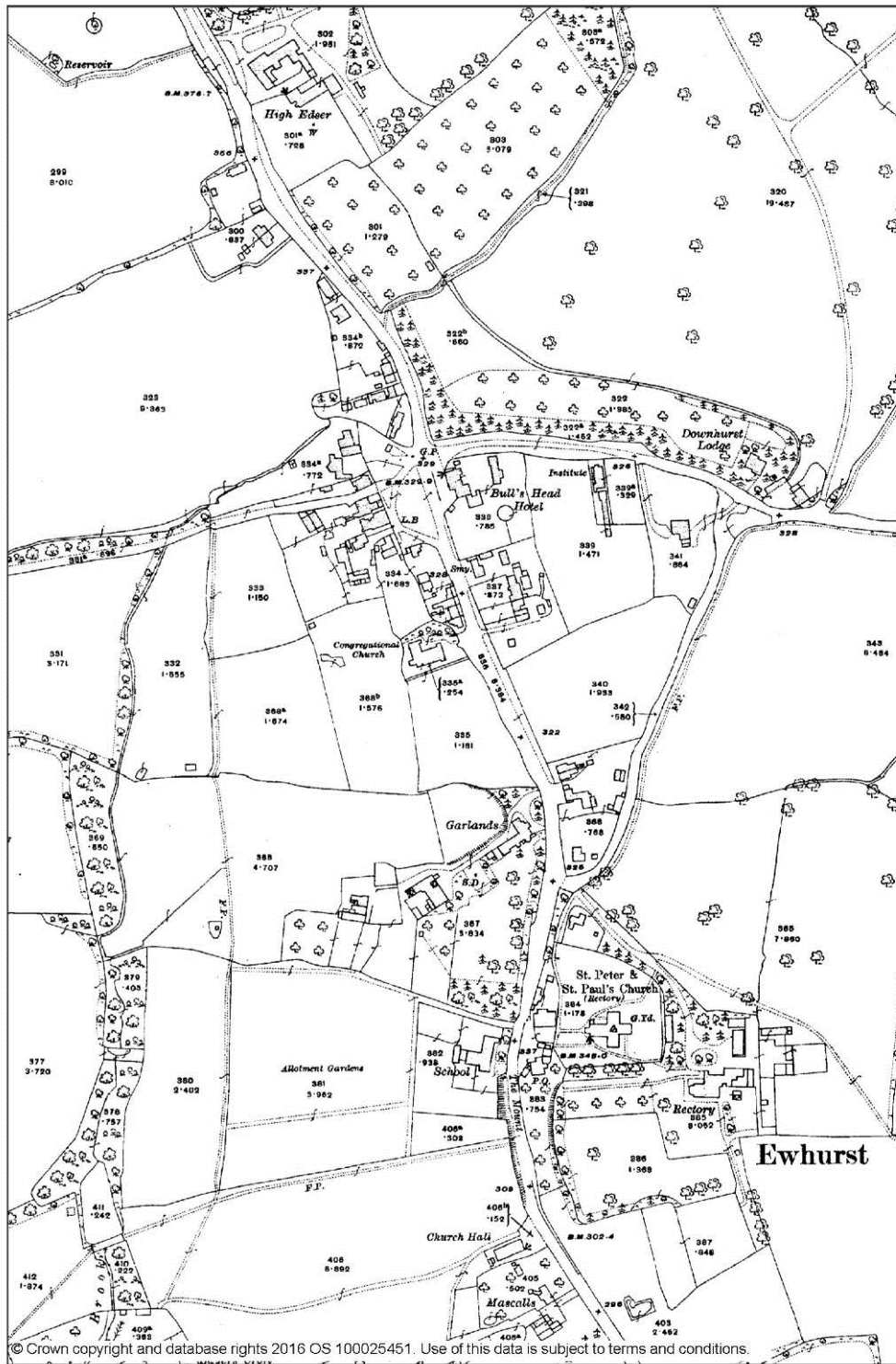
Appendix 3: Historical maps



1871 Historic OS map



1898 Historic OS map



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1914 Historic OS map

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## Ewhurst Green Conservation Area Appraisal and Management Plan

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## **PART 1 – Ewhurst Green Conservation Area Appraisal**

### **1. Introduction**

#### **1.1 What is a Conservation Area?**

A Conservation Area (CA) is defined as “an area of special architectural and historical interest, the character or appearance of which it is desirable to preserve or enhance”<sup>1</sup>. Designation of a CA covers all land within the CA and therefore planning control is directed at maintaining the special interest of the entire area, including the buildings, streetscene, uses and the relationship of these elements with open spaces and landscape.

CA designation gives a degree of protection against demolition of buildings and walls and the removal, or works, to trees, as well as reducing householder permitted development rights. CA designation enables the planning authority to ensure that the historic character and special interest, which attracts people to live, work and visit the area, remains intact and that development is of high architectural quality and in keeping with the area’s existing character.

#### **1.2 What is a Conservation Area Appraisal (CAA) and Management Plan?**

A CAA sets out to identify and assess the special interest of the CA, such as the notable buildings and open spaces, and the inter-relation of these together to form a unique character. The management plan will use the information gathered in the CAA to identify and implement enhancement and public realm enhancement schemes to preserve and enhance the CA.

The final document will inform positive management of the CA and will be adopted by the Council as a material consideration to be used in the determination of any application for planning permission and listed building consent within the CA. It will also be used to influence enhancement schemes for the long term management of the CA.

The document should be read in conjunction with Waverley’s Local Plan (both adopted and emerging) and National Planning Policy Framework (NPPF).

#### **1.3 Planning Policy Framework and Sources**

The Planning (Listed Building and Conservation Area) Act 1990 Section 71 states:

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<sup>1</sup> Planning (Listed Buildings and Conservation Area) Act 1990

*“It shall be the duty of a local planning authority from time to time to formulate and publish proposals for the preservation and enhancement of any parts of their area which are conservation areas.”*

Policy HE8 in the Local Plan states:

*“...the Council will seek to preserve or enhance the character of conservation areas by...(e) carrying out conservation area appraisals”.*

The NPPF, Chapter 12 (126) states:

*“Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment...”*

The CAA helps to identify the significance of heritage assets, and as such enables planners to confidently determine whether an application will devalue the significance of the CA.

It is in accordance with the above legislation and local policy that this CAA has been conducted. This appraisal was compiled with the assistance of Historic England’s guidance “Conservation Area Designation, Appraisal and Management” (February 2016). Historic England has also published guidance called “Knowing Your Place” (March 2011).

#### **1.4 Methodology**

To assess the CA comprehensively, a historic study of the area was undertaken, including assessment of historic maps in comparison to modern maps. In conjunction with this, site visits were conducted to establish the character and identify the architectural interest of the CA. A photographic survey was undertaken of the key views and vistas within the CA, and is used throughout this appraisal. The boundary has also been reviewed.

#### **1.5 Community Involvement**

A site visit was held on 18 March 2016 with Local Councillors to identify enhancement schemes and gain feedback on the CAA, with any comments made incorporated.

A six week consultation was undertaken to seek residents’ views. Key stakeholders (including Historic England and the Parish Council) were also consulted. Responses to the consultation have been reviewed and where necessary the document updated.



## **1.6 Summary of Ewhurst Green Conservation Area**

<b>Table 1: Ewhurst Green CA at a glance</b>	
Date of designation	26 March 1974
Location	Easting (x) 509,453.38; Northing (y) 139,547.99
Current size	14.12ha
Changes to boundary	2016
General Condition	Good
Heritage Assets	3 Listed Buildings
Positive Factors	Uncluttered streetscene
Negative Factors	Replacement windows on semi-detached dwellings not matching and box dormer extensions visible within the streetscene. No BLMs identified.

## 2. Defining the Special Interest

Historic England defines special interest as the “special architectural or historic interest” of the area that warrants designation and the “character or appearance of which it is desirable to preserve or enhance”<sup>2</sup>.

### 2.1 Summary of the Special Interest

The following provides a summary of the special interest of Ewhurst Green CA:

Overview	Ewhurst Green developed as a separate entity to Ewhurst village and as such has its own character. It is defined by the common land which forms a strong boundary treatment with the open scatter of buildings which contrasts with the much closer development in the village. Despite its close proximity to the village, which has been subject to development over the years resulting in its expansion to the south and east, the CA has retained its rural character and setting.
Special architectural or historic interest	Ewhurst Green has had little infill development throughout the years, therefore it is easy to imagine how the area would have looked 100 years or more ago. The dwellings set close to the road are examples of manorial encroachment resulting in copyhold properties, these and the later semi-detached and smaller detached properties would have been for the agricultural labourers. Whereas the detached larger properties, particularly on the eastern side of the common, would originally have been part of the larger farms surrounding the common. There are no public buildings within the CA, they are all dwellings or for agricultural use. Some of the architectural features include clay tile hanging, traditional windows and dominant chimneys.
Form	Linear, with a relatively open scatter of buildings set around an area of common land.
Vistas	Key vistas within the CA focus on the green due to its dominating presence within the CA and the trees which frame it.

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<sup>2</sup> <https://content.historicengland.org.uk/images-books/publications/understanding-place-conservation-area/understanding-place-ca-designation-appraisal-management.pdf/>

### 3. Assessing the Special Interest

#### 3.1 Location and Setting

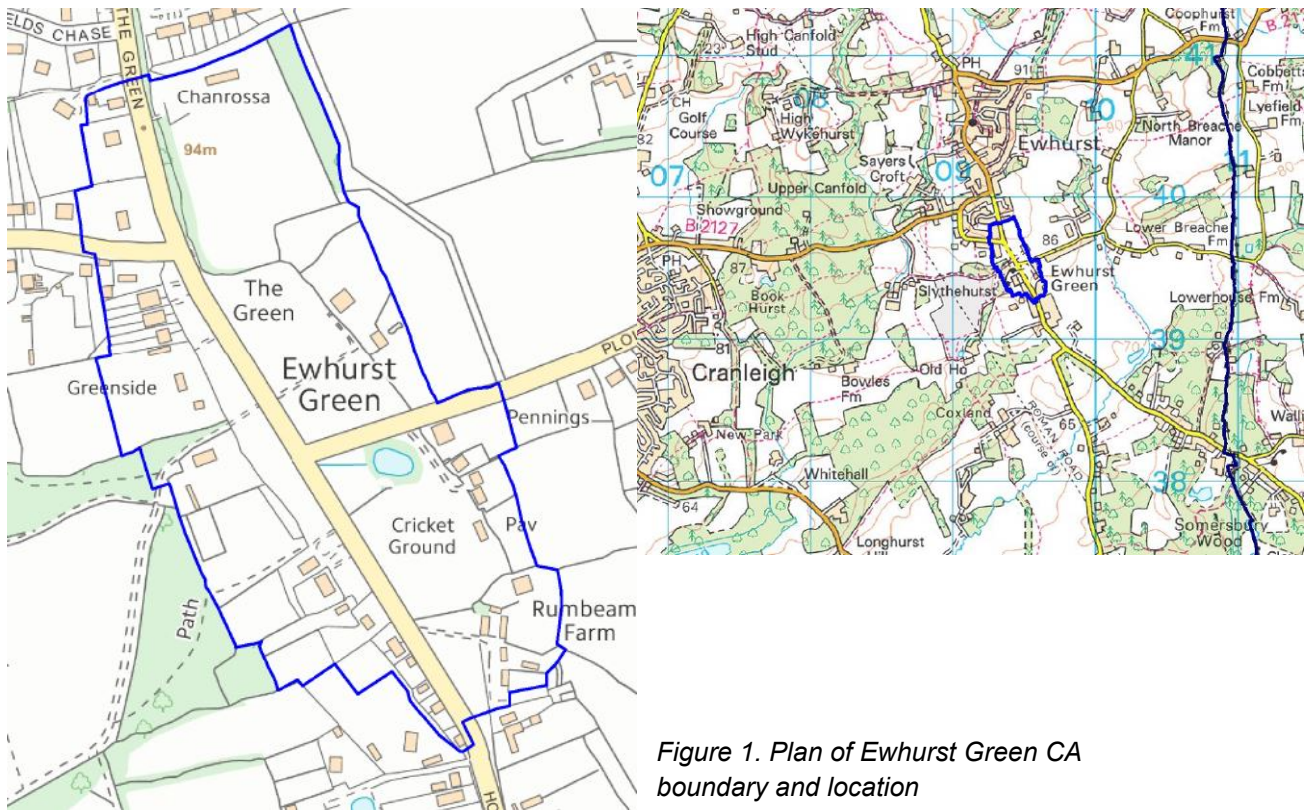


Figure 1. Plan of Ewhurst Green CA boundary and location

Ewhurst Green CA is located in the east of Waverley on its eastern boundary with Mole Valley District Council. It is separate to the main village of Ewhurst which lies to the north.

It is set between Ewhurst and Ellens Green and is to the east of Cranleigh. The road is not a major route but is still used as a connection to Horsham. Therefore traffic is of a medium level, particularly at peak times, and despite its speed limit of 40mph the speed at which cars travel along the straight is the main distractor from the significance of the CA but it is not considered to be too detrimental.

##### 3.1.1 Landscape Setting

The CA is within the low weald, coming from the north, the CA steadily declines until it reaches the open area of the Green. The area has a distinctly rural setting with fields linked to its agricultural past surrounding the CA.

##### 3.1.2 General Character and Plan Form

Ewhurst Green CA is linear in form with a relatively open scatter of buildings set around an area of common land it is framed by rows of trees and dense vegetation.

This contrasts with the main village of Ewhurst less than a mile to the north which has had much closer development.

### **3.1.3 Economic profile and potential forces for change**

Census data show that, within the built up area of Ewhurst, 99% of the economically active population are employed or self-employed and 81% of the population own their own properties.

Ewhurst Green is predominantly residential and thus it is likely that the majority of the economically active population work either outside the CA or are self-employed.

The main pressure for change on the CA is development from the north in Ewhurst. Over the years, Ewhurst has increased in size due to developments to the east and south, these have come very close to Ewhurst Green CA. As a result the CA is at risk of becoming completely amalgamated with Ewhurst. Future development proposals should take into account the character and special interest of the CA as identified within this appraisal to ensure the CA is preserved for future generations.

### 3.1.4 Vistas

Below are a selection of the key vistas that are important to the character of the CA and experienced by those who live, work and travel through the CA.



Figure 2. Plan of key vistas through CA



Vista 1: view of the green looking south



Vista 2: view of the north section of the green looking north from Plough Lane





*Vista 3: view of the green looking north*



*Vista 4: view looking north east towards the cricket green*

### **3.2 Historic Development**

Ewhurst Green CA has developed slowly as a separate entity to Ewhurst as a group of farms surrounding the common land. Historically, this land would have been manorial waste, and would have been used for the grazing of livestock.

The earliest documentary evidence for the area is in relation Rumbeams Farm in 1428. Unfortunately, no buildings within the CA survive from this period.

Unlike other common land within settlements in Waverley (such as Dunsfold and Cranleigh), Ewhurst Green's common land has a defined shape. It is unknown why, however it was likely it was formed before the farms due to their location and setting surrounding the common.

Since the late 16<sup>th</sup> century, the area has been gradually infilled with primarily residential properties but it is still largely undeveloped making space a key feature of this CA. The properties on the south west side of the CA do not front onto common land as they would have been built as encroachments onto manorial waste and were therefore copyhold properties.

The Youth Hostel was opened in 1935 following the donation of the field and costs towards the building from Sir Philip Gibbs and his wife Agnes. The fundraising for the balance of the costs was carried out by Imperial College. The common room was decorated with a handpainted frieze by Prunella Pott. Unfortunately the Youth Hostel closed in 1983 and the building was demolished a year later.

### **3.3 Architectural Quality and Built Forms**

#### **3.3.1 Period and style**

The earliest properties within the CA were built in the late 16<sup>th</sup> century. These typify the traditional Surrey vernacular, characterised by exposed timber frame, clay tile hanging and brick infill panels. The slow infill around the outskirts of the common land has resulted in dwellings differing



in period and style but still exhibit the typical Surrey vernacular. The semi-detached properties on the west side are typical of the late 19<sup>th</sup> century and early 20<sup>th</sup> terrace and semi-detached cottages with regular fenestration.

The CA has had limited development in the past 50 years and that which has occurred is of little architectural interest. In particular, the cricket pavilion is not sympathetic to its surroundings. However it does not detract from the significance of the CA.

#### **3.3.2 Scale and height of buildings**

The buildings within the CA are domestic in form with the majority two storeys in height with some single storey. Due to its agricultural use there are some barns, these are also no higher than 2 storeys in height.

#### **3.3.3 Materials**

The materials used within the CA are largely from the local area these include:

- Red brick
- Whitewash painted brick
- Clay tile hanging
- Sandstone
- Timber frame
- Weatherboarding

#### **3.3.4 Details**

Key detailing found on buildings within the CA include

- Galleting
- Sandstone with brick quoining
- Chimneys

- Traditional windows

### 3.3.5 Street form and frontages

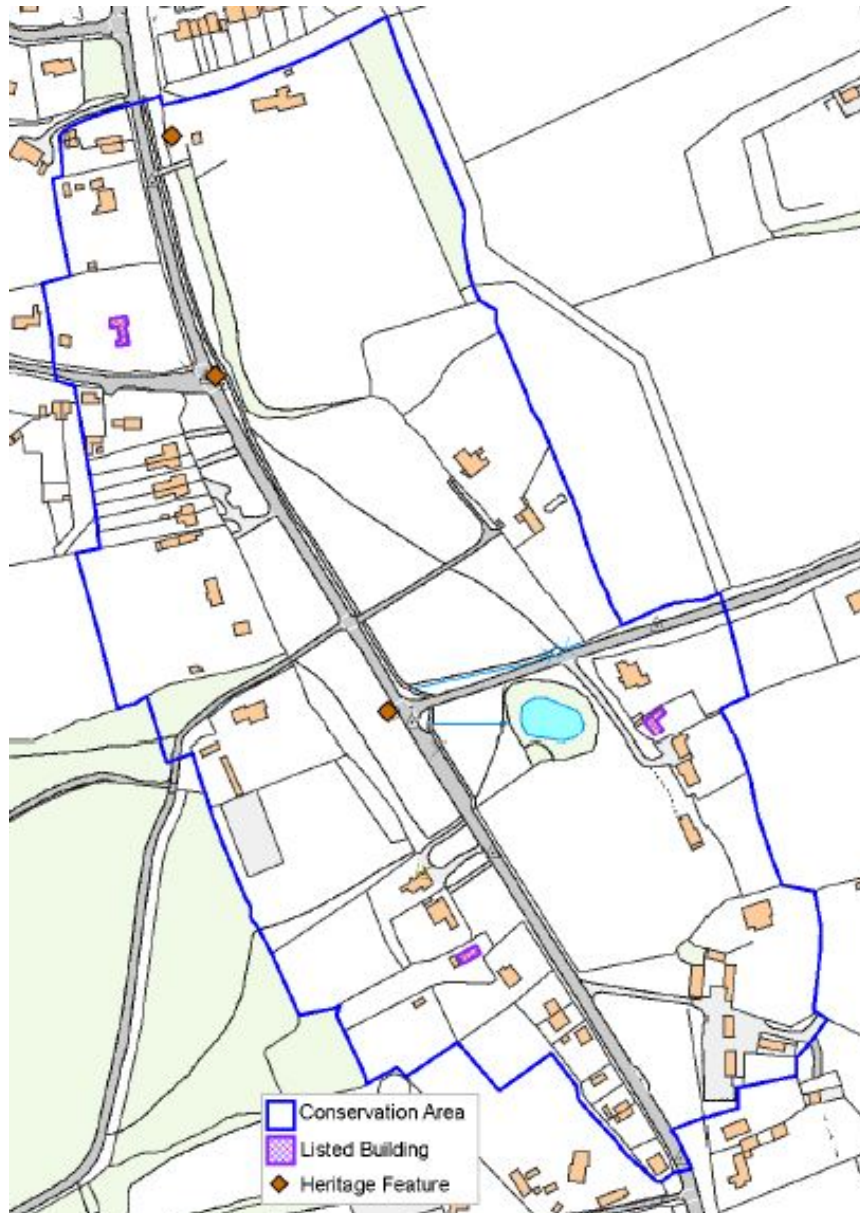


The majority of the properties front onto the green with vehicular access across it. The boundary treatment is set back and consists mainly of hedges and other vegetation. On the west side and to the top of the eastern side ditches run along the road. On the southern end a row of properties are set closer to the road creating a visual pinch point and indicating the end of the CA.



### **3.4 Listed Buildings and Heritage Features**

By definition these features and buildings make a significant and positive contribution to the CA.



*Figure 3. Plan of heritage assets*

#### **3.4.1 Listed Buildings**

There are 3 statutory listed buildings in the CA:

*Grade I* - None

*Grade II\** - None

*Grade II*

- Weavers, The Green, Horsham Lane
- The Wicket Gate, Plough Lane

- Broadstone Cottage, Gadbridge Lane

### **3.4.2 Buildings of Local Merit (BLMs)**

Buildings of Local Merit (BLMs) are buildings identified by Waverley as of local historic, architectural or townscape merit. Many local authorities have lists of such buildings, sometimes called the local list and sometimes Buildings of Townscape Merit (BTM).

There are presently no BLM's within Ewhurst Green CA.

### **3.4.3 Heritage Features**

In 1986, Waverley Borough Council produced a list of heritage features in Waverley<sup>3</sup>. The list covers natural landmarks, archaeological sites, historic structures, historic trees, roads, track ways and gardens. The purpose of the list was to identify features that for the most part were not protected by legislation, but were a significant and valuable part of the character and history of the Borough. The intention was that by recording them there would be more awareness of the value of preserving them.

Unfortunately, the heritage features identified on figure 3 have either been replaced or are not readily visible/ accessible.

### **3.5 Heritage at Risk**

There are no buildings within the CA on the Waverley BC & Historic England "Heritage at Risk Register"<sup>4</sup>.

At time of print, there are no identified Grade II properties which are considered to be 'at risk' in the Ewhurst Green CA.

It is important to ensure that any listed buildings that fall into disrepair are identified early, so that Waverley Borough Council can work with the owners to find appropriate solutions and bring the building into a productive use.

### **3.6 Buildings which positively contribute to the CA**

Positive Contributors are buildings which are not listed, or locally listed, but positively contribute to the special interest of the CA.

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<sup>3</sup> Waverley Borough Council (1986) 'Heriatge Features in Waverley' ( 4 volumes)

<sup>4</sup> <https://historicengland.org.uk/advice/heritage-at-risk/search-register/>

The following buildings have been identified as positively contributing to the character of the CA:

Upper House & Barn:



Originally part of Bostocks Farm, which consisted of 28 acres, the house was built around the mid 18<sup>th</sup> century, though a building may have been present on the site earlier. The Barn is 3-bayed with timberboard cladding. The property is in the typical surrey vernacular with clay tile hanging. It is situated on the east side of the CA on its own and is therefore quite an important presence within that area of the CA.

### 3.7 Open Spaces and Streetscape

#### 3.7.1 Open spaces



*Figure 4. Plan of footpaths and common land in and around the CA*

Over one third of the CA is made up of common land and is therefore an important feature of the CA. This area of recreational land is well maintained with a pond and cricket ground in the south east section.

The avenue of trees along Horsham Road were planted in 1927 and provide a feature upon arrival in the CA from the north.

The CA has two footpaths, identified on figure 4, on the west side which connects the CA to Ewhurst, Cranleigh and Ellens Green.

### **3.7.2 Streetscape**

The majority of the streetscapes are dominated by common land in the foreground with buildings towards the rear. The dominance of the landscape is a distinctive feature in Ewhurst Green CA.

There is limited street furniture within the CA but there are some benches, mainly around the cricket green. The telephone box is in disrepair including a broken window. The telephone box is a heritage icon that is in rapid decline, it is therefore important that those still around are well maintained, they are often used as a key landmark feature.

### **3.8 Assessment of Condition**

Overall: Good condition

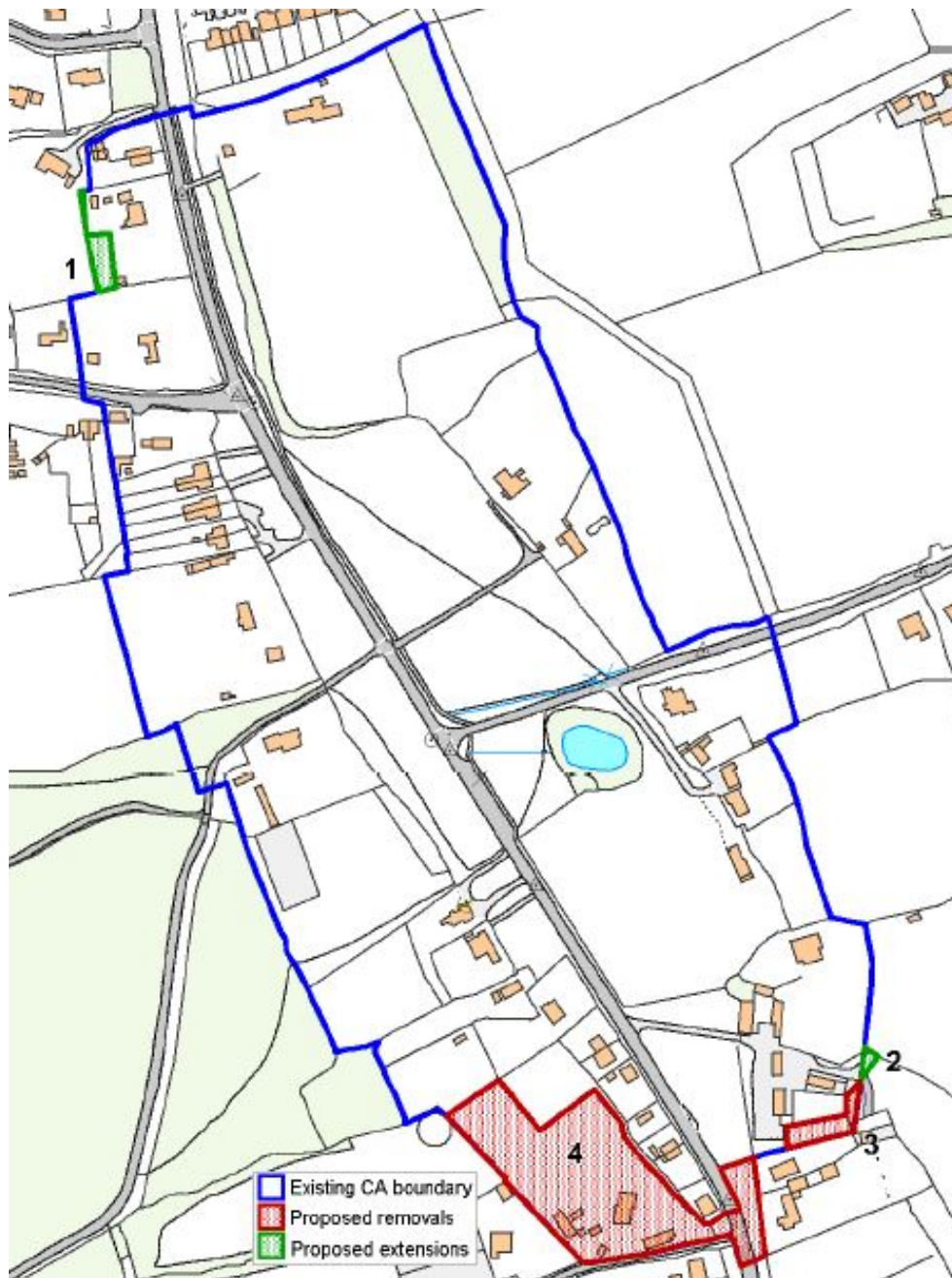
The listed buildings and other buildings within the CA are all in good condition and appear to be well maintained, which reflects on the character of the CA.

Although the cricket pavilion is unsympathetic to the special interest of the CA it is of high community value and because it set back from Horsham Road it does not have a significant or detrimental effect on the character of the CA. However, if the pavilion is updated or replaced consideration should be given to its potential impact on the character of the CA.



### **3.9 Identifying the Boundary**

Ewhurst Green CA was designated over 40 years ago. Therefore areas within the boundary may no longer have special interest. Physical boundaries/curtilages may have changed or areas that were previously omitted may now be considered to be of special interest. As part of the appraisal, the boundary of Ewhurst Green CA has been reviewed using Historic England's guidance (Conservation Area Designation, Appraisal and Management (2016)). The following changes are identified for the boundary, and the reasons for these amendments are discussed below.



*Figure 5. Plan of proposed amendments to boundary*

1. Extension: Garden of Burstowes Croft

The boundary of the CA currently dissects the garden of Burstowes Croft. To rationalise the boundary, and remove any confusion, the rear section of garden is proposed to be included within the CA.

2. Extension: Curtilage of Rumbeams Farm

The CA boundary around Rumbeams Farm does not currently follow any physical features. Therefore it is proposed to extend the boundary to allow for it to be more clearly defined.

3. Removal: Garden of Rumbeams Cottage

As stated above, the CA boundary around Rumbeams Farm does not currently follow any physical features, as a result it currently dissects the garden of Rumbeams Cottage. The cottage is not within the CA as it does not bring anything to the CA, therefore it is proposed to remove the garden from the CA to avoid any confusion.

4. Removal: Southern tip of CA on Horsham Road and land at Hilltop View

The southern tip of the CA runs along Horsham Road fronting dwellings that are not within the CA. It does not bring any further value to the CA, therefore it is proposed to remove it from the CA to rationalise the boundary.

Hilltop view and its outbuildings are of no architectural or historical interest. The land surrounding it is of no historical interest to warrant its protection as an area of wider landscape. Therefore it is proposed to remove them from the CA.

The trees on the eastern boundary adjacent to the row of houses are proposed to stay within the CA by the form of a 5m buffer zone from the boundary with the houses. Historic England advises that CA boundaries run around rather than through a space or plot and be defined by physical features as it 'can cause problems when applying conservation area policies in development management decisions'. However, the trees in this instance are a prominent feature within the CA and frame the dwellings in front therefore it is considered reasonable to include the trees within the CA.

## **PART 2 – Management Plan**

### **4.0 Management Plan**

The following sections within the Management Plan set out specific actions/projects aimed at preserving and enhancing the CA in the future.

#### **4.1 Managing Change**

The qualities that make CAs appealing can often lead to further pressure for development. However, given the close knit development pattern of the CA, there are few (if any) opportunities for new development (beyond smaller extensions or alterations to existing buildings). It is expected that where consent or planning permission are necessary, the appraisal section of this document should be taken into account when making the decision.

Various small scale enhancement opportunities within the CA have also been identified and form part of this management plan.

#### **4.2 Designation**

##### **4.2.1 Buildings of Local Merit**

In addition to statutory listing, the NPPF states that Heritage Features and BLMs are non-designated heritage assets. Waverley has set up a project to identify, review and adopt additional BLMs. This is a community led project which includes a consultation process with owners and local amenity societies. The Parish Council takes the lead on the project with support given by Waverley.

#### **Recommendation**

That Ewhurst Parish Council, with the support of Waverley Borough Council officers, undertakes a review of the BLMs to identify potential candidates to be designated as a BLM.

#### **4.3 Heritage at Risk**

The character of Ewhurst Green CA is heavily reliant on the preservation of the heritage assets. These assets should be preserved, and those which are deemed 'at risk' identified.

#### **4.4 Celebration: Waverley Design Awards**

The Waverley Design Awards scheme was introduced in 1995 to encourage an interest in the quality of the built and natural environment of the borough. The scheme promotes an awareness of the need for high standards in design including planning, architecture, sustainable development and landscaping.



The awards are made every two years and the next one is due in 2018. It is important to ensure that outstanding design is identified and promoted especially when it preserves and enhances the CA.

### **Recommendation**

Ewhurst Parish Council is encouraged to nominate new, outstanding developments to the Waverley Design Awards.

## **4.5 Enhancement Schemes**

### **4.5.1 Utility companies**

Utility companies often carry out works on the highway within the CA (road or pavement). Utility companies (and their contractors) are required to ensure that the surface is made good, to the same standard that was originally there. In addition, it is understood that they can implement a temporary surface for a period of six months before making the area good. Within a CA unsatisfactory works by utility companies can undermine the character of the area and have a detrimental impact on the appearance of the street.

A Task Group at Surrey County Council (SCC) has produced a report: "Improving the Co-ordination and Quality of Work of Utilities Companies in Surrey", 10 January 2013, which considered the views of residents, councillors, utilities companies and officers. The conclusions were that SCC could undertake a number of actions to work more effectively with utilities companies to improve the quality of street works in Surrey, minimising the disruption caused to residents and road users by:

- Communication
- Monitoring and Reporting
- Utility companies must apply for a permit from the Streetworks team at SCC.
- Improved working in areas with special conditions (*including Conservation Areas*).

### **Recommendation**

Utility Companies should be made aware of the CAA document, and in particular be encouraged to ensure that their work is completed and 'made-good' as soon as practically possible. Where this has not happened (and within the existing guidance) the Streetworks Team at SCC should be informed so that they can take appropriate action.

#### **4.5.2 Standardisation of street furniture and de-cluttering**

It is important to reinforce the distinctiveness of Ewhurst Green CA through a clear and consolidated approach to street furniture, including bollards, lamp posts, benches and litter bins.

Road markings should be kept to a minimum and thin (conservation area) double yellow lines should be used where necessary.

Improving the CA does not just mean the installation of new coordinated street furniture, it also means rationalising what is already there and removing or repositioning signage and street furniture that is no longer required or used. It also involves cleaning road signs on a regular basis.

Ewhurst Green CA is well maintained this means that there are few projects identified here. However, Waverley Borough Council should work closely with Ewhurst Parish Council in order to identify future projects.

#### **Recommendation**

A Steering Group should conduct a survey with SCC to identify areas most in need, and specific signs to be removed. This could include:

- Redundant posts with no signage
- Redundant signage no longer required
- The rationalisation of signage and furniture where other, more appropriate signage/furniture exists
- Upgrade, clean or replace signage in poor repair

Regular meetings between Ewhurst Parish Council, Stakeholders and WBC Planning Projects Team to help identify future projects.

#### **4.5.3 Maintenance of K6 Telephone kiosk**

The telephone kiosk is in a state of poor repair. It is considered an important feature of the CA due to its status as a heritage icon. In many areas, Parish Councils/Local communities have adopted their kiosk through BT's Adopt a Kiosk Scheme and given them an alternative use, examples have included defibrillator stations, galleries and libraries. It is appreciated that due to its rural location the public payphone is still required, it is therefore recommended for the glass to be replaced where



broken and the kiosk cleaned, stripped and repainted with BT's approval.

In the future, if the payphone is no longer required, it is recommended that the Parish Council/ Local community use the Adopt a Kiosk Scheme to find an alternative use for the kiosk whilst keeping it in its current location.



#### **4.5.4 Replace the litter bins at junction to Plough Lane**

The litter bins are in a state of poor repair, are of differing styles and unsightly. It is recommended that they are replaced.

#### **4.5.5 Tidy up kerb by Rumbeams Farm**

The grass kerb by Rumbeams Farm has become very muddy and unsightly due to construction vehicles and others parking. It is recommended that this area is tidied up and a suitable solution is sought to provide additional parking space without detracting from the character of the CA. One solution that could be considered is the use of grasscrete, which from afar gives the illusion that it is grass, so it is not as urbanising in appearance as other materials.

### **4.6 Taking the CAA forward**

It is recognised that the CAA is a living document that informs the consideration of planning applications within the area. It also, through the Management Plan, identifies the key environmental enhancements that are a priority for the CA. Whilst Waverley Borough Council has a key role in ensuring that the document is implemented and regularly reviewed, many of the Management Plan actions need to be co-ordinated with partner organisations such as Surrey County Council and Ewhurst Parish Council. Without these partners' involvement, many of the projects will neither be viable or achievable.

## **Appendices**

### **Appendix 1: Extracts from Waverley BC Local Plan 2002**

#### **Local Plan Policy HE8 – Conservation Areas**

The Council will seek to preserve or enhance the character of conservation areas by:

- (a) the retention of those buildings and other features, including trees, which make a significant contribution to the character of the conservation area;
- (b) requiring a high standard for any new development within or adjoining conservation areas, to ensure that the design is in harmony with the characteristic form of the area and surrounding buildings, in terms of scale, height, layout, design, building style and materials;
- (c) in exceptional circumstances, allowing the relaxation of planning policies and building regulations to secure the retention of a significant unlisted building;
- (d) protecting open spaces and views important to the character and setting of the area;
- (e) carrying out conservation area appraisals;
- (f) requiring a high standard and sympathetic design for advertisements. Internally illuminated signs will not be permitted;
- (g) encouraging the retention and restoration of shop fronts where much of the original detailing still remains. Alterations will take into account the upper floors in terms of scale, proportion, vertical alignment, architectural style and materials. Regard shall be paid to the appearance of neighbouring shop fronts, so that the proposal will blend in with the street scene.
- (h) encouraging the Highway Authority to have regard to environmental and conservation considerations in implementing works associated with its statutory duties, including the maintenance, repair and improvement of public highways and the provision of yellow lines, street direction signs and street lighting.

## Appendix 2 - Glossary of terms

IMPORTANT NOTE: This glossary does not provide legal definitions, but acts as a guide to key planning terms.

Building of Local Merit: BLM stands for Building of Local Merit. It is a building identified by Waverley as of local historic, architectural or townscape merit. Many local authorities have lists of such buildings, sometimes called the local list and sometimes Buildings of Townscape Merit (BTM). In Waverley we chose the designation BLM because it is less likely to be confused with statutory listed buildings and also recognises that not all our valuable buildings are within towns.

Conservation Areas: Areas designated by the Local Planning Authority under the Planning (Listed Buildings and Conservation Areas) Act 1990 Section 69 as being of special architectural or historic interest, the character of which it is desirable to preserve and enhance.

Copyhold: Smaller landholdings within manors held by copyhold tenure. The land was technically owned by the Lord of the Manor but it could be bought and sold, inherited by descendants, left in a will, mortgaged, and settled, just like freehold estates.

Designated Heritage Asset: A World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park and Garden, Registered Battlefield or Conservation Area designated under the relevant legislation.

Development: Development is defined under the 1990 Town and Country Planning Act as “the carrying out of building, engineering, mining or other operation in, on, over or under land, or the making of any material change in the use of any building or other land.”

Galletting: Architectural technique of placing pieces of ironstone or flint in the mortar between bricks or stonework.

Heritage Assets: Parts of the historic environment which have significance because of their historic, archaeological, architectural or

artistic interest. This includes designated heritage assets and non-designated heritage assets.

Listed Building: A building of special architectural or historic interest. Listed buildings are graded I, II\* or II. Listing includes the interior as well as the exterior of the building, and any buildings or permanent structures (e.g. walls) within its curtilage. English Heritage is responsible for designating buildings for listing in England.

Local Plan: A development plan prepared by district and other local planning authorities.

Non-designated Heritage Asset:  
  
These are buildings, monuments, sites, places, areas or landscapes that have not previously been formally identified but that have a degree of significance meriting consideration in planning decisions, because of its heritage interest.

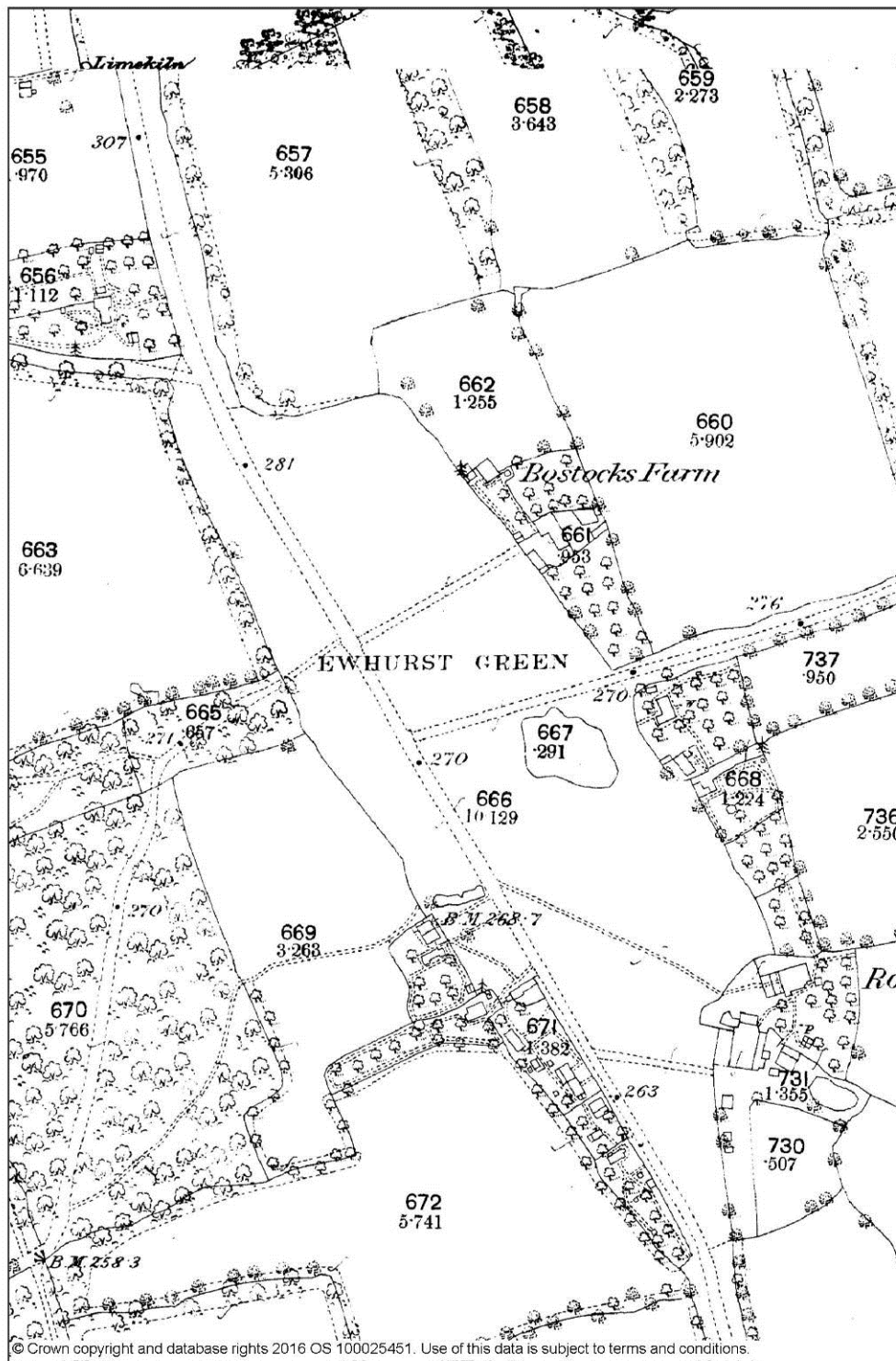
National Planning Policy Framework:  
  
Issued by central government setting out its planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system only to the extent that it is relevant, proportionate and necessary to do so. It provides a framework within which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities.

Vernacular: Traditional architecture using local materials and following well-tried forms and types. For example, the Surrey vernacular is typified by steep tiled roofs, timber frames, brickwork and tile hanging.

Appendix 3: Historical maps

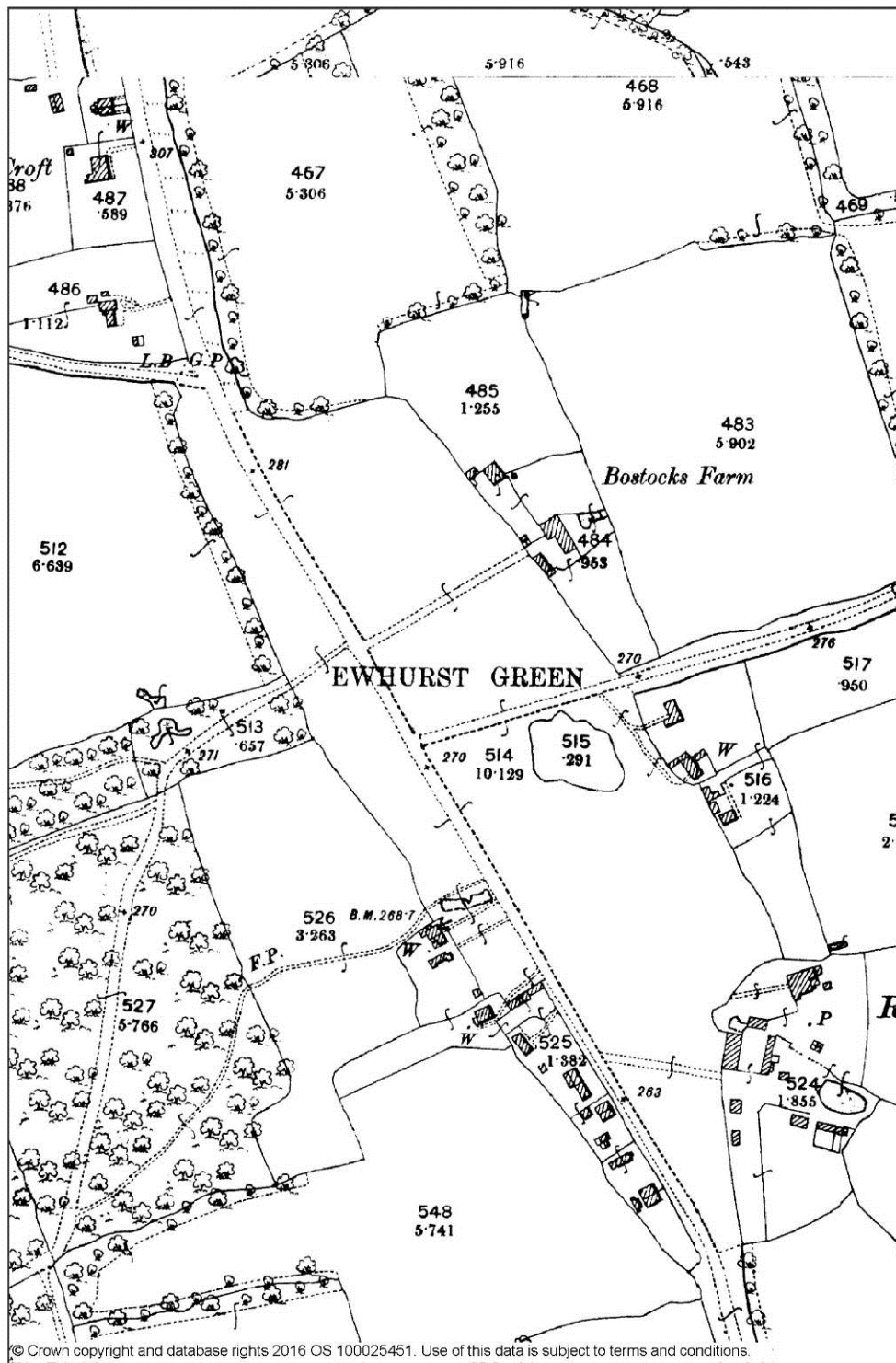


1767 John Rocque map

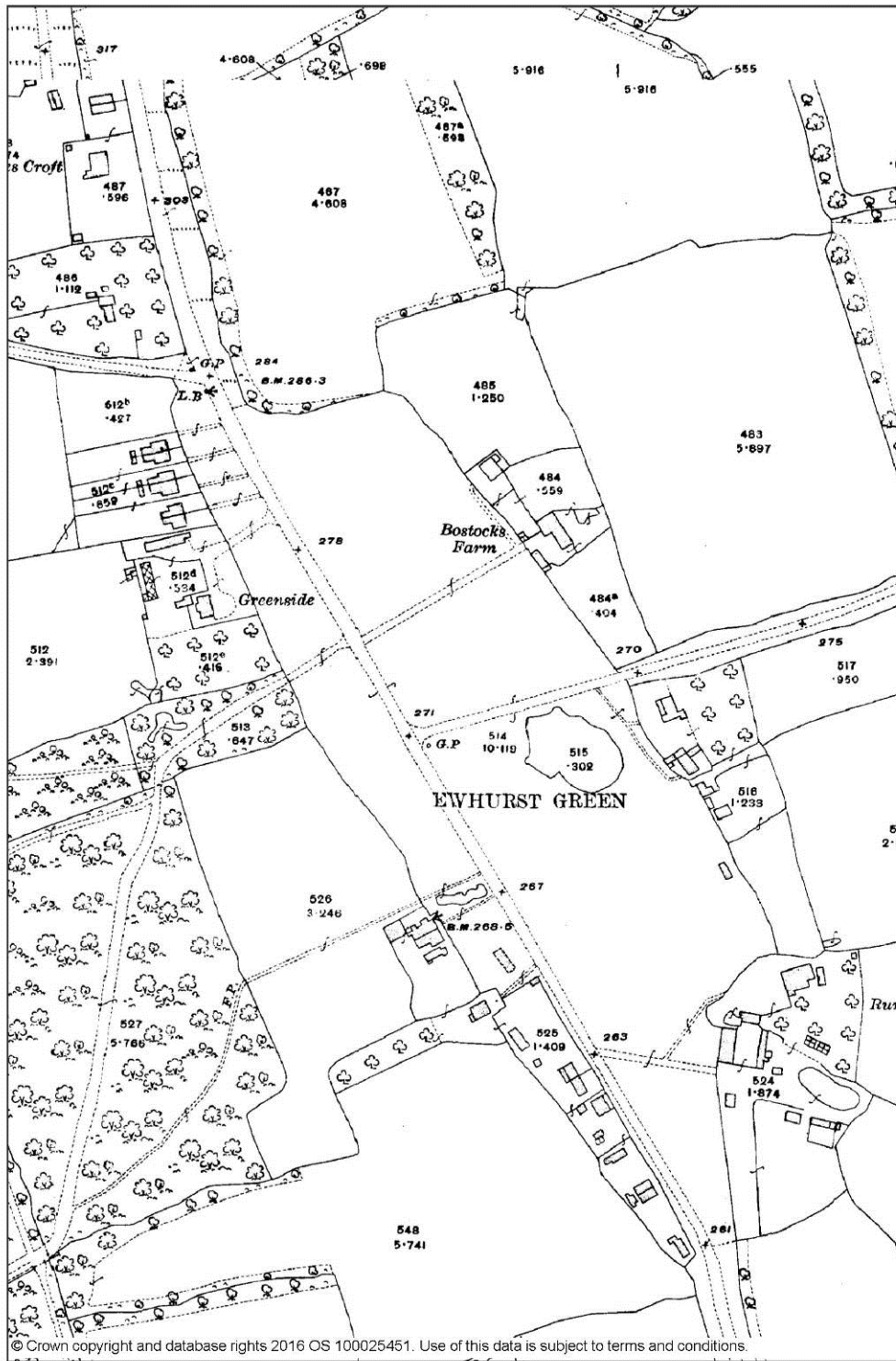


1871 Historic OS map





1898 Historic OS map



1914 Historic OS map

## WAVERLEY BOROUGH COUNCIL

### MINUTES OF THE EXECUTIVE - 29 NOVEMBER 2016

### SUBMITTED TO THE COUNCIL MEETING – 13 DECEMBER 2016

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

#### **Present**

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

#### **Apologies**

Cllr Brian Adams

#### **Also Present**

Councillor John Gray, Councillor Peter Isherwood and Councillor John Williamson

#### 87. MINUTES (Agenda item 1)

The Minutes of the Meeting held on 1 November 2016 were confirmed and signed as a correct record.

#### 88. APOLOGIES FOR ABSENCE (Agenda item 2)

Apologies for absence were received from Cllr Brian Adams. The Executive wished him well and a speedy recovery.

#### 89. DECLARATIONS OF INTERESTS (Agenda item 3)

Cllr Tom Martin declared a non-pecuniary interest in Agenda Item 25 as a Director of the Holloway Hill Sports Association and because his interest could be considered as so significant as to undermine his objectivity, he withdrew from the Chamber during consideration of the item.

#### 90. QUESTIONS FROM MEMBERS OF THE PUBLIC (Agenda item 4)

The Executive received the following questions in accordance with Procedure Rule 10 and the answers given by the Leader of the Council are set out below each question:

##### 1. from Mr Alasdair Denton-Miller and Betty Ames

Given that there is a Complaint regarding the Council's due process in approving the Dunsfold Park Commercial Application (WA/2015/0695).

And that this complaint has been through the full process of Waverley's Complaints Procedure culminating with review by Paul Wenham who recommended passing it to the Local Government Ombudsman if Waverley's

response to the complaint was considered to not have been correctly dealt with.

And that this complaint is now with the Local Government Ombudsman (LGO Ref: 16 010 388) who have assigned an Investigation Team as they have concluded that further consideration is required.

Given that this ongoing complaint considers Waverley's failure to follow due process for matters related to Dunsfold Park, including traffic and other matters.

And that Surrey County Council Highways object to further development at Dunsfold Park on grounds of sustainability

Can the Executive explain how considering WA/2015/2395 before the outcome of the Ombudsman's finding and the Examination in Public of the Local Plan is anything but premature?

Proposed Answer:

*As acknowledged in the question submitted by Mr Denton-Miller and Mrs Betty Ames, earlier this year the Council considered a complaint about the due process followed in approving application WA/2015/0695 for the erection of six buildings on Dunsfold Park.*

*In July this year, the complaint was reviewed by the Executive Director, Paul Wenham, under Level 3 of the Council's complaints procedure. When Members weighed this objection against policies in the Local Plan and the National Planning Policy Framework, they agreed that the benefits of the scheme outweighed the harm identified by the Highway Authority. Mr Wenham concluded that the application had been dealt with in accordance with the Council's normal procedures for determining planning applications, and that there had been no errors in this process.*

*The planning permission granted in respect of WA/2015/0695 was not the subject of a judicial review and remains a sound, valid and extant planning permission.*

*In accordance with the Planning Act, the determination of planning applications by the Joint Planning Committee, including any decision to delay making a decision, must be taken in the light of the Development Plan and any other material considerations. The current process complaint regarding WA/2015/0695 is not considered to be a material consideration.*

*Furthermore, the Council considers that application WA/2015/2395 is a completely separate application to WA/2015/0695 and the fact that there is currently a process complaint relating to the earlier application, has no bearing on the determination of application WA/2015/2395. This view is supported by National Planning Policy Guidance.*

*Finally, the Executive has no power to make decisions regarding planning applications; this is the role of the Joint Planning Committee.*

*The Council is aware that the complainants have now raised their concerns about the determination of application WA/2015/0965 with the Local Government Ombudsman. However it is understood that the Ombudsman's office has yet to decide whether the complaint requires further investigation. The Council stands ready to respond if and when the Ombudsman decides to make further enquiries regarding the matters raised by the complainants.*

2. from Chris Britton of the POW Campaign

Given comments and statements made by Members and Officers at the Overview and Scrutiny Committee on 21st November 2016 in relation to the Local Plan Part 1;

- The housing target which is driving many aspects of the Local Plan has been based upon an OAN figure that has been challenged by a very large number of Parish Councils and individuals and backed by a professional report, yet this challenge has been dismissed by Officers who conflate the OAN with separate requests to increase/decrease the housing target.
- The Head of Planning explained that there is a strong link between the Local Plan and the pending Application for Dunsfold Aerodrome (WA/2015/2395), which reinforces the point made by many residents that it would be premature to consider this application before completing the Examination in public of the Local Plan.
- Heritage aspects of Dunsfold Aerodrome, raised by Historic England and which is the subject of a Conservation Area request for the site, are now acknowledged by Officers.
- Concerns about the level and extent of infrastructure needed to support the Plan have been expressed by a huge number of consultees, as well as Members at the O & S Committee Meeting on 21st November, yet these again have been summarily dismissed by Officers.

I therefore ask; is the Executive content that the Officers' Summary of the Key Issues following consultation on the Local Plan is a proper, detailed, adequate and impartial reflection of local opinion and that due process would be being followed if key planning applications such as Dunsfold Aerodrome are determined in advance of the Local Plan being examined and adopted?

**Answer:**

*The Executive is satisfied that the officers have given full consideration to the issues raised in the consultation and their comments in response will help members in making the decision on whether to submit the plan for examination. Members had the opportunity at the Joint Overview and Scrutiny Committee on 21<sup>st</sup> November to debate these matters and comments arising from that meeting will be considered by both the Executive and Council at their respective meetings on 29<sup>th</sup> November.*

*With regard to the specific point concerning the Dunsfold Aerodrome planning application, the Executive is satisfied that due process would be followed if the Dunsfold planning application is determined in advance of the Local Plan being examined and adopted.*

3. From Mr Charles Orange of Hascombe Parish Council

The officer report on comments and responses to the draft Local Plan was considered at the meeting of the Overview and Scrutiny Committee on November 21st. The report includes the implied surprising and unpublished response by GL Hearn that, despite having considered the report on the OAN by NMSS for the 11 Joint Parish Councils, Hearn considers that the SHMA remains a sound basis for planning.

The NMSS report stated that if the 2012 based projection used in the Hearn SHMA report, is updated to be based on 2014 statistics, then the number of new homes required would reduce from 519 pa to around 400 pa and if updated for the latest mid 2015 statistics, to around 372 pa. It seems very likely that during the EIP the Inspector will question the basis of the OAN and why the NMSS report has not been acted upon.

The Executive are asked whether Waverley Borough Council have considered amending the SHMA and the required strategic sites to allow for the reduction from 519pa to c.400 pa in the likely number of new homes needed in the Plan period and, if this has been considered, why this course of action has been rejected.

**Answer**

*A number of the representations on the Local Plan challenged aspects of the Strategic Housing Market Assessment, including the NMSS report. As a result, the Council's consultants, GL Hearn undertook a review of these representations. The Council is very concerned to ensure that its evidence on matters such as this is robust given that it is likely to be one of the issues that the Inspector will examine quite closely in the forthcoming Examination.*

*As a result of this review, the Executive is satisfied that the GL Hearn work is robust and a sound basis for planning. In particular it took account of the most up-to-date information available at the time using the 2012-based projections that were published in February 2015.*

*The Neil McDonald review that was submitted to the Council in September 2016 had the opportunity to use the 2014-based projections that were published in July 2016. Although these 2014-based projections are the latest population projections available now, they were not available for the SHMA to use them and when the Council agreed to publish the Local Plan for consultation in August this year.*

*National Planning Practice Guidance clearly states that official projections are statistically robust and are based on nationally consistent assumptions. GL Hearn state that the rationale in the Neil McDonald review for moving away from the official projections at the time of the SHMA is not clearly justified.*

*If the Council were to review the SHMA in the light of the latest projections it would result in a delay in submitting the Local Plan for its examination as a result of updating the assessment and then consequently testing any new figure of objectively assessed need.*

## **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.

#### 91. BUDGET MANAGEMENT REPORT (Agenda item 6)

- 91.1 The Executive considered the budget management report reviewing the 2016/17 budget for the General Fund and Housing Revenue Account and RESOLVED that approval be given to additional supplementary estimate of £10,000 for external legal costs regarding Development Control appeals.
- 91.2 The Executive went on to consider a number of items within the report that require Council approval, the details of which are set out below.
- 91.3 Garden waste subscriptions continue to increase and for team stability and resilience it will be beneficial if the long-standing temporary post of Environmental Services Assistant becomes a permanent post. The existing budget for the temporary post will not cover the period beyond November 2016. The garden waste subscriptions will result in a surplus on the scheme but will also generate additional workload. The continuance of the additional post will be funded by the income generated from the additional garden waste subscriptions; therefore, the recommendation is to fund a permanent post from garden waste subscriptions.
- 91.4 The profit share that Waverley receives from the operation of its leisure centres is projected to be in excess of budget in 2016/17 due to strong performance of the centres and high demand for the new facilities provided as part of the Council's leisure investment programme. Phase two of the investment programme is currently being planned which will bring further improvements for users and an improved return to the Council in addition to managing the significant lifecycle cost risk in some of the older facilities in the coming years. These plans will be considered by the Council in 2017. To help inform these plans and identify the full range of options, it is proposed to set aside up to £50,000 of the above-budget profit share in 16/17 to undertake the necessary specialist leisure, property and legal work to inform the options appraisal for future leisure centre investment and development of the management contract.
- 91.5 With regard to the Housing Revenue Account Core Capital, as part of the Roofing and Associated Works, it is requested that £50,000 of the roofline budget be rescheduled into 2017/18 budget to enable this work to be completed
- 91.6 With regard to Structural and Damp Work, a saving of £50,000 will be achieved on the External Wall finish this year.
- 91.7 For the Sewerage Plant, investigation and resolution of legal issues have delayed this project and it is requested that the £65,000 budget is

rescheduled to 2017/18. In terms of structural works, additional savings of £90,000 have been achieved through the disposal rather than refurbishment of properties requiring major structural works.

- a. £35,000 is requested to be vired to fund the water main works at the former Police Houses in Farnham;
- b. £35,000 is requested to be vired to fund heating for the former Police Houses in Farnham; and
- c. £20,000 vired to fund lift refurbishment.

91.8 A pilot timber clad replacement programme only will be undertaken this year to be followed by completion of the project in 2017/18. It is requested therefore that £70,000 is rescheduled to 2017/18. Due to access issues being experienced to upgrade heating to some properties it is requested that £135,000 is rescheduled to 2017/18 to enable completion of the planned domestic heating upgrades.

91.9 It is requested that £10,560 of the electrical rewiring budget be vired into the Electrical upgrade budget to enable this work to be completed. The preferred tender received for the lift refurbishment work, although considered competitive, is £20,000 over original budget. In order to complete this project a sum of £20,000 is requested to be vired from Structural Works.

91.10 Surveys undertaken for the Flat Block Communal Area Upgrade to date have identified works estimated at £50,000. It is therefore requested that £50,000 is rescheduled to 2017/18 to enable further works to continue next year. A saving of £35,500 against the budget for upgrading community rooms is anticipated this year.

91.11 The pilot phase of Ockford Ridge refurbishments is underway, and Phase 1 will be carried out before the end of the financial year. However, Phase 2 will not start until 2017/18. Therefore it is requested that £800,000 of the Ockford Ridge refurbishment budget is rescheduled into 2017/18 so that the works can start early in the new financial year. The Executive now

#### **RECOMMENDS that**

**70. approval be given to the creation of a new permanent Environmental Services Assistant post to be funded from the increased number of customers for the garden waste collection service;**

**71. up to £50,000 of the leisure centre profit share in 2016/17 be earmarked to undertake an options appraisal for future leisure centre investment and the development of the management contract;**

**72. the rescheduling of £50,000 of the roofline budget into 2017/18 be approved;**

**73. the rescheduling of £65,000 of the sewerage plant budget into 2017/18 be approved;**



74. the virement of £90,000 from the Structural works budget be approved, £70,000 to the former Police House scheme in Farnham and £20,000 to the lift refurbishment budget;
75. the rescheduling of £70,000 of the timber cladding replacement budget into 2017/18 be approved;
76. the rescheduling of £135,000 from the Domestic Heating Upgrades budget into 2017/18 be approved;
77. a virement of £10,560 from the Rewiring budget into the Electrical Upgrade budget be approved;
78. a virement of £20,000 from Structural works into the Lift refurbishment budget be approved;
79. the rescheduling of £50,000 for Flat Block Communal Upgrades into 2017/18 be approved; and
80. the rescheduling of £800,000 for Ockford Ridge refurbishment – Phase 2 into 2017/18 be approved.

*[Reason: to review the 2016/17 budget for the General Fund and Housing Revenue Account against the forecast to 31 March 2017]*

92. HOUSING REVENUE ACCOUNT (HRA) BUSINESS PLAN REVIEW (Agenda item 8)
- 92.1 The HRA Business Plan is a thirty year model for delivering the housing landlord service. Tenants' rents finance the majority of the plan with some contributions from sales, grants and commissions.
  - 92.2 The HRA Business Plan was developed in 2012 when the Council became self financing at the end the national housing subsidy regime. The Council agreed that any surplus following the management and maintenance (running costs of the service) would be divided between affordable homes, stock improvements and debt repayment.
  - 92.3 The plan was created on the assumption of RPI + 0.5% rent increase per year. For the first time in many years the Council was able to identify funds for new council homes and major home improvement projects.
  - 92.4 In the July 2015 Chancellor's budget the Government announced that all social housing providers must reduce their rents by 1% each year for a four year period commencing 1 April 2016. The change was intended to reduce the national benefit bill and the Government challenged all social housing providers to become more efficient and inventive. The rent reduction results in a £12.4m loss to the projected income for the business plan over the four year period with a cumulative impact of £167m loss over the remainder of the 30 year Business Plan period.
  - 92.5 In addition to the loss of projected income a range of other initiatives and factors will influence the Business Plan. The Council in February 2016

agreed a balanced budget for 2016/17 but identified the need to find £13m savings over the following three years plus significant scaling back of capital spending to meet the reduced funding from the Business Plan.

- 92.6 The Housing and Planning Act 2016 introduced the High Value Vacant Asset Levy and Pay to Stay initiative. Under the levy local authorities with council homes will be required to sell a proportion of high value homes as they become vacant and return receipts to the Treasury. Approximately 250 homes become vacant a year and potentially 20% of Waverley's homes could be classed as high value.
- 92.7 The service is further challenged financially by reductions in grants and commissions. The future of Housing Related Support funding from Surrey County Council is unknown and Waverley is expected to lose commission from Thames Water and be liable for tenant refunds. The service is due to reconsider the repair and maintenance contracts in 2019. A financial provision will be required for these negotiations and potential tendering.
- 92.8 The 2012 business plan projections on the number of new homes delivered and therefore rent projections was optimistic (in hindsight) and needs to be recalculated to reflect the true delivery. A Member and Officer group was created to consider these challenges to the business plan and develop a revised plan.
- 92.9 The Group agreed four key principles to work to when reviewing the HRA business plan:
- to maximise net income
  - to provide good quality homes and maintain the value of the Council's asset
  - to contribute to increasing the supply of affordable housing for Waverley residents, and
  - to drive down operating costs and identify efficiencies
- 92.10 These principles were used in exploring options for the main areas of spend:
- Capital works
  - New homes delivery
  - Stock improvements
  - Staffing
  - Debt repayment
- 92.11 The 2012 business plan assumed a significant Capital works budget (average £7m per annum) to improve the condition and facilities within council homes to achieve the Council enhanced Decent Homes standard by 2015 and maintain it in the future.
- 92.12 Proposed reductions to the funding of the capital budget (to £4m per annum for external costs) for the next three years will enable Waverley to protect the "envelope" of homes thus keeping them safe and watertight but internal improvement programmes such as kitchens and bathrooms may be suspended to help balance the budget. This will have an impact on tenant satisfaction and result in a gradual decrease in the number of homes meeting the Government's Decent Homes Standard. In addition the kitchen

and bathroom contract would need to be varied or terminated. An initial assessment of the impact of ending the contract has commenced.

- 92.13 The group also acknowledged the increase in demand for responsive repairs over recent years. The responsive repairs budget is expected to increase due to the lack of capital preventative works and valid ongoing increased tenant expectations. A proposed additional £1m per annum has been added.
- 92.14 The 2012 business plan allocated half the surpluses for the first five years and a third of the surpluses for the next four to a new affordable homes fund. This has proven to be a success with many new council homes delivered.
- 92.15 The group considered the current commitment to new affordable homes. Reviewing the programme of those on site and those with planning permission and agreed to complete the current programme of homes on site. Over the last four years here has been a significant budget accrued as projects take time to realise. These balances and illustrative budget will fund the current agreed delivery programme and potentially one additional Ockford Ridge site.
- 92.16 Proposals to reduce the allocation (to £3m per annum) to help balance the HRA budget have sparked other suggested models to provide affordable homes. Partnership working with Housing Associations and private developers is being explored to maximise the number of affordable homes from any money allocated.
- 92.17 The 2012 business plan allocated half the surpluses for the first five years and a third of the surpluses for the next four to a stock improvement fund. This money has been allocated for the remodelling of Rolston House and regeneration of Ockford Ridge. The stock improvement fund was joined with the new homes fund in 2016/17 to maximise new homes.
- 92.18 Future remodelling or regeneration schemes will be placed on hold with essential works been met by the capital work programme eg pre 1945 envelope works.
- 92.19 With regard to staffing, the budget allows approximately £4m per annum to fund the staffing required for the management and maintenance of homes. The established staffing structure has been reviewed to identify potential savings and future efficiencies. The group noted the time taken to recruit specialist staff and committed to retain capacity and robust teams to deliver the service. The housing service has successfully significantly reduced its use of agency staff over the last 12 months.
- 92.20 Over the next three years every vacant post will be reviewed and consideration given to the necessity of the post and potential restructuring of the team.
- 92.21 In 2012 the Council was forced to take on £189m of debt to pay the Government and become self financing (Waverley already had £3m HRA debt). The 2012 business plan modelled interest only payments for the first

five years of the plan. From year six (2017/18) a third of the surplus was scheduled for debt repayment. Waverley is subject to a statutory debt cap of £192m.

- 92.22 The Council has a corporate debt management strategy. The Finance team and Portfolio Holder for Finance are reviewing this strategy to develop the most prudent way to repay or reschedule the housing debt. It is proposed to adhere to the current debt repayment schedule for the next three years whilst the rent restriction is in place and this will be reviewed when the Government's plans for future years are known.
- 92.23 The group also recognised the challenges to income and the potential impact to the service delivery. The Rent Account team collected 98.67% of the rent due in 2015/16 and have a strong track record in rent collection. Changes in the welfare system have currently been managed with support and signposting ensuring rent is the priority payment.
- 92.24 The High Value Vacant Asset Levy is currently unknown. In addition to the levy it should be noted that there will be a loss in future rent that had originally been included in the plan. Officers have been advised that following a consultation process the levy may be announced in January 2017. This will result in a further review of the HRA business plan at that time.
- 92.25 Surrey County Council has indicated the loss of housing related support funding. The funding for the Floating Support Officers and the EasyMove Officer will end March 2017. In addition there has been no commitment to continue the support funding at sheltered schemes, currently £176k. Any change in funding will impact the service and a phased reduction in service would need to be agreed.
- 92.26 The housing service currently receives £80k commission from Thames Water for collecting water rates from 2577 tenants. This is under review following the Southwark High Court Case which held that this arrangement was the "resale" of water and financial limitations must apply. It is anticipated that the arrangement can not continue under the current terms and there will be a liability to refund/pass on savings to some tenants (estimated £400k). The group explored potential income raising initiatives: e.g. sale of unviable homes and land sales in addition to seeking efficiencies in service delivery.
- 92.27 The review group developed principles that should be applied to all HRA capital spending:
- Net Present Value (NPV) analysis is to be conducted on all new projects prior to them being presented to the Housing Delivery Board (HDB) and Executive.
  - The core capital programme to be set an annual target for a 5 year period, with the amount to be determined as part of the mid-year budget review.

- No further capital commitments to new buildings or refurbishment projects are to be made unless a sound financial business case is agreed.

92.28 The Executive agreed these principles in September 2016. These proposals were presented to the Housing Improvement Corporate Overview and Scrutiny Sub-Committee on 7 November and the Corporate Overview and Scrutiny Committee on 22 November. The Sub-Committee noted the impact of the projected rent loss and supported the illustrative reductions acknowledging the need to stop the kitchen and bathroom programme and the commitment to new affordable homes.

92.29 The Corporate Overview and Scrutiny Committee noted that the Housing Improvement Sub-Committee had endorsed the proposed approach to balancing the HRA Business Plan to mitigate the impact of reduced rental income and to provide a contingency for unidentified costs in relation to contract procurement and measures in the Housing & Planning Act, and had also asked that options to reschedule the loan be explored. Corporate Overview and Scrutiny Committee shared the Sub-Committee's disappointment that such significant cuts to the HRA Business Plan were required, in contrast to the optimism with which the Plan had been launched in 2012; and that over 20% of Waverley's homes would fall out of the Decent Homes standard due to curtailment of the kitchen and bathroom replacement programme over the next 3 years.

92.30 The Committee agreed that cutting staff would be a false economy, and felt that a small increase in the staffing budget to allow for inflationary pressures (at least in part) could be justified.

92.31 The detailed budgets and capital programmes will be presented to Council in February and will reflect the reduced funding necessary to balance the budget in the medium term. The review is based on a number of assumptions due to the unpredictable future of funds and impact of government initiatives. There will need to be ongoing reviews and updates every three to four months as the government announce the guidance for new initiatives and future funding streams are confirmed or concluded. This will be reported through the budget management report process. The Executive now

**RECOMMENDS that**

- 81. the measures set out above to balance the HRA Business Plan over the next 3 financial years be agreed;**
- 82. the draft headline budget figures be agreed, noting that final figures will be presented to the Council in February for approval; and**
- 83. authority be delegated to the Director of Operations and Director of Finance and Resources , in consultation with the Portfolio Holder for Housing and Portfolio Holder for Finance, to vary or terminate the kitchen and bathroom contract.**

*[Reason: to review the business plan and agree the way forward]*

93. WAVERLEY BOROUGH LOCAL PLAN PART 1: SUBMISSION (Agenda item 9)

This item was considered at an Extraordinary Council Meeting which took place immediately after the Executive meeting on 29 November 2016 and is reported in a separate minute.

94. WAVERLEY'S FAMILY SUPPORT SERVICE AND PARTICIPATION IN THE GOVERNMENT'S VULNERABLE PERSONS RELOCATION SCHEME (Agenda item 11)

94.1 The Government has introduced the Vulnerable Persons Relocation Scheme in response to the continued conflict in Syria. The Government has pledged to resettle 20,000 Syrian refugees over 5 years from refugee camps bordering Syria under this scheme and has invited Councils to participate.

94.2 The Scheme aims to provide assistance and resettlement for the most vulnerable refugee households living in camps bordering Syria. Under the scheme, the Home Office (via the United Nations High Commission for Refugees or UNHCR) will identify vulnerable households in the camps, handle their refugee applications and carry out the essential screening/vetting checks prior to them travelling to the UK.

94.3 To date relatively few Syrian Refugee families have been resettled in the UK and significant further progress will need to be made across the country if the Government's pledge is to be met. In Surrey, the majority of boroughs and districts have now indicated their intention to take part in the scheme and a small proportion of these have started to receive families.

94.4 A key aspect of the scheme is the requirement on the Council to provide a home for the household for at least the first 12 months and ideally for a period of 2 years from their date of arrival. This must be a self-contained furnished home. It can be a privately rented home but importantly it cannot constitute 'lodging with a host family'. Those Councils in Surrey who have agreed to participate in the Scheme are primarily looking to secure private rented accommodation rather than accessing social housing.

94.5 In addition to providing a home, the Council would also need to provide support and assistance to a household to enable them to adapt to a new country and integrate into the local community. This would involve specialist casework support and assistance with access to education, health care and language skills for example, for at least their first 12 months. The Council's Family Support Service is best placed to provide this intensive and tailored support and ensure that relevant specialist agencies and local community organisations are actively involved.

94.6 Households are given refugee status for 5 years and this carries eligibility to work and claim welfare benefits including Housing Benefit where necessary. Should the conflict in Syria ease then it is possible their permission to remain in the UK could change but in any event, it would be expected that, over time, households would become less dependent and more self sufficient,

particularly in terms of securing employment and be in a position to secure their own accommodation longer term.

- 94.7 Across Surrey a co-ordinating group has been established to help plan and facilitate support provided by the County and to share learning developed at a Borough and District level. Waverley is already represented on this group.
- 94.8 Funding is available from the Home Office to cover a range of expenses equivalent to approximately £8,600 per household member for the first year (ie up to £32,000 for a family of four) with some follow-on funding for a further four-year period beyond this, ranging from £5,000 per person in year two to £1,000 per person in Year 5. This can only be used to reimburse specific costs associated with housing, support and social care. Any health related costs are dealt with separately. In addition, households are able to access Housing Benefit so their rent (up to the LHA rate) can be met through Housing Benefit. In this way, there should be sufficient funding available to support Syrian refugee households without diverting resources from other services.
- 94.9 Should the Council join the scheme, it is expected that it would be allocated its first refugee household a few weeks ahead of their arrival into the UK. It is proposed that households would be accommodated within private sector tenancies or tenancies of property owned by community or charitable organisations, which would not normally have been used for meeting the needs of those already on the Council's housing register.
- 94.10 It is proposed that the Council offers to assist up to 5 households over the 5 year period of the scheme, although this may vary depending on the availability of suitable accommodation. This is the same number that most other Boroughs and Districts in Surrey have indicated they will be accommodating, although some will be taking on more.
- 94.11 Waverley's Family Support Service was established in 2013 as the first of its kind in Surrey. Since then all the Surrey Boroughs and Districts have either established their own Family Support Teams or made use of these services in neighbouring boroughs. Waverley's Family Support Service is the highest performing in Surrey but is also the smallest. The service works with the most vulnerable families in Waverley who have complex needs, providing practical tailored support to tackle the underlying reasons that have led them into crisis, and works intensively with family members to enable them to get back on their feet. The Service also has a key role in co-ordinating the input of other relevant agencies around the family including Social Care, Youth, Health, Education, the Department of Work and Pensions, and services provided through the voluntary sector.
- 94.12 Waverley's Family Support Team is uniquely placed within the Council to take on a lead role in the support to Syrian Refugees with much of the knowledge and expertise already in place, including contacts in relevant agencies. In the other Boroughs and Districts in Surrey, local Family Support Teams are also being seen as the natural lead for coordinating the Vulnerable Persons Relocation Scheme at a local level. Over the past year,

referrals to Waverley's Family Support Service has continued to increase and the team no longer have the capacity to meet demand. In order to respond to this extra case load, and accommodate the requirements of the Vulnerable Persons Relocation Scheme, two extra posts will need to be established in the structure – i.e. to increase the size of the team from 3 FTE Family Co-ordinators to 5 FTE. The Council already has external funding for one of these posts through the Government's Troubled Families Programme, and the second post can be funded in full through Waverley's allocation from the Government's Vulnerable Persons Relocation Scheme.

- 94.13 Although the Council has one of the best performing Family Support Services in the County, with a significant track record of supporting vulnerable families with complex needs, it may still be necessary to secure more specialist expertise depending on the issues presented by the households. This may include specialists in dealing with such conditions such as for Post-Traumatic Stress Disorder or other psychological or physical health needs. The Council will be able to make use of the Government's funding and in addition to this, obtain access to relevant health services to ensure that all the needs of the families are properly addressed.
- 94.14 There is a significant demand on social rented housing in the borough and a limited supply of Council housing and housing provided by Housing Associations to meet this demand. Therefore, it is proposed to source accommodation in the private or community sector that has not been earmarked for Waverley residents.
- 94.15 Waverley is the largest borough in Surrey and the most rural, and therefore lacking some of the basic infrastructure that can make it more difficult to access essential services. This does lead to greater risks of social isolation for Waverley's more vulnerable households and is something that will need to be factored into the support the Council provides for the Syrian Refugee families to ensure that they are able to secure the help they need to get back on their feet.
- 94.16 The Council's Family Support Team is already operating at full capacity with a number of local Waverley families waiting to enter the programme. This report includes recommendations to increase the staffing in the team to accommodate this demand, funded from the Government's Troubled Families programme that the Council already receives. It is anticipated that given the intensive nature of the support that will be needed by Syrian families, and reflecting feedback from the other boroughs and districts in Surrey, it is proposed that an additional post will need to be recruited to the team which will be funded in full from the funding allocation provided by the Government's Vulnerable Persons Relocation Scheme.
- 94.17 The longer term costs of accommodating the needs of the Syrian Refugee Families are unlikely to fall on Waverley's budgets. It is helpful to note that a key part of the assistance provided by the Council's Family Support Team is to help working age members of the household to integrate into the community, participate in the voluntary sector, access paid employment and become full, productive and independent members of the local community.



94.18 The Council may not receive any families through the Government's Vulnerable Persons Relocation Scheme even though it may have geared up to receive them. This risk is mitigated by utilising the services of an existing team (Waverley's Family Support Team) rather than creating an entirely separate function to lead the Council's response and making use of existing national Troubled Families Funding. The Executive accordingly

**RECOMMENDS that:**

- 84. the Family Support Team be increased by 1 FTE to enable the service to respond to the needs of current Waverley families, paid for from the Government's Troubled Families Grant;**
- 85. Waverley participates in the Government's Vulnerable Persons Relocation Scheme by offering to assist up to five Syrian Refugee Households over the next five years, with officers authorised to incur grant eligible expenditure as appropriate to implement this; and**
- 86. an additional post of Family Co-ordinator (Post TF05) in the Family Support Team be established to facilitate Waverley's participation in the Government's Vulnerable Persons Relocation Scheme and paid for from the Government's funding for the Syrian Refugee Resettlement Programme.**

*[Reason: to recommend that the Council participates in the Vulnerable Persons Relocation Scheme]*

95. UPDATING THE SCHEME OF DELEGATION FOR NEIGHBOURHOOD PLANNING (Agenda item 15)

95.1 Introduced by the Localism Act in 2011, Neighbourhood Plans give local communities a way to decide the future of their places. To date, eleven neighbourhood areas have been designated in Waverley, of which the Farnham Neighbourhood Plan is most advanced with an examination hearing planned for 25 November 2016.

95.2 Nationally and locally, there is continued interest in Neighbourhood Planning and the Planning Service needs clear guidelines under which to operate. Time limits are increasingly being introduced by Government in a drive to progress Neighbourhood Plans more quickly and therefore Officers need additional delegated powers in order to comply with new regulations.

95.3 Currently, the Scheme of Delegation refers only to designating the Neighbourhood Area application that cover the whole of a Parish Council area (para 105 - see below) but there are other stages of the process that need clarity under the scheme. The proposed changes are based on whether the decision to be taken is a technical one, or if Council judgement is required. It is requested that the Executive approves the proposals and recommends them to the Council for the scheme of delegation to be amended accordingly.

95.4 It is proposed that the Scheme of Delegation be amended as follows:

Current

105. Authority to consider and designate Neighbourhood Area applications      Head of Planning in consultation with the Portfolio Holder for Planning

Proposed

105a. Authority to consider and designate Neighbourhood Area applications ~~that cover the whole of a Parish Council area~~      Head of Planning in consultation with the Portfolio Holder for Planning

105b. Authority to publish the area designation/refusal to designate.      Head of Planning.

105c. Authority to accept a submitted neighbourhood development plan or order for public consultation      Head of Planning in consultation with the Borough Solicitor.

105d. Authority to submit a plan or order to examination      Head of Planning.

105e. Authority to proceed to referendum where the examiner's report recommends to do so, with only agreed minor modifications      Head of Planning in consultation with the Portfolio Holder for Planning

105f. Following a successful referendum, authority to make a neighbourhood development plan or order.      Head of Planning in consultation with the Portfolio Holder for Planning

105g. Authority to publish the made Neighbourhood Plan or order.      Head of Planning

95.5 The three areas where there is no consultation with Members relate to technical procedures of publicising a previous decision by posting a notice on our website or a technical assessment of whether the submitted documents meet the legal requirements. Where the involvement of the Portfolio Holder or awareness amongst other Council Members is recommended, this is reflected in the proposals. There are three key stages for this:

- on initial receipt of the application to designate an area,
- when the decision to designate or refuse an application is made,
- and when the results of the examination are known and a decision to process to referendum is required.

95.6 In terms of public visibility of the process, it is important to remember that in addition to these three stages, there are two periods of public consultation and the Council's website is maintained to keep information up-to-date.

95.7 The detail relating to each proposed delegation is set out below:-

**105a.** New provisions as of 1 October 2016 mean that an LPA must designate a neighbourhood area if it receives a valid application and some or all of the area has not yet been designated (para 35 of NPPG). Ward Councillors are normally consulted at this stage which would allow the consideration of issues arising if the proposed neighbourhood areas were not contiguous with the parish boundary.

**105b.** Following the decision made to designate or not, under 105a, this action is merely to advertise that decision on our website.

**105c.** There has been a recent High Court judgement highlighting the risk to a Plan if the supporting documents are found deficient in quality. Local planning authorities have to check whether the submission documents meet a set of basic conditions, but there is no requirement to check the overall quality of the documents. That said, it is not desirable to be progressing Neighbourhood Plans where they may later be found deficient by an examiner or challenged in courts. It is proposed to delegate this decision to officers as whether the submission meets the basic conditions, irrespective of whether we judge them to be 'good' documents, is a technical issue and the involvement of the Borough Solicitor at this stage will be important to minimise the risk of challenge arising in Waverley. This stage encompasses the six week consultation under Regulation 16.

**105d.** Following the six week consultation under Regulation 16, examination is the next defined step in the process and is appropriate for officers to undertake the liaison with appointed examiner.

**105e.** Where the examiner recommends that the plan or order can move to referendum, and that any minor modifications have been made to form a 'referendum version', the proposal is to delegate this decision to the Head of Planning Service in consultation with the Portfolio Holder. Where the examiner does not recommend that the plan or order proceeds to referendum or if they recommend that modifications are major and/or cannot be agreed, the decision would rest with the Executive. Under new provisions brought in for the 1<sup>st</sup> October 2016, the referendum must be held within 56 working days of the decision to hold one\*, which precludes the decision going to Full Council (\*some exclusions apply).

**105f.** LPAs have eight weeks from the result of the referendum to make the plan. Where the referendum has a positive outcome, it is proposed that the authority for this stage is transferred to the Head of Planning Services, in consultation with the Portfolio Holder for Planning. Where the referendum has a negative outcome, it is proposed that authority is retained at Executive level.

**105g.** Following the referendum result and the decision to make the plan, officers will advertise that decision on our website.

95.8 The Executive now

**RECOMMENDS that**

**87. the proposed changes set out in paragraph 95.4 be agreed and the Scheme of Delegation be amended accordingly.**

*[Reason: to seek approval for proposed changes to the Scheme of Delegation for Neighbourhood Planning]*

96. MAKING BEST USE OF THE BETTER CARE FUND (Agenda item 17)

96.1 From 2015/16, the government funding to local authorities towards the cost of Disabled Facilities Grants (DFGs) and home adaptations has come from the Department of Health (DH) and is paid through the Better Care Fund (BCF). There was a slight increase in the amount of funding received by Waverley Borough Council in 2015/16 (£323,000) and a much more substantial increase was made in 2016/17 (£585,000). The funding was received in full in June 2016. The Spending & Autumn Statement 2015 announced that funding towards DFGs would rise by more than 100% by 2019/20.

96.2 The view of the DH is that the increased funding provides an ideal opportunity to review and improve current systems of working between the NHS, Social Care and Housing, to work towards achieving a shared aim of enabling healthy, safe, independent living at home for disabled and older people. It has highlighted the need for areas to think strategically about the use of home aids, adaptations and use of technologies to support people in their own homes. One area of concern is the varying levels of waiting times for adaptations around the country and the need to minimise this. Further guidance in the Integration Briefing from Public Health England and Foundations suggests a range of measures that can be taken to achieve the health and social care outcomes and emphasises that the BCF allocation can be used flexibly to deliver related services to ensure people's housing is suitable for their needs.

96.3 The ring fencing for use of DFG funding was relaxed in 2008 to include any local authority expenditure incurred under the Regulatory Reform (Housing Assistance) Order 2002 and it was later removed altogether. Delegated authority has been provided to the Private Sector Housing Manager to approve payments of up to £5,000 *for urgent adaptations and fees associated with disabled adaptations* without the need for formal grant approval.

96.4 The provision of Disabled Facilities Grants remains a mandatory function of the local housing authority. Prior to 2015/16 the DFG allocation was insufficient to meet demand in the Borough and so the Council provided additional funding from its capital budget. However in 2015/16 when the Better Care Fund allocation increased to £323,000, the DFG spend was only £304,000. Prior to the announcement of the increase in BCF for 2016/17, the Council reserved a fund of £28,000 to meet any shortfall in the DFG budget. Based on current demand the final DFG spend for 2016/17 is likely to be similar to last year.

96.5 In addition the Council provides a discretionary grant, known as the Safe and Warm grant, under its home improvement policy. In 2016/17 the budget for

this is £10,000 together with any grant repayments accrued during the year. This grant allows us to provide heating and insulation and remove housing hazards in homes occupied by vulnerable people.

- 96.6 The main question is how does the Council maximise use of this additional funding to achieve better outcomes for our residents and reduce the impact on health and social care services from hospital/care home admissions, bed-blocking and care packages.
- 96.7 A further issue of concern is that Surrey County Council has advised they are reviewing their budgets and may reduce or cancel their funding for the Guildford and Waverley Home Improvement Agency (HIA). They requested that we use the Better Care Fund to maintain the funding for the Agency. However the DCLG has stipulated that the BCF can only be used for capital expenses. The HIA is a vital component of the grant process at Waverley and they administer approximately 90% of the grant spend; without their assistance the process would be slower and less productive. The National Body for Home Improvement Agencies, Foundations, has been commissioned by the Surrey local authorities to carry out a review to identify service delivery models for HIA and Handyperson services and we expect their proposals in the new year.
- 96.8 There are some measures that can be introduced immediately without the need for change in the home improvement policy:
- a) An agreement has been made with the Social Care Team in Social Services to use the BCF to pay for simple adaptation requests to be sent to private Occupational Therapists for assessment rather than being sent to an external agency. This will help provide much more rapid assessments and should lead to a greater throughput of grants; the current procedure can lead to delays of several months. The use of private OTs also allows better communication through the grant process as they will be local, unlike the external agency. Requests for extensions and major conversions will remain with the Social Care Team.
  - b) Use the Better Care Fund to pay for works carried out under the Safe and Warm grant. The works covered by this grant fall entirely within the aims of the Care Act to reduce illness and injuries in the home, thereby reducing hospital and care home admissions and the level of care packages. While the demand for DFGs is currently static, the demand for Safe and Warm grants has already far exceeded the Council's own budget. An expenditure of £50,000 is quite possible.
  - c) Process a greater range of disabled adaptations below £5,000 under the delegated authority mentioned above. This will enable simple adaptations such as ramps and stair-lifts to be carried out quickly without going through the cumbersome DFG application process. It will also allow us to install minor equipment (e.g. key clamp rails) more quickly than the Social Care Team is currently able to. This would only be used where it is clear from the means test that the client has a nil contribution.
  - d) Top-up funding to major adaptations. The maximum DFG is £30,000 but this level is exceeded where the necessary works involve an extension. Currently the Social Care Team applies to Surrey County Council for top-

up funding for the extra cost but it is not clear whether this will continue. Since the increase in BCF comes partly from the removal of the Social Care Capital Grant, it would be reasonable to take over this element of funding. This may also facilitate continued funding of the HIA by Surrey County Council. However the process for approval of top-up funding via committee approval creates unreasonable delays to an already lengthy process. By providing delegated authority to the Director of Operations for decisions on top-up funding using the Better Care Fund, a decision can be made which would match the current process.

96.9 Other possible measures would require changes to the home improvement policy or specific approval. These include:

- Increase the scope of the Safe and Warm grant to expand on the works covered and/or the eligibility criteria. This could include the discretionary adaptations mentioned under point 3 above, which would make it easier to monitor expenditure and commitment. It could also include help with decluttering hoarded properties.
- Remove the means test requirement for works costing less than £5,000. This will enable us to fast-track all simple adaptations and installation of equipment and is specifically mentioned in the PHE Integration Briefing.
- Provide a relocation grant to pay for removal expenses for people where adaptation of their home is not reasonably practicable and they are unable to afford the cost of moving to another property.
- Hospital discharge project. The aims of the project are to carry out a range of measures (including installation of grab rails, key safes and extreme temperature monitors) for clients waiting to be discharged from hospital. This will reduce bed-blocking and care packages at home. This project will be managed by the Home Improvement Agency.
- Fuel poverty project. The aims of the project are to identify properties with low energy efficiency, carry out energy efficiency audits and facilitate completion of recommended works using a combination of government funding and Safe and Warm grants. This project will be managed by Action Surrey.

96.10 The Executive

**RECOMMENDS that**

- 88. the Better Care Fund be used to pay for works under the Safe and Warm Grant scheme;**
- 89. the current delegation 36 be amended to now read as follows “Private Sector Housing Manager to exercise authority to approve payments of up to £5,000 for urgent or minor adaptations and fees associated with disabled adaptations using the Better Care Fund or equivalent funding” and the Scheme of Delegation be amended accordingly; and**

- 90. the current delegation 35 be amended so that the last sentence now reads as follows “any recommendation for a grant exceeding £30,000 to be referred to the Director of Operations for a decision” and the Scheme of Delegation be amended accordingly.**

*[Reason: to inform the Executive of developments in the allocation of the funding and agree proposals for making best use of the fund]*

97. REVIEW OF PARTICULAR POLLING PLACES (Agenda item 18)

- 97.1 In the lead up to the conduct of the Police and Crime Commissioner Elections on 5 May 2016 and the Referendum on the United Kingdom’s membership of the European Union on 23 June 2016, representations were submitted to the Returning Officer regarding certain polling places within the Borough. As a result a review has been undertaken of certain polling places with a view to either confirming their continued suitability or establishing if any suitable alternative options can be put in place where concerns have been raised.
- 97.2 There are eighty designated polling stations positioned in 53 polling places across the Waverley Borough. Eight of these polling places are situated in schools. Some representations received have been regarding the use of schools as polling stations in a year when polls for the Police and Crime Commissioner Elections and the Referendum on the United Kingdom’s membership of the European Union were conducted within seven weeks of each other.

**Busbridge Junior School, Brighton Road, Busbridge, GU7 1XA – Bramley Busbridge and Hascombe ward**

- 97.3 Busbridge Junior School is used currently as a single polling station with a current electorate of 661. Representations have been received requesting that Busbridge Junior School no longer be used as a polling place. This is due to the disruption caused to pupils and the impact on parents and carers required to make arrangements for childcare on polling day due to the school’s closure, particularly in 2016 with two polls conducted in May and June.
- 97.4 A review was conducted of the use of Busbridge Junior School in 2013 and its continued use agreed. It remains the case that use of Busbridge Village Hall is not possible as the facility is used as a private nursery and not available for hire.
- 97.5 Since the 2013 review, work to address disabled access has been undertaken at Busbridge Church, Brighton Road, GU7 1XA. There is a hall with its own entrance and facilities to the rear of the church. This hall could accommodate a single polling station. Disabled access is available from Hambledon Road. There are no parking restrictions on Hambledon Road and polling station staff could be requested to reserve a car parking space for disabled users on the road. It may be possible for arrangements to be made with the village hall to reserve car parking spaces there for electors as

an additional option to parking on Hambledon Road. There are two pedestrian access points from Brighton Road, one via steps and the other via a new pathway. Both the rear and front pathways to the hall are on a slight incline due to the location of the church. The hall is available for hire.

**Beacon Hill Primary School, Beacon Hill Road, Hindhead, GU26 6NR – Hindhead ward**

97.6 Beacon Hill Primary School is used currently for two polling stations with a total electorate of 3281. Representations have been received requesting that an alternative venue be identified for the same reasons as those outlined for Busbridge Junior School above.

97.7 Enquiries have been made at Beacon Hill United Reformed Church, Churt Road, Hindhead. The hall is currently undergoing major refurbishment and as a result cannot be fully assessed at this time. Enquiries have been made at Beacon Hill British Legion. This venue is not considered suitable for use as a polling station due to current disabled access arrangements.

97.8 A full assessment has been conducted of St Albans Church Community Hall, Tilford Road, Hindhead, GU26 6RB. The hall, which is capable of accommodating two polling stations, is situated to the rear of the church. Facilities are good with ample car parking and level access to the hall. The hall is available for hire as a polling station venue.

**The Common Room, Gorselands, Alma Lane, GU9 0NB – Hale and Heath End ward**

97.9 The Common Room is currently designated as the polling place for the Hale and Heath End ward and accommodates one polling station with total electorate of 1530. There are plans for future development at this premises and it may not be possible to use the venue as a polling station in the future. The venue is currently being used for food bank provision. A twelve month lease arrangement has been agreed with Farnham Community Christian Trust (FCCT) on the understanding that the venue can be used for elections during the term of the lease. Arrangements will be made for the venue to be completely cleared for polling day.

97.10 Enquiries have been made at Holy Family Church, Alma Lane. This venue is not considered suitable for use as a polling station due to current disabled access arrangements.

**Cranleigh Arts Centre, 1 High Street, Cranleigh, Surrey, GU6 8AS – Cranleigh East ward.**

97.11 Cranleigh Arts Centre is currently designated as the polling place for Cranleigh East ward and accommodates two polling stations with total electorate of 3022. A complaint was received from an elector on 5 May 2016 polling day that he was unable to park at Cranleigh Arts Centre. Upon investigation, the Centre advised that they were no longer providing parking for electors on polling day.



- 97.12 Cranleigh Village Hall, Village Way, Cranleigh, GU6 8AF was used for the 23 June 2016 European Union Referendum as the Arts Centre was not available for hire. The Village Hall was an excellent venue providing a very large light hall that could accommodate a good layout for two polling stations. Free car parking spaces were set aside for voters in the adjacent public car park on Village Way.
- 97.13 The Village Hall falls just within the Cranleigh West ward. Section 18 (c) Representation of the People Act 1983 (as amended) (RPA) states: "the polling place for any polling district shall be an area in that district, except where special circumstances make it desirable to designate an area wholly or partly outside the polling district, and shall be small enough to indicate to electors in different parts of the polling district how they will be able to reach the polling station;" The Village Hall is not available for hire on the first Thursday in May for the next four years. However in the event that an election falls on an alternative date, hire of Cranleigh Village Hall could be given consideration.
- 97.14 Enquiries have been made as to the availability and suitability of the Guide Hall, Village Way, Cranleigh and a response is awaited from the booking clerk.
- 97.15 An assessment has been carried out of Cranleigh Leisure Centre, Village Way, Cranleigh. The Centre falls just within the Cranleigh West ward and so special circumstances pursuant to Section 18 (c) RPA 1983 would need to be found to designate the Centre as a polling place. There are two rooms that could accommodate a double polling station. The large dance studio on the ground floor can be accessed directly from the Village Way car park, but its use would not be financially viable due to the number of classes run in that room that would have to be cancelled and fees reimbursed. There is a multi-purpose room which can be accessed via a slope from the reception area. The hire charge for the multi-purpose room is competitively priced. Car parking spaces could be set aside for voters in the main part of the Village Way car park. Leisure Centre staff would be placed on the reception desk to allow voters through the turnstiles. Polling station staff would need to use the café for refreshments.

**The Court Room, Borough Hall complex, Bridge Street, Godalming, GU7 1HR  
– Godalming Central ward**

- 97.16 The Court Room is currently designated as the polling place for Godalming Central ward and accommodates one polling station with total electorate of 1611. There are no parking facilities at the venue.
- 97.17 The Wilfred Noyce Youth and Community Centre, Crown Court, High Street, Godalming, GU7 1DY has availability in the Wyatt Room for use as a polling station. This is a light room sufficiently sized to accommodate a single polling station. There is level access to the venue and parking spaces for disabled users adjacent to the building. Free car parking spaces could be set aside for electors in the Crown Court car park. The Centre is situated within the Godalming Central ward.

**The Chichester Hall, Petworth Road, Witley, Godalming, GU8 5PL – Witley and Hambledon ward**

97.18 Representations were received on the 5 May 2016 polling day from some electors regarding the use of the Chichester Hall. The electors were concerned that they were required to access the polling station from the busy Petworth Road.

97.19 Complaints had been received in recent years regarding continued use of The Chandler School, Witley as a polling station due to the disruption caused to pupils, staff and parents. The Chichester Hall was designated as the polling place instead of Chandler School and used for the first time for the 5 May 2016 polls.

97.20 Alternative polling station venues have been identified as set out in the table below.

<b>Polling District</b>	<b>Existing Polling Place</b>	<b>Proposed Polling Place</b>
IB - Busbridge	Busbridge Junior School	Busbridge Church, Brighton Road, Godalming
CF - Hindhead	Beacon Hill Primary School, Hindhead	St.Albans Church Community Hall, Tilford Road, Hindhead
AB - Central	Court Room, Borough Hall, Godalming	Wilfred Noyce Youth and Community Centre, Godalming
KA – Cranleigh East	Cranleigh Arts Centre, High Street, Cranleigh	Cranleigh Leisure Centre, Village Way, Cranleigh

97.21 The Executive

**RECOMMENDS that**

- 91. agreement be given to the use of Busbridge Church, Brighton Road, Godalming as a polling place instead of Busbridge Junior School;**
- 92. agreement be given to the use of St. Albans Church Community Hall, Tilford Road, Hindhead as a polling place instead of Beacon Hill Primary School, Beacon Hill Road, Hindhead;**
- 93. the Common Room, Gorselands, Alma Lane, Farnham remains a designated polling place for the Hale and Heath End ward;**
- 94. agreement be given to the use of Cranleigh Leisure Centre, Village Way, Cranleigh as a polling place instead of Cranleigh Arts Centre, High Street, Cranleigh;**
- 95. agreement be given to the use of the Wilfred Noyce Youth and Community Centre, Crown Court, High Street, Godalming as a polling place instead of the Court Room, Borough Hall, Godalming; and**

**96. Chichester Hall remains the designated polling place for the Witley and Hambledon ward.**

*[Reason: to undertake a review of certain polling places and establish whether any alternative options can be put in place]*

**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.

98. EXECUTIVE FORWARD PROGRAMME (Agenda item 5)

RESOLVED that the Executive Forward Programme be approved.

99. SETTING OF COUNCIL TAX BASE AND BUSINESS RATES BASE FOR 2017/18  
(Agenda item 7)

RESOLVED that

1. the council tax base for Waverley be approved for the year 2017/18, as shown in Annexe 1; and
2. the business rate estimates for 2017/18 be approved, as set out in the table in paragraph 3. and that authority be delegated to the Director of Finance and Resources, in conjunction with the Finance Portfolio Holder, to make any final changes necessary before the NNDR1 return is submitted to the Government on 31 January 2017.

*[Reason: to seek approval for the council tax base and the business rate forecast for 2017/18]*

100. THE SCOPE OF LOCAL PLAN PART 2: NON-STRATEGIC SITES AND POLICIES  
(Agenda item 10)

RESOLVED that the scope of Local Plan Part 2, as set out in Annexe 1 to the agenda report, be approved.

*[Reason: to agree the scope of Part 2 of the Local Plan]*

101. HOUSING SERVICE WATER CHARGES (Agenda item 12)

RESOLVED that

1. the strategy be approved in principle, as set out in the report;
2. authority be delegated to the Director of Operations, in consultation with the Portfolio Holder for Housing, to negotiate a variation in the Thames Water contract to reduce future contract liability; and
3. a further report be presented in March 2017 setting out the feedback from the consultation with tenants, a revised strategy reflecting this feedback, any

further external legal advice received and recommending the action to be taken.

*[Reason: to set out and agree the strategy and timescale for addressing the current contract issues relating to the collection of water charges]*

102. AMENDMENTS TO WBC'S OFF-STREET PARKING ORDER (Agenda item 13)

RESOLVED that officers be authorised to commence the process for amending the WBC Off-Street Parking Places Order.

*[Reason: to seek approval to commence the consultation process to amend the Parking Order]*

103. SCHOOL PARKING PERMITS (Agenda item 14)

RESOLVED that the proposed policy for school parking permits at Annexe 1, and the proposed numbers of permits set out in the table, be agreed.

*[Reason: to seek approval for revised proposals for the administration of school parking permits]*

104. DISPOSAL OF LAND AT BOURNE RECREATION GROUND AND PROPOSED COMMUNITY ASSET TRANSFER (Agenda item 16)

RESOLVED that

1. authority be delegated to officers to seek approval from the Secretary of State in relation to the disposal of village green land at Bourne Recreation Ground;
2. pursuant to section 233 Town and Country Planning Act 1990, the land at Bourne Recreation Ground be disposed of for planning purposes as outlined in red (and measuring under 209 square metres) on Plan A to enable the development of the new pavilion;
3. pursuant to section 123 of the Local Government Act 1972, the ancillary land at Bourne Recreation Ground be disposed of, as outlined in red on Plan B (and measuring approximately 1,140 square metres) for improvement of footpaths and the surrounding areas of the pavilion;
4. authority be delegated to the Director of Finance and Resources, in consultation with the Finance Portfolio Holder, to carry out a detailed business case and risk assessment to ensure that the proposed disposal of land at Bourne Recreation Ground to the Bourne Asset Community Group Community Interest Company, is in accordance with Waverley's Community Asset Transfer Policy; and
5. subject to obtaining Secretary of State approval, authority be delegated to officers to complete the lease and necessary legal agreement(s) with the Community Group, in accordance with Waverley's Community Asset Transfer Policy, such terms and conditions to be agreed by the Director of

Finance and Resources and Head of Customer and Corporate Services, in consultation with the relevant Portfolio Holder(s).

*[Reason: to consider any objections and agreed to the disposal of land in accordance with the Community Asset Transfer Policy]*

105. DESIGNATION OF TAXI RANK - BRIDGE STREET, GODALMING (Agenda item 19)

RESOLVED that approval be given to the designation of a new 2-vehicle taxi stand in Bridge Street, Godalming and officers be authorised to undertake the formal process for designating the stand accordingly.

*[Reason: to seek approval for the designation of a new taxi rank (stand)]*

106. JOINT ENFORCEMENT INITIATIVE (Agenda item 20)

RESOLVED that approval be given for the authority to enter into a joint enforcement initiative with partner agencies.

*[Reason: to update members on the development of proposals for joint enforcement work with Surrey Police and the Police and Crime Commissioner]*

107. OCKFORD RIDGE REFURBISHMENT PROGRAMME PHASES 1-3 (Agenda item 21)

*[This item contains 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 I 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)]*

RESOLVED that

1. the appointment of the preferred refurbishment contractor for Phases 1, 2 and 3 Ockford Ridge, Godalming be approved following the successful completion of the tender process, in accordance with the Council's Contract Procurement Rules, subject to the contract sum being within the approved budget;
2. the appointment of the preferred building surveyor for refurbishment phases 1, 2 and 3, Ockford Ridge, Godalming be approved following the successful completion of the tender process, in accordance with the Council's Contract Procurement Rules, subject to the contract sum being within the approved budget;
3. the Head of Strategic Housing and Delivery be authorised to formally award the contract to, and enter into a contract with the successful tenderer for the refurbishment works, in consultation with the Director of Finance and Resources and the Portfolio Holders for Housing and Finance; and

4. authority be given to enter into all ancillary agreements relating to the scheme, in accordance with the Council's Contract Procurement Rules.

*[Reason: to seek approval for the appointment of building contractors and surveyors for the scheme]*

108. DEVELOPMENT OF AFFORDABLE HOMES AT SITE D, OCKFORD RIDGE, GODALMING (Agenda item 22)

*[This item contains 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 I 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)]*

RESOLVED that

1. the appointment of the preferred build contractor be approved following the successful completion of the tender process, in accordance with the Council's Contract Procedure Rules, subject to the contract sum being within the approved budget;
2. the Head of Strategic Housing and Delivery be authorised to formally award the contract to, and enter into a contract with, the successful tenderer in consultation with the Director of Finance and Resources and the Portfolio Holders for Housing and Finance; and
3. authority be given to enter into all ancillary agreements relating to the scheme, in accordance with the Council's Contract Procedure Rules.

*[Reason: to seek approval for appointing a build contractor]*

109. PERFORMANCE MANAGEMENT REPORT - QUARTER 2 (JULY - SEPTEMBER 2016) (Agenda item 23)

RESOLVED that the Overview and Scrutiny Committees be thanked for their review of the quarter 2 performance and, having examined the performance figures, the report be noted.

*[Reason: to review the Council's performance against targets for the relevant quarter]*

110. OUTSTANDING DEBTS WRITE-OFF FOR DECISION (Agenda item 24)

*[This item contains 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 I 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)]*

RESOLVED that under Financial Regulation D203, the debts put forward for write-off as listed in the (Exempt) Annexe to the report be approved.

*[Reason: to obtain approval for irrecoverable bad debts to be written off]*

111. PROPERTY MATTER - HOLLOWAY HILL SPORTS PAVILION, GODALMING  
(Agenda item 25)

*[This item contains 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 I 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)]*

RESOLVED that the Holloway Hill Sports Association (HHSA) be authorised to trial this venture for an initial period of 6 months and to retain the net proceeds from the hire arrangement to help support their financial position.

*[Reason: to seek consent to hire out the pavilion where the lease does not currently permit such arrangement]*

112. EXECUTIVE DIRECTOR'S ACTIONS (Agenda item 26)

The Executive noted the following action taken by the Executive Director after consultation with the Chairman and Vice-Chairman since its last meeting:

i. The Marlborough Head, Farnham

To authorise works to the sum of £14,000 to secure the site following ownership passing to Waverley Borough Council on 1 December 2016. These works will include boarding up glass windows, the securing of all entrances and the protection of the outside area to restrict access to all areas of the site. The cost of these works will be funded from the Emergency Capital Fund.

ii. The Redgrave Theatre, Farnham

Following an Environmental Visual Audit (EVA) of the site by Surrey Police with a view to reducing the antisocial behaviour in the area and ensuring the building is secure, to authorise works to the sum of £5,000 to be funded from the Emergency Capital Fund.

113. EXCLUSION OF PRESS AND PUBLIC (Agenda item 27)

At 6.31pm it was

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 item 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 this item, there would be disclosure to them of exempt information (as defined by Section 100I of the Act) of the description 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).

114. PROPERTY MATTER - EWHURST (Agenda item 28)

RESOLVED that the recommendations set out in the (Exempt) Annexe to these minutes be approved.

**The meeting commenced at 5.00 pm and concluded at 6.33 pm**

**Chairman**



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## WAVERLEY BOROUGH COUNCIL

### MINUTES OF THE AUDIT COMMITTEE - 15 NOVEMBER 2016

### SUBMITTED TO THE COUNCIL MEETING – 13 DECEMBER 2016

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

#### **Present**

Cllr John Gray (Chairman)	Cllr Christiaan Hesse
Cllr Richard Seaborne (Vice Chairman)	Cllr Nicholas Holder
Cllr Mike Band	Cllr Jerry Hyman

#### **Apologies**

Cllr David Round

#### 27. MINUTES (Agenda item 1.)

The Minutes of the last meeting of the Audit Committee held on 13 September 2016 were confirmed as a correct record and signed.

#### 28. APOLOGIES FOR ABSENCE (Agenda item 2.)

Apologies for absence were received from Councillor David Round.

#### 29. DISCLOSURE OF INTERESTS (Agenda item 3.)

There were no disclosures of interest received from Members.

#### 30. QUESTIONS BY MEMBERS OF THE PUBLIC (Agenda item 4.)

There were no questions from members of the public received.

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

#### 31. APPOINTMENT OF EXTERNAL AUDITORS (Agenda item 7.)

31.1 As part of closing the Audit Commission the Government novated external audit contracts to Public Sector Audit Appointments which is a sector-led body set up by the Local Government Association, on 1 April 2015. The audits were due to expire following conclusion of the audits of the 2016/17 accounts, but could be extended for a period of up to three years by PSAA, subject to approval from the Department for Communities and Local Government.

31.2 In October 2015 the Secretary of State confirmed that the transitional provisions would be amended to allow an extension of the contracts for a period of one year. This meant that for the audit of the 2018/19 accounts it would be necessary for authorities to either undertake their own procurements or to opt in to the appointing person regime through the sector-led body.

- 31.3 PSAA have been specified by the Secretary of State as an appointing person under regulation 3 of the Local Audit (Appointing Person) Regulations 2015. The appointing person is sometimes referred to as the sector led body and PSAA has wide support across most of local government. PSAA was originally established to operate the transitional arrangements following the closure of the Audit Commission and is a not for profit company owned by the Local Government Association.

Option 1 - To make a stand-alone appointment

- 31.4 In order to make a stand-alone appointment the Council will need to set up an Auditor Panel. The members of the Panel must be wholly or a majority of independent members as defined by the Act. Independent members for this purpose are independent appointees, this excludes current and former Members (or officers) and their close families and friends. This means that Members will not have a majority input to assessing bids and choosing which firm of accountants to award a contract for the Council's external audit. A new independent auditor panel established by the Council will be responsible for selecting the auditor.

Advantages/benefits

- 31.5 Setting up an auditor panel allows the Council to take maximum advantage of the new local appointment regime and have local input to the decision.

Disadvantages/risks

- 31.6 Recruitment and servicing of the Auditor Panel, running the bidding exercise and negotiating the contract is estimated by the LGA to cost in the order of £15,000 plus on-going expenses and allowances.
- 31.7 The Council will not be able to take advantage of reduced fees that may be available through joint or national procurement contracts.
- 31.8 The assessment of bids and decision on awarding contracts will be taken by independent appointees and not solely by Members.

Option 2 - Set up a Joint Auditor Panel/local joint procurement arrangements

- 31.9 The Act enables the Council to join with other authorities to establish a Joint Auditor Panel. Again this will need to be constituted of wholly or a majority of independent appointees. Further legal advice will be required on the exact constitution of such a Panel having regard to the obligations of each Council under the Act and the Council would need to liaise with other local authorities to assess the appetite for such an arrangement.

Advantages/benefits

- 31.10 The costs of setting up the Panel, running the bidding exercise and negotiating the contract will be shared across a number of authorities.

- 31.11 There is greater opportunity for negotiating some economies of scale by being able to offer a larger, combined contract value to the firms.

Disadvantages/risks

- 31.12 The decision making body will be further removed from local input, with potentially no input from Members where a wholly independent Panel is used or possible only one Member representing each Council, depending on the constitution agreed with the other bodies involved.

- 31.13 The choice of auditor could be complicated where individual councils have independence issues. An independence issue occurs where the auditor has recently or is currently carrying out work such as consultancy or advisory work for that council. Where this occurs some auditors may be prevented from being appointed by the terms of their professional standards. There is a risk that if the Panel choose a firm that is conflicted for this Council then the Council may still need to make a separate appointment with all the attendant costs and loss of economies possible through joint procurement.

Option 3 - Opt-in to a sector led body

- 31.14 The LGA successfully lobbied for councils to be able to 'opt-in' to a Sector Led Body (SLB) appointed by the Secretary of State under the Act. An SLB would have the ability to negotiate contracts with the firms nationally, maximising the opportunities for the most economic and efficient approach to procurement of external audit on behalf of the whole sector. The sector-led body is the Public Sector Audit Appointment (PSAA).

Advantages/benefits

- 31.15 The costs of setting up the appointment arrangements and negotiating fees would be shared across all opt-in authorities.

- 31.16 By offering large contract values the firms would be able to offer better rates and lower fees than are likely to result from local negotiation

- 31.17 Any conflicts at individual authorities would be managed by the SLB who would have a number of contracted firms to call upon.

- 31.18 The main advantages of using PSAA are set out in its prospectus and are copied below.

- \* Assure timely auditor appointments
- \* Manage independence of auditors
- \* Secure highly competitive prices
- \* Save on procurement costs
- \* Save time and effort needed on auditor panels
- \* Focus on audit quality
- \* Operate on a not for profit basis and distribute any surplus funds to scheme members.

Disadvantages/risks

- 31.19 Individual Members will have less opportunity for direct involvement in the appointment process other than through the LGA and/or stakeholder representative groups.
- 31.20 In order for the SLB to be viable and to be placed in the strongest possible negotiating position the SLB will need councils to indicate their intention to opt-in before final contract prices are known.
- 31.21 It is likely that a sector wide procurement conducted by PSAA will produce better outcomes for the Council than any procurement we undertook by ourselves or with a limited number of partners. Use of the PSAA will also be less resource intensive than establishing an auditor panel and conducting our own procurement.
- 31.22 Regulation 19 of the Local Audit (Appointing Person) Regulations 2015 requires that a decision to opt in must be made by Full Council (authority meeting as a whole). The Audit Committee accordingly

**RECOMMENDS that**

- 1. Waverley opts in to the appointing person arrangements made by Public Sector Audit Appointments (PSAA) for the appointment of external auditors from 2018/19**

**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.

32. PROPOSED DRAFT 2018 AUDIT COMMITTEE WORK PROGRAMME (Agenda item 5.)
- 32.1 The Committee was reminded that one key area of the Accounts and Audit Regulations 2015 made under the Local Audit and Accountability Act 2014 was the acceleration of financial close arrangements.
- 32.2 From the 2017/18 financial year, the timetable for the preparation and approval of accounts will be brought forward to a draft accounts deadline of 31 May and an audit deadline of 31 July.
- 32.3 The Committee was advised that the current annual recurrent work programme was attached on green paper. This set out the major items that were required to be completed by the Audit Committee each year.
- 32.4 Also attached, was a draft proposed target recurrent annual work programme to meet the new requirements in 2018.
- 32.5 The Committee was informed that officers would be working together with Grant Thornton, the Council's external auditor, to progress towards achieving the new timeline.

32.6 Members discussed the timing of meetings and the fact that the meeting that had been in June would now need to be moved to early July. This would allow the Committee to meet the new requirements whilst allowing the external auditor as much time as possible to produce the accounts. The Audit Committee accordingly

RESOLVED that

1. the recurrent annual work programme and the draft proposed target recurrent annual work programme for trial in 2017/18 and implementation in 2018/19 be noted; and
2. The next Audit Committee be moved from June to early July from 2017.

33. EXTERNAL AUDIT ANNUAL AUDIT LETTER (Agenda item 6.)

33.1 Iain Murray of Grant Thornton introduced the Annual Audit Letter to the Committee.

33.2 The purpose of the letter was to summarise the key findings arising from the work that they had carried out for the Council for the year ended 31 March 2016. A number of risks had been identified in the audit plan, namely;

- Fraudulent transactions included in the revenue cycle
- Management over-ride of controls
- Operating expenses
- Valuation of property, plant and equipment
- Valuation of pension fund net liability

33.3 Grant Thornton had focused their work on these areas and did not identify any significant issues to report from some revisions to the accounts to correct the overstatement of the pension fund liability in the balance sheet.

33.4 Iain Murray confirmed that Grant Thornton were satisfied that they had been provided with all the information they asked for, including minutes of meetings, and that the Council had put in place appropriate measures to mitigate the risks identified.

33.5 Cllr Jerry Hyman disagreed with the Value for Money findings and conclusions of the Annual Audit Letter specifically relating to the Local Plan on page 21 and the Brightwell's development on page 22 and wanted this to be recorded in these Minutes. The Audit Committee accordingly

RESOLVED that the External Annual Audit Letter from Grant Thornton be noted.

34. REVISED GOVERNANCE POLICIES (Agenda item 8.)

34.1 The Committee received the revised governance policies and was advised that changes were mainly minor including those that were required to reflect changes in job titles, and suggested changes from best practice guides from professional institutions.

34.2 The Committee felt that the terminology contained within the reports was wrong and were concerned that there was confusion and overlap between policies, strategies

and plans. They also highlighted some further concerns about the perception of the public reading the documents, inconsistencies, and areas of vagueness. Many felt it very important that the correct language be used.

- 34.3 Members asked about the effectiveness of the plans and what sanctions were in place for handling failure to adhere to them. Officers responded that they could look at incorporating details on possible penalties but that there was scope for the use of judgement within the documents. The Audit Committee accordingly

RESOLVED that

1. Officers be asked to re-draft the documents following receipt of further observations of Members; and
2. The item be revisited at the next meeting in March 2017.

35. PROGRESS ON THE INTERNAL AUDIT PLAN FOR 2016-17 (Agenda item 9.)

- 35.1 The Committee received an update on the progress being made in achieving the Internal Audit Plan for 2016/17. Members were advised that report no. IA17-00 `Accuracy of Tenancy Information` on page 110 and `Corporate Governance` on page 111 had now been completed.

- 35.2 Members asked that from the next meeting, they be given a brief overview of those items listed as `partial assurance` and that the colour of items in the `overall opinion` column be changed to match their status.

- 35.3 It was agreed that officers provided Cllr Holder with a copy of the final report on `Recruitment of permanent and agency staff and performance management` (IA17-02) and feed back his observations to Cllr Gray before the next meeting. The Audit Committee accordingly

RESOLVED that the progress for the Internal Audit Plan 2016-17 be noted.

36. PROGRESS ON THE IMPLEMENTATION OF INTERNAL AUDIT RECOMMENDATIONS (Agenda item 10.)

- 36.1 The Committee received a report detailing the latest position regarding the implementation of Internal Audit Recommendations.

- 36.2 Members were advised that all items listed as overdue or due within the next month had now been completed since publication of the Agenda except item IA/26.003 `Training` in the DBS procedure. Research had been undertaken into fulfilling the agreed action but no training courses had been found. The Committee was invited to comment on the situation and suggest an alternative course of action.

- 36.3 Members felt that the best solution would be to bring in an external expert from another local authority to spend a couple of days with the responsible officer and train them that way. The Audit Committee accordingly



RESOLVED that officers should bring in an external expert from another local authority to train the responsible officer in respect of item IA/26.003 `Training` in the DBS procedure.

37. COUNTER FRAUD INVESTIGATION SUMMARY (Agenda item 11.)

37.1 The Committee was advised that the value of financial savings detailed in Annexe 1 for Quarter 2 of 2016-17 was £443,661 based on Audit Commission notional figures.

37.2 The Committee was very pleased with the progress being made and asked officers to add the previous quarters figures to the bottom of Annexe 1 from the next meeting to help Members to identify the trend. They also asked that they be provided with the progress report relating to the Surrey Counter Fraud Partnership Data hub referred to in paragraph 7 on page 121. The Audit Committee accordingly

RESOLVED that

1. The success of the investigation activity be noted and to continue to support the work being completed to safeguard Waverley's assets and ensure that only those that are legitimately eligible to receive our services are successful; and
2. The Council's participation in the National Fraud Initiative and the Surrey Counter Fraud Partnership Data Hub to assist in identifying fraudulent activities be noted.

38. EXCLUSION OF PRESS AND PUBLIC (Agenda item 13.)

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 item 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 item, there would be disclosure to them of exempt information (as defined by Section 100I of the Act) as specified in the following paragraphs of the revised Part 1 of Schedule 12A to the Local Government Act 1972, namely;

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

39. RISK MANAGEMENT POLICY (Agenda item 12.)

39.1 The Committee received the Risk Management Policy report and the Process Document.

39.2 Members were advised that local authorities, with their wide-ranging responsibilities and duties, faced a significant number of risks. A risk was the threat that an event or action would adversely affect an organisations ability to achieve its objectives. The effective management of risk was an essential element in the overall operation of the Council and the delivery of its services.

- 39.3 Members noted that local authorities were required to demonstrate to their residents that managing risk was at the heart of their governance framework and that they had effective arrangements in place to identify and respond to them. The Risk Policy and Process, including the format of the Register, had been produced in conjunction with the Audit Committee in recent years.
- 39.4 Officers then moved on to discuss the Risk Management Report by Zurich Municipal. The Audit Committee accordingly

RESOLVED that the Committee revisit this item at the next meeting in March 2017 following an informal risk workshop with Zurich Municipal in January 2017.

**The meeting commenced at 7:10pm and concluded at 9:49pm**

**Chairman**

WAVERLEY BOROUGH COUNCIL

MINUTES OF THE LICENSING AND REGULATORY COMMITTEE  
- 24 NOVEMBER 2016

SUBMITTED TO THE COUNCIL MEETING – 13 DECEMBER 2016

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

**Present**

Cllr Simon Inchbald (Chairman)  
Cllr Maurice Byham  
Cllr John Fraser  
Cllr Tony Gordon-Smith  
Cllr Mike Hodge

Cllr Peter Isherwood  
Cllr Carole King  
Cllr Anna James  
Cllr Libby Piper

**Apologies**

Cllr Patricia Ellis, Cllr Robert Knowles and Cllr Bob Upton

14. MINUTES (Agenda item 1.)

The minutes of the meeting held on 22 September 2016 were confirmed and signed.

15. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS (Agenda item 2.)

Apologies for absence were received from Councillors Patricia Ellis, Robert Knowles and Bob Upton. There were no substitutes present.

16. DECLARATIONS OF INTEREST (Agenda item 3.)

There were no declarations of interest.

**LICENSING ACT 2003 ITEMS**

There were no items to report under this heading.

**OTHER LICENSING ITEMS**

**PART I - RECOMMENDATIONS TO THE COUNCIL**

17. PUBLIC CONSULTATION ON REVIEW OF THE COUNCIL'S POLICY FOR SEXUAL ENTERTAINMENT VENUES (Agenda item 7.)

The Committee received a report reviewing the Policy for Sexual Entertainment Venues for Waverley, against which applications for licences under Schedule 3 of the Local Government Miscellaneous Provisions Act, as amended by section 27 of the Policing and Crime Act 2009 act would be considered. The Committee was asked to consider some amendments to the Policy and any comments received in response to the consultation.

The Committee was reminded that the Policy was adopted in February 2012 and came into effect on 1 May 2012. The review period for the policy was at least every 5 years. The Committee noted that Waverley did not currently have any Sexual Entertainment Venues. Although the existing Policy had not been called upon in the past five years, officers believed it was suitable and would work well if required.

The Committee therefore

**RECOMMENDS that**

- 2. the Policy for Sexual Entertainment Venues, attached at Annexe 1, be approved by the Council, to be effective from 1 January 2017.**

**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.

18. DESIGNATION OF TAXI RANK - BRIDGE STREET, GODALMING (Agenda item 6.)

The Committee received a report seeking approval for the designation of a new taxi rank (stand) for two vehicles in Bridge Street, Godalming. This had been considered at its last meeting and since, a consultation had taken place. The Committee was asked to recommend to the Executive that approval be given to the new stand and officers be authorised to undertake the formal process for designating the stand accordingly.

The Committee noted that of the 287 taxi vehicle licences issued by the Council, it was estimated that approximately 80 licensees operated in the Godalming Area. Members were advised that historically there had been repeated requests from drivers in the area for an additional taxi rank in the town centre vicinity and most recently, a petition. The matter had been referred to the SCC Waverley Local Committee's Godalming, Milford and Witley Task Group which considered locations suggested by the Senior Engineer at Surrey County Council and the Road Safety and Traffic Managements Team of Surrey Police. The Task Group recommended that two bays should be situated on the cobbled area to the right-hand side of Bridge Street, but that they should be positioned in such a way that ease of loading/unloading for the Borough Hall users would not be impaired.

Since the last meeting, officers had researched whether there were any additional legal procedures required to ensure the validity of the taxi rank for the purposes of road traffic enforcement. The Road Traffic Regulation Order had been checked and provided the taxi rank was legally created, it would not contradict the No Waiting order; and hackney carriage drivers, provided they were positioned wholly within the stand, would not be liable for tickets if waiting on the rank.

Godalming Town Council had been consulted on the proposals and supported the location, provided that the start of the taxi rank was level with the main door to the Borough Hall for the reasons noted above.

The Committee noted that designation of a taxi rank was an Executive function so would need to go to the Executive. If approved, a public notice would be placed in the local papers for a period of 28 days and subject to no objections being received, the taxi stand would be effective on the date of expiry of the consultation period. It was estimated that this would be around 6 January 2017.

The Committee was delighted that a new taxi rank would be situated in a location convenient for shoppers and RESOLVED that it be recommended to the Executive that approval be given to the designation of a new 2-vehicle taxi stand in bridge street, Godalming and officers be authorised to undertake the formal process for designating the stand accordingly.

19. FINANCIAL STRATEGY TAXI AND PRIVATE HIRE LICENSING FEES AND CHARGES 2017/2018 (Agenda item 8.)

The Committee received a report seeking approval of the schedule of Taxi and Private Hire Licensing Fees and Charges for 2017/18. The Committee was informed that the report was coming to them earlier than usual to enable the agreed fees and charges to be advertised and to go through the budget process for implementation with effect from 1 April 2017 without a delay.

The Committee was advised that in most years the proposed increase to taxi licences had been less than the guideline of 3.5% but this year there was no clear percentage increase. A comprehensive review had been carried out to ensure that every fee could be broken down and justified as a true reflection of the time and processes required to administer each of the licences.

The Committee received a schedule of the proposed Licensing Fees and Charges. There were a number of new fees proposed that responded to service demands, including changes of address and reissuing of licences. It was also proposed that the charging structure for Operator Licences should be more fairly applied depending on the size of the business and the number of vehicles they operated.

The Committee queried the New driver fee increasing from £150 in 2016/17 to £262 in 2017/18. Officers advised that this reflected the licence now being issued for 3-years, rather than for 1-year. The Committee noted that the fee for Surrender and Replacement to a new vehicle had reduced from £83 to £82, and was advised that the £83 fee in 2016/17 had been an error and it was being corrected in the schedule for 2017/18.

The Committee also asked how Waverley's charges would compare with neighbouring boroughs. Officers advised that the sector report that collated this data was being updated and would be available for the next Committee meeting.

RESOLVED that the Committee approves the level of Fees and Charges for 2017/18 for Taxi Licensing in accordance with the schedule attached to the report to enable the public advertisement of the fees and charges to be progressed in advance of the budget process.

20. MINUTES OF THE LICENSING (GENERAL PURPOSES) SUB-COMMITTEE  
(Agenda item 9.)

The minutes of the Licensing (General Purposes) Sub-Committee which took place on 22 September 2016 were noted.

**The meeting commenced at 10.00 am and concluded at 10.20 am**

**Chairman**

# Waverley Borough Council

## Policy for the Licensing of Sex Establishments

Adopted on 21 February 2012

To have effect from 01 May 2012

Reviewed 2016 to have effect 01 Jan 2017

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## 1 Introduction

Section 2 of the Local Government (Miscellaneous Provisions) Act 1982 enables a local authority to adopt the provisions of Schedule 3 of the Act. These provisions relate to the control, by way of licensing, of sex establishments.

This legislation was amended, with effect from 1<sup>st</sup> April 2010, by the provisions of Section 27 of the Policing and Crime Act 2009 to include sex encounter establishments.

Sex establishment now means a

- sex shop
- sex cinema or
- sex encounter establishment

Waverley Borough Council adopted Schedule 3 to the 1982 Act for the licensing of sex shops and sex cinemas to apply from the 01 June 1983, and adopted the new provisions relating to sexual entertainment venues (section 27) on 21 February 2012.

~~However a further resolution is necessary before the provisions introduced by Section 27 will have effect.~~

The Council appointed 01 May 2012 as the date on which the provisions relating to sexual entertainment venues came into effect.

This document sets out both guidance on the legislation and the Council's policies which will be taken into account when dealing with matters under this legislation.

## 2 General Policy Matters

### 2.1 Overarching Objectives

Whilst there is no legal requirement for the Council to adopt a policy in relation to the application of this legislation it is considered beneficial for the Council to do so.

### 2.2 Adoption Process

Date	Action	Closing Date For Comments
29 September 2011	Sex Establishment consultation process placed before the Licensing Committee	
04 October 2011	Start of Consultation	15 November 2011
15 November 2011	End of Consultation	

15 December 2011	Report to licensing Committee on Consultation;	Officers requested for further info and to return 16 February 2012
16 February 2011	Further report to committee.	Adopted - Yes Policy accepted
21 February 2012	Full Council to consider report and formally adopt Policy	Policy formally adopted
16 March 2012	1 <sup>st</sup> Public notice of adoption	
23 March 2012	2 <sup>nd</sup> Public notice of adoption	
01 May 2012	Date for Policy to come into force.:	
<u>13 Sept 2016</u>	<u>5 year Review started</u>	
<u>07 Oct 2016</u>	<u>Consultation (6 weeks)</u>	<u>18 Nov 2016</u>
<u>24 Nov 2016</u>	<u>Report to licensing Committee on Consultation</u>	
<u>2016</u>	<u>Full Council to consider report</u>	

~~The consultation process was placed before the Licensing Committee on 29 September 2011.~~

~~Starting date of consultation 04 October 2011.~~

~~Closing date of consultation 15 November 2011.~~

The consultation was placed on the Council's website, sent to all the Relevant Authorities, Parish/Town councils, Waverley Borough Councillors, Faith Forum

~~15 December 2011 – report to Licensing Committee with results of consultation for it to decide whether to adopt, or not, the amendments made by section 27 to Schedule 3 of the 1982 Act. The Committee requested further information.~~

~~16 February 2012 – report returned to Licensing & Regulatory Committee with further information in relation to 'nil policy and relevant locality'.~~

~~The Committee were minded to adopt and accept policy~~

~~21 February 2012 - Full Council considered and formally adopted Policy~~

~~Waverley advertised that it was adopting the amendments for 2 consecutive weeks (16 March 2012 & 23 March 2012) consulting on the policy in the Surrey Advertiser on Friday 07 October 2016. and on its own website and with Parish and Town Councils - with a final date for written comments of -18 November 2016 (6 weeks).~~

~~01 May 2012-01 – Policy came into force.~~

## **2.3 Policy reviews**

This policy will be reviewed every five years or at such shorter periods as is felt necessary.

## **2.4 Sharing of Information**

The Council will share with other enforcement bodies, information supplied by applicants, or acquired in the course of exercising licensing functions, where it is lawful to do so. In particular, personal information will only be disclosed in accordance with the Data Protection Act 1998. This may include requests from the Audit Commission or other regulatory agencies where this is necessary for the detection or prevention of crime or required by law or in connection with legal proceedings. Where applicable, it will be under the relevant Information Sharing Protocol.

## **2.5 Policy Application**

This document contains the ~~policies adopted~~ policies adopted by Waverley Borough Council for the permits and licences. These policies will normally be applied in every case but where there are exceptional or unusual circumstances then these policies and conditions may be departed from. Any departure from these policies will only be as approved by the Head of Democratic and Legal Services.

## **2.6 Enforcement**

Failure to comply with legislative requirements is an offence. In determining what enforcement action to pursue in respect of offences, regard will be had to the individual circumstances, the Council's policies with regard to enforcement and other national guidance, such as the Crown Prosecutor's Code of Practice.

## **2.7 Legal Interpretation**

This document contains advice regarding the legal interpretation as to what constitutes a sex establishment and other matters such as when a licence may be required, and how applications may be made. However, this document should not be considered to be an authoritative statement of the law. The statute law is more authoritative but ultimately, interpretation of the law is a matter for the Courts.

## **2.8 Other Legislation**

Planning, Building Control and alcohol licensing regimes are separate licensing processes. An application for a sex establishment licence cannot be a re-run of a planning application or of an application under the Licensing Act 2003 as different considerations will apply. However, the granting of a licence

which involves a material alteration to a building would not relieve the applicant of the need to apply for planning permission or building control consent, a premises licence or any other licence or consent.

The Licensing Act makes requirements for a Premises Licence, in general terms, where alcohol is sold or supplied, where films are shown or where entertainment, including live entertainment, is provided and a licensed sex establishment does not exempt an organiser from also having any necessary licences under the Licensing Act 2003 (as amended).

There are circumstances when another licence or consent, such as a planning consent, will impose conditions different to those imposed by a licence for a sex establishment. Where this happens whichever regime has the more restrictive conditions on a particular aspect is the requirement that must be complied with. For example where a planning consent and a sex establishment impose different opening times then whichever are the more restrictive opening time are those which must be followed.

## **2.9 Crime and Disorder Act 1998**

Section 17 of the Crime and Disorder Act imposes a duty on the Council to exercise its functions with due regard to the prevention of crime and disorder, including antisocial behaviour, the misuse of drugs, alcohol and other substances. In considering applications regard will be had as to whether the premises may contribute to any of these aspects.

## **2.10 Equality Act 2010**

Section 149 of the Equality Act obliges Councils to have due regard to the need to eliminate discrimination, harassment, and victimisation; to advance equality of opportunity between sexes and to foster good relations between the sexes. In applying this policy this authority will seek to:  
protect performers from harassment and any threat to their dignity by requiring proper supervision and facilities,  
ensure that women are as welcome in licensed premises as men are,  
ensure that the fears of women using the vicinity of the premises are considered in decisions as to the location of licensed premises.

## **3 Appropriate Number**

The legislation allows for a local authority to determine the number of sex establishments which it considers appropriate for that locality. Waverley Borough Council has not determined any localities nor have they adopted an appropriate number for any such localities.

## **4 Video Sales**

18R videos may only be sold from a licensed sex shop. The fact that the sales of such videos may constitute a very small part of the shop sales and

that the shop would otherwise not constitute a sex shop is not relevant. Such videos may not be supplied by way of mail or telephone order.

## 5 Sex establishment definition

The definition of a sex establishment includes a sex shop, a sex cinema, or a sexual entertainment venue.

### 5.1 Sex shop

A sex shop is defined as meaning any premises, vehicle, vessel or stall used for a business which consists to a significant degree of selling, hiring, exchanging, lending, displaying or demonstrating:

- sex articles,
- other things intended for use in connection with, or for the purpose of stimulating or encouraging sexual activity, or
- acts of force or restraint which are associated with sexual activity.

No single factor is decisive when considering whether a shop sells sex articles to a significant degree. In deciding what constitutes a sex shop, each case will be judged on the individual facts but the following criteria may be taken into account when determining the question of “significant degree”.

- The absolute number of items offered for sale i.e. numbers of different sex articles offered for sale compared to the number of different non sex articles offered for sale. In this context where the number of sex articles exceeds 20% of total number of items for sale this would be considered to be significant. Where sex articles are sold in multiple packs then the multipack will be considered as one item.
- The absolute number of items sold i.e. numbers of different sex articles sold compared to the number of different non sex articles sold. In this context where the number of sex articles exceeds 20% of total number of items sold this would be considered to be significant. Where sex articles are sold in multiple packs then the multipack will be considered as one item.
- The character of the remainder of the business.
- The floor area occupied by displays of sex articles as opposed to the floor area occupied by non sex articles. In this context floor area means the display and adjacent walkways. Where a floor area occupied by displays of sex articles exceeds 20% of the area occupied by displays of non sex articles then this would be considered significant.
- Whether sex articles can be seen by members of the public without them having to enter the shop either because the articles are in a window display or can be seen through the shop doors.
- Gross sales, in financial terms, of sex articles as compared with non sex articles. In this context where the sales of sex articles exceeds 20% of the total sales then this would be considered to be significant.

Where a large premises is used by a number of stallholders, some of whom sell sex articles, then the use of the large premises as a whole will be considered.

## 5.2 Sex cinemas

This means, principally and in summary, any premises vehicle, vessel or stall used to a significant degree for the exhibition of moving pictures which portray, deal with or relate to, or are intended to stimulate sexual activity or acts of force or restraint associated with sexual activity. This does not include a dwelling to which the public are not admitted thus excluding videos etc played by a person in their own home.

## 5.3 Sexual Entertainment Venue

In summary, this means any premises where relevant entertainment is provided before a live audience for the financial gain of the organiser or the performer and which is a live performance, or live display of nudity, which can be reasonably assumed to be provided solely or principally for the purpose of sexually stimulating the audience.

Display of nudity means;

- In the case of a woman, exposure of her nipples, pubic area, genitals, or anus
- In the case of a man exposure of his pubic area genitals or anus.

“Audience” includes an audience of one.

“Premises” includes any vessel vehicle or stall.

Sexual entertainment venues are likely to include any premises, vehicle, vessel or stall which provides lap dancing, pole dancing, table dancing, strip shows, peep shows, or live sex show.

## 6 Exemptions

The sale, supply or demonstration of articles which are manufactured for use primarily for the purposes of birth control, or which primarily relate to birth control, do not fall within the definition of a sex article. In this context where an article has been designed to act both for the purposes of birth control and to act as a stimulant then the article will be taken to fall within this exemption.

A licence for a sexual entertainment venue is not required where:

- relevant entertainment has not been provided on more than eleven occasions in any twelve month period and
- on no occasion did the entertainment last more than 24 hours and
- on no occasion was relevant entertainment provided within one month of the of any previous such entertainment

By virtue of Section 11A of the Licensing Act 2003 the provision of relevant entertainment at a premises where a licence as a sexual entertainment venue is required, regardless of whether the requirement has been waived, is not



regarded as the provision of regulated entertainment under the provisions of the Licensing Act 2003.

## **7 Waivers**

Under the provisions of Paragraph 7 of Schedule 3 of the Act, the Council may waive the requirement to hold a licence in any case where it is considered that to require a licence would be unreasonable or inappropriate. Waivers may be for such period as the Council think fit but may be terminated at any time 28 days after notice of termination is given. The power to grant such waivers has been delegated to the Head of Democratic and Legal Services in consultation with the Chairman of the Licensing Committee.

A waiver might be appropriate where the premises are to be in place for a limited period, e.g. an exhibition where sales are made, and where controls are in place which would be similar to those imposed by a licence.

## **8 Applications**

### **8.1 Submission of an Application**

An application for a sex establishment licence must be made in writing on the application form included at Appendix One, must be accompanied by the relevant fee and by a plan of the premises proposed to be licensed at a scale of not greater than 1:100 with the area to be licensed outlined in red, together with a location plan drawn at a scale of not less than 1:1250. If the payment is invalid the application will be considered invalid. Applications may be lodged electronically but the application will not be considered as being validly lodged until such time as the fee has also been paid.

### **8.2 Application fees**

An application for the grant, renewal, variation, transfer or change of licence details of a licence shall be accompanied by the appropriate fee. (Please contact the licensing department for details of current fees)

Where an application is refused, or is withdrawn before being determined, the application fee will be retained although a refund of that element relating to enforcement of a licence may be made.

### **8.3 Advertising Applications**

#### *8.3.1 Newspaper advertisement*

The application must be advertised by the applicant using the form contained at Appendix 2. Such advertisements must be made by publishing the advertisement in a local newspaper (a local paper which has been agreed with the Licensing Department) circulating in the Waverley area. The

advertisement shall be published not later than seven days after the date of the application to the Council.

#### *8.3.2 Local advertising*

The applicant shall also place notices on or near the premises to which the application relates and where they can conveniently be read by the public using the form of notice contained at Appendix 3. Such notices shall be a minimum of A4 in size with the text printed as a minimum of 14 point. The notice shall be printed in black on yellow paper. These notices shall be displayed for a minimum of 21 days beginning with the date that the application is made to the Council. Where a notice is removed or vandalised it shall be replaced by the applicant, forthwith. If a notice is posted, then removed and not replaced by the applicant and is absent for a substantial part of the 21 days then the application may be deemed to be invalid and the applicant may be required to start the advertising period again.

#### *8.3.3 Council website*

Applicants should be aware that the Council will advertise the receipt of an application on our website. Similarly details of licences issued by the Council will also be placed on the Council's website.

### **8.4 Consultations**

#### *8.4.1 Copies to the Police*

A copy of any application for the grant, renewal or transfer of a licence shall be sent to the Police within 7 days of the application being made to the Council. Where the application is made electronically this will be done by the Council, where the application is submitted by any other means the responsibility for giving copies of the application to the Police is that of the applicant.

On receipt of your application consultation will be carried out with the Police, and the Council may pass applications to other relevant authorities and take their views into account .

Other relevant authorities may be;

- a/ Fire Authority
- b/ Trading Standards
- c/ Health & Safety at Work
- d/ Local Planning Authority
- e/ Local Authority – Environmental Health
- f/ Protection of Children from Harm
- g/ Licensing Authority (other than relevant licensing authority) in whose area part of the premises is situated.

In addition consultation will, *where practicable*, be undertaken with local residents associations, parish councils, local ward members and in some cases neighbouring properties/residents.

#### *8.4.2 Police observations.*

In considering any application for the grant, renewal or transfer of any licence the Council will take into account any observations made to it by the Police or other relevant authority or persons it has consulted with.

### **8.5 Objections**

Any person objecting to an application for the grant, renewal, or transfer of a licence shall give notice in writing of their objection to the Licensing Department of the Council stating in general terms the grounds of their objection not later than 28 days after the date of the application. Where the Council receive such an objection they shall inform the applicant of the general terms of the objection before considering the application. The Council will not, without the consent of the objector, reveal the name or address of the objector when they notify the applicant. In considering any application for the grant, renewal or transfer of any licence the Council will take into account any objections received by the Council.

### **8.6 Sub-Committee Hearings**

All applications will be placed before a Sub Committee of three Councillors chosen from members of the Licensing Committee, regardless of whether any objections or observations have been received. Councillors, in whose ward the premises are, or will be, located, shall not sit on any Sub Committee hearing the application.

The Council shall afford an applicant for the grant, renewal, transfer or variation of a licence an opportunity to be heard by the Licensing Sub Committee before refusing such an application.

Any valid objector, or the Police, shall be permitted to be heard at any hearing and they may be represented at the hearing so long as they shall have either notified the Council in writing as to who their nominated representative is or else nominates them in person at the hearing. Only objectors who have lodged an objection in writing with the Council within 28 days of the application having been made to the Council shall be considered to be a valid objector. If objectors do not wish to speak before the Sub Committee then their written objections shall be taken into consideration.

The hearing shall consist of a conversation between the applicant and the Sub Committee, and the objectors and the Sub Committee and no examination or cross examination between the applicant, or their representatives, and the objector, or their representatives, shall be permitted.

An agenda for the meeting of the Sub Committee will be prepared which will include the salient points of the application, objections to the application and any observations received from the Police.

The order of hearing for such a Sub-committee hearing will be:

- Introduction of the parties present;
- Outline by the Licensing Officer of the application under consideration;
- Sub-committee Members to ask questions of the Licensing Officer;
- Applicant to address the Sub-committee regarding the application;
- Licensing Officer to ask questions of the applicant;
- Sub-committee Members to ask questions of the applicant;
- Objectors, if any, to the application to make representations regarding the application;
- Licensing Officer to ask questions of the objectors, if any;
- Sub Committee to ask questions of the objectors, if any;
- Objectors to make closing statement
- Licensing Officer to make closing statement;
- Applicant to make closing statement;
- Sub-committee will withdraw to consider their decision; and
- Sub-committee will announce their decision together with reasons for their decision

Where there are a number of objectors then the Chairman of the Sub Committee may, at his discretion, limit the amount of time that each objector wishing to be heard will have in which to make his representation. Similarly the Chairman of the Sub Committee may also limit the amount of time which the applicant will have in which to present their application.

### **8.7 Adjournments of hearings**

Where an application is made to the Council for an adjournment of a hearing then an adjournment will generally be granted where not granting the adjournment would deny the applicant or objectors a fair hearing. Where the reason for the adjournment was reasonably foreseeable or alternative arrangements could be made to allow the hearing to proceed an adjournment is unlikely. Each application for an adjournment will be judged on its individual merits.

### **8.8 Criteria for determining an application**

The Council will not take into account whether the granting of a licence may cause offence. To do so is not legal.

The Council will take into account those conditions which would require it to refuse a licence, as set out in Appendix Six.

The Council will take into account the following criteria since they are the only grounds specified in the Act for refusal of a licence application.

### *8.8.1 Fitness of the Applicant*

The grounds of refusal detailed under Paragraph 12 (3)(a) attached at Appendix 6 include that the applicant is unsuitable by reason of having been convicted of an offence or for any other reason.

An applicant must, therefore, be a fit and proper person to hold a licence. In determining an applicant's suitability for a new licence, or a transfer of an existing licence, the Sub-Committee will take into account:

- The relevant knowledge and experience of the applicant
- Information resulting from the operation of any existing or previous licence(s) held by the applicant in this or any other Council area
- Any report about the applicant or the conduct of licensed premises received from statutory objectors.

Whilst every application will be considered on its merits, the Council is unlikely to grant an application from any person, or for the benefit of any person, with criminal convictions, cautions, etc.

The Rehabilitation of Offenders Act 1974. In considering applications convictions which are relevant to the licensing of the premises and which are serious in nature may be taken into account.

### *8.8.2 Licence Holder*

If the licence were to be granted, renewed or transferred whether the business would be managed or carried on for the benefit of a person other than the applicant. If this is the case the Council will consider whether that person would themselves be refused the grant, renewal or transfer of the licence if they had made the application themselves.

### *8.8.3 Number of sex establishments*

The Council may determine that for a particular locality that there is an "appropriate number" for the number of sex establishments and may refuse an application if this were to mean that the appropriate number was equalled or exceeded. The Council has not set an appropriate number of sex establishments either for the whole Borough or for any part of the Borough.

### *8.8.4 Locality and Premises Policy*

The Council will consider whether the grant or renewal of a licence would be inappropriate having regard to the following topics.

#### *8.8.4.1 Character of the locality*

The Council will consider the premises use and its impact on the character of the locality.

The Council will, in particular, take the following matters into account:

- a) type of activity i.e. sex shop, sex cinema or sex encounter venue,
- b) duration of proposed licence,
- c) proposed hours of operation,
- d) layout and condition of the premises.

#### 8.8.4.2 Premises in the vicinity

The Council will consider the use to which any premises in the vicinity are put. Where the licensed premises are within a larger complex e.g. shopping centre or multi-use building, this will include the nature of other activities carried on within the complex or building.

Whilst every application is considered on its merits the Council will not normally grant an application where the premises, vehicle, vessel, or stall is located within:

- areas that are exclusively, or predominantly, residential in character; or
- the vicinity of residential properties or
- premises, areas or access routes to such areas which are designed for or attract children or families, such as school, play areas, parks, children's centres, youth clubs, nurseries or leisure facilities, or similar establishments or
- 200 meters of a school or any other premises used by children or vulnerable adults or
- a publicly accessible open space that is regularly frequented by children or vulnerable adults or
- 200 meters of a place of worship or
- Any facilities used for cultural or leisure activities (e.g. museums, art galleries, libraries) or
- educational establishments or
- community facilities and public buildings or
- any area which is a focus for tourist activity or
- areas with a history of and/or a current level of recorded crime or social difficulties that give the police cause for concern; or
- 
- areas that are likely to be adversely affected due to the cumulative impact of sex establishments or
- 200 meters of an existing sex establishment.

#### 8.8.4.3 Premises Layout

The Council will consider the layout, character or condition of the premises, vehicle, vessel, or stall in respect of which the application is made. This may include:

- condition of the premises
- proposed external appearance including signs, advertising, window layout and design
- visibility of the internal areas from outside, including window and door blinds, and lobbied areas for access and egress to any public area or street
- seating and stage layout
- booths or cubicles within the premises
- provision of sanitary accommodation
- provision for facilities for performers including dressing rooms, sanitary accommodation, and separate staff entrances
- access from or to other unlicensed parts of the building where the premises do not form a detached building

- ease of access for the disabled.

#### 8.8.4.4 Relevant locality

In this context locality does not mean the Borough as a whole. Locality will start with the proposed location in the context of its surrounding area. The Council will not define the locality using strict boundaries on a map nor by placing the premises at the centre of an imaginary circle.

### 8.9 Standard Conditions

If a licence application is granted then the licence will be subject to standard terms and conditions as set out in Appendix 5 unless either:

- the applicant has applied for these to be varied or omitted and such an application has been granted by the Sub-Committee determining the application or
- the Sub-Committee have themselves decided to vary or omit any of the standard conditions.

### 8.10 Duration of licences

All licences granted shall remain in force for a period of one year or such shorter period as the Sub Committee think fit.

### 8.11 Grounds for Refusal

Details of the grounds under which the Council may refuse a licence are set out in Appendix 6.

### 8.12 Statements of Reasons for decisions

Where an application for the grant, renewal, transfer or variation of a licence is refused or granted with conditions or varied conditions, the Council will provide a statement in writing of the reasons for their decision within 7 days of the completion of the Sub Committee hearing.

## 9 Appeals

Subject to the detailed provisions contained within the Act, the following persons may usually make an appeal against the decision of a Licensing Sub Committee

- an applicant for the grant, renewal or transfer of a licence whose application is refused,
- an applicant for the variation of a licence whose application is refused,
- the holder of a licence who is aggrieved by any condition of the licence,
- the holder of a licence whose licence is revoked.

Appeals must be lodged within 21 days of the date on which the holder of the licence or the applicant is notified of the decision of the Licensing Sub Committee. Appeals must be lodged with the Guildford Magistrates Court, Mary Road, Guildford, Surrey GU1 4AS, 01483 405300.

## **10 Variation of Licences**

A licence holder may apply to the council for a variation of their licence. Such applications will be heard by a Licensing Sub Committee of the Council following the same hearing procedure as if it were a new application. An application for a variation to a licence is not required to be advertised by the applicant but applicants should be aware that such applications will be placed upon the Council's website. Whilst the Sub Committee will receive a report from Council officers concerning the application it is not legally possible for the Police or members of the public to object to such applications.

## **11 Renewals and Transfers**

Where an application is made for the renewal of a licence which is received by the Council before the date of expiry of the existing licence then the existing licence will remain in effect until either the withdrawal of the application or its determination by the Council.

Where a licence has been granted to any person then the Council may, if they think fit, transfer that licence to any other person on the application of that other person.

Applications for the renewal or transfer of licences for premises must be advertised both in local newspapers and on or near the premises.

## **12 Cancellation of Licences**

The Council must cancel a licence for a sexual entertainment venue if asked to do so by the holder of the licence.

## **13 Revocation of Licences**

The Council may, after giving the holder of a licence an opportunity of appearing before, and being heard by, a Licensing Sub Committee revoke the licence. The grounds for revocation are as set out in Paragraph 17 of Schedule 3 of the Act. Where a licence is revoked the Council will send, within seven days of their notifying the licence holder of the revocation, a statement of the reasons for the revocation.

## **14 Offences**



Offences under Paragraphs 20, 21 and 23 of Schedule 3 of the Act are punishable on conviction by a fine not exceeding £20,000.

These offences include:

- Permitting premises to be used without a licence
- Employment by a licensee of anyone disqualified from holding a licence
- Contravening the conditions of a licence
- Knowingly making a false statement in connection with an application for the grant renewal or transfer of a licence
- Allowing someone under the age of 18 to enter a licensed premises
- Employing someone under the age of 18 in the business of the establishment.

## **15 Amendments to the Policy**

The Head of Democratic and Legal Services, in consultation with the Chairman of the Licensing Committee, shall have the power to make minor amendments to this policy.

**16 Appendix One - Application Form for New, renewal, transfer or variation of a Licence**

**Local Government (Miscellaneous Provisions) Act 1982,  
Section 2 and Schedule 3**

**Application for a new, or renewal of, or transfer of, or variation of a  
Sex Establishment Licence**

**You are reminded that if you make a false statement in connection with this application which you know to be false in any material respect or which you do not believe to be true you will be guilty of an offence and liable on summary conviction to a fine not exceeding £20,000.**

(Please use BLOCK CAPITALS and black ink only)

Applicant's Full Name:	
Have you ever been known by any other names? If Yes, state previous names	YES/NO
Address:	
Postcode:	
Telephone:	
Date of Birth	

or if the application is by a corporate body or unincorporated body:

Company's Full Name:	
Address of Registered Office or Principal Office:	
Postcode:	
Telephone:	

Names and private addresses of the Directors or other persons responsible for its management:

Name	Address

I Hereby make application for 1.the waiver of a requirement for a licence / 2.the grant / 3.renewal / 4. transfer / 5. variation of conditions of a licence, for the use of the premises; (delete as appropriate)

Known As;

Vehicle / vessel / stall to be situated at:

As a sex establishment (being a sex shop / sex cinema / sexual entertainment venue) as defined in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982. If for variation, indicate proposals on a separate sheet

Please state whether any of the following have been convicted of a criminal offence or received an official caution and if so please supply details on a separate sheet

Yourself	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
The Company	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Any of the Company's Directors	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Any other person responsible for the management of the business the subject of this application	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

Have you within a period of 12 months immediately preceding the date of this application, been refused the grant or renewal of a licence for the premises, vehicle, vessel or stall the subject of this application?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
--	-----	--------------------------	----	--------------------------

Have any goods owned by yourself or by the Company ever been the subject of a forfeiture order made pursuant to the Obscene Publications Act 1959?	Yes		No	
--	-----	--	----	--

Does the applicant intend to operate the sex establishment in conjunction with any other licence? If so , provide details below.	Yes		No	
---	-----	--	----	--

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<b>FOR NEW APPLICATIONS ONLY</b>
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State proposals for preventing nuisance to residents and businesses in the vicinity;
--

State proposals for promoting public safety;
--

State proposals for preventing crime and disorder;
--

State proposals for protecting children from harm;
--

<b>Proposed operating days</b>	<b>Opening from</b>	<b>Closing times</b>
--------------------------------	---------------------	----------------------

Monday		
Tuesday		
Wednesday		
Thursday		
Friday		
Saturday		
Sunday		

Sexual Entertainment Venues only				
Do you have a code of practise for performers (If yes attach a copy to the application)	Yes		No	
Do you have written rules (displayed) for customers (If yes attach a copy to the application)	Yes		No	
Do you have a policy for the Welfare of Performers (If yes attach a copy to the application)	Yes		No	

Please state any further information you wish Waverley Borough Council to take into account.

I / we hereby undertake:

1. To publish an advertisement in the local newspaper (a local paper which has been agreed with the Licensing Department) circulating in the area of the premises in the form prescribed by the Council giving public notice of this application not later than 7 days after the date hereof and to supply you with a copy within 14 days.
2. To display a notice in the form prescribed by the Council on or near the premises the subject of this application and in a place where the notice can conveniently be read by the public, for 21 days beginning with the date of this application. A copy of the notice is attached hereto.

3. To send a copy of this application to the Chief Officer of Surrey Police, (P.O. Box 101, GU1 9PE ),

I / we hereby certify that the fee of £ ..... required by the Council is enclosed. We will accept payment by credit/debit card (by phone or in person) or cheque payable to "Waverley Borough Council".

I / we hereby agree to the Council making enquiries of the Police concerning this application.

I / we have checked these replies and confirm that they are true and accurate.

In respect of a new application I enclose a plan of the premises at a scale not less than 1:50, with the area to be licensed outlined in red, and a location plan drawn at a scale of not greater than 1:1250.

The Council is under a duty to protect public funds and may use the information you provide in this form for the prevention and detection of fraud. It may also share this information with other bodies responsible for auditing or administering public funds for these purposes.

Signed: ..... Date:  
.....

Name (please print).....

## 17 Appendix Two – Newspaper advertisement

The following should be used as the form of advertisement of an application in a local newspaper (a local paper which has been agreed with the Licensing Department) circulating in the Waverley area. Please omit text in square brackets and the square brackets, as appropriate.

### NOTICE OF APPLICATION FOR A SEX ESTABLISHMENT LICENCE

Take notice that on *[insert date application was made to the Council]* an application was made to Waverley Borough Council under the provisions of the Local Government (Miscellaneous Provisions) Act 1982 for a licence to use the premises whose address is: *[insert address of premises]* as a *[sex shop][sex cinema][sexual entertainment venue]*.

Any person wishing to make objections against the application should write to Waverley Borough Council, stating in general terms the grounds of the objection. This must be received by the Council within 28 days from the date of the application, as given above. Objections received after this date will not be considered.

Objections should be addressed to: Licensing Department, Waverley Borough Council, Council Offices, The Bury's, Godalming, Surrey GU7 1HR

Please see the Waverley Borough Council website at [www.waverley.gov.uk](http://www.waverley.gov.uk) for details of their policies on sex establishment licensing and objections to applications.

**NOTICE OF APPLICATION FOR  
A SEX ESTABLISHMENT LICENCE**

**Take notice that on**

(insert date application was made to the Council)

---

**an application was made to Waverley Borough Council under the provisions of the Local Government (Miscellaneous Provisions) Act 1982 for the grant\* / renewal\* / transfer\* of a licence to use the premises, whose address is:**

(insert address of premises)

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**as a sex shop\*, sex cinema\*, sexual entertainment venue.\***

**Any person wishing to make objections against the application should write to Waverley Borough Council, stating in general terms the grounds of the objection. This must be received by the Council within 28 days from the date of the application, as given above. Objections received after this will not be considered.**

**Objections should be addressed to:**

**Licensing Department,  
Waverley Borough Council,  
Council Offices,  
The Bury's, Godalming,  
Surrey GU7 1HR**

**Please see the Waverley Borough Council website at [www.waverley.gov.uk](http://www.waverley.gov.uk) for details of their policies on sex establishment licensing and objections to applications.**

**Signed: \_\_\_\_\_**



**Name of applicant (please print)**

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**\* On behalf of**

---

\* Delete where appropriate

## **19 Appendix Four – Scheme of Delegation of Powers**

The adoption of powers to deal with the provisions of the Local Government (Miscellaneous) Provisions Act 1982 were the subject of a report to the Licensing Committee of the Council on 22 March 1983 . The recommendations of that Committee were subsequently adopted by the Council at its meeting on 12 April 1983.

As a consequence the Council have delegated powers to deal with the provisions of the Act as follows.

### **To the Licensing Committee:**

1. to undertake the functions relating to the licensing of sex establishments under the provisions of Part II and Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982;
2. to make and amend regulations prescribing standard terms, conditions and restrictions applicable to licences for sex establishments; and
3. to make and amend policies relating to the licensing of sex establishments.

### **To the Licensing Sub-Committee:**

1. to grant or refuse applications for the grant, renewal, or transfer of licences for sex establishments;
2. to grant or refuse applications for variations of licences or to make such variation as they think fit;
3. to attach such terms, conditions, and restrictions to licences as is seen necessary and appropriate;
4. to grant adjournments of hearings;
5. to give to an applicant for, or holders of, licences, statements in writing of their decisions; and
6. to revoke licences.

### **Head of Democratic and Legal Services:**

1. to enforce the provisions of Part II and Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982;
2. to appoint Officers of the Council to enforce the provisions of Part II and Schedule 3 of the Act;
3. to exercise the powers of entry, and to authorise Officers to exercise the powers of entry, conferred by paragraph 25 of Schedule 3 of the Act;
4. to apply for and to authorise Officers to apply for warrants to enter premises under paragraph 25 of Schedule 3 of the Act;
5. to determine whether any premises, vessel, vehicle or stall constitutes a sex establishment under the provisions of the legislation;
6. in consultation with the Chairman of the Licensing Committee, to waive the requirement for a licence in any case where it is considered that to require a licence would be unreasonable or inappropriate, to determine what period such a waiver shall apply for, and to terminate such waivers in accordance with paragraph 7(7) of Schedule 3;
7. to determine what particulars may be required in connection with an application;

8. to determine the form which notices given under paragraphs 10 (11) and 10 (12) of Schedule 3 of the Act shall take;
9. to determine whether objections given to the authority are valid or not;
10. to give notice to applicants of objections received;
11. to have regard to observations submitted to the authority by the Police;
12. to transfer licences;
13. to refer to a Licensing Sub-Committee any licence where Officers consider that the licence should be revoked;
14. in consultation with the Chairman of the Licensing Committee, to refuse any application for the grant or renewal of a licence where the requirements of paragraph 12 (a) (b) (c) (d) (e) or 3(c) of Schedule 3 of the Act have not been met;
15. to cancel licences following the written request of the licence holder;
16. to determine the reasonable fee to be charged for supplying copies of standard terms, conditions and restrictions applicable to licences for sex establishments adopted by the Council;
17. to send copies of licences granted to the chief officer of Police for the area;
18. to consider applications for and to extend or further extend the period for which a licence shall remain in force after the death of a licence holder;
19. to determine fees for the grant, renewal, or transfer of licences in consultation with the Chairman of the Licensing Committee;
20. to enforce and prosecute offences under the provisions of Schedule 3 of the Act; and
21. to defend appeals taken against the Council under paragraph 27 of Schedule 3 of the Act.

## 20 Appendix Five – Standard Conditions

### 21 Sex shops - Standard Conditions to replace any already adopted

Standard Conditions which shall apply to sex shops.

#### GENERAL

1. The premises hereby licensed shall be used only for the purposes of a sex shop as defined by Schedule 3 paragraph 4(1) of the Local Government (Miscellaneous Provisions) Act 1982 and shall not be used either wholly or in part for any other purpose or purposes whatsoever during the period in respect of which this licence is granted.
2. The premises shall be open to members of the public during the hours of Monday to Friday, 10.00 a.m. to 8.00 p.m.; Saturday 9.00 a.m. to 6.00 p.m.; Sunday, 11.00 a.m. to 5.00 p.m.
3. Where the Licensee is a body corporate or an unincorporated body, any change of director, company secretary or other person responsible for the management of the body is to be notified in writing to the Council within 14 days of such change and such written details as the Council may require in respect of any new director, secretary or manager, are to be furnished within 14 days of a request in writing from the Council.
4. The Licensee or some responsible person nominated by him in writing for the purpose of managing the licensed premises in his absence and whose details have been supplied to and approved in writing by the Council, shall be in charge of and upon the premises during the whole time they are open to the public.

Registers shall be kept on the premises showing the name and address of any person who is responsible for managing the sex establishment in the temporary absence of the person nominated pursuant to Licence condition 5.

The Licensee shall ensure that during the hours the sex shop is open to the public, every employee wears an identifying badge, of a type approved by the Council, indicating their name and that they are an employee.

5. The following written matter shall be clearly visible from outside the sex establishment:-
  - (i) The trading name of the premises as specified in the licence.
  - (ii) The hours of opening to the public.
  - (iii) The street number.
  - (iv) In each entrance or doorway to the licensed premises in a prominent position so as to be readily visible to any person approaching the premises with a view to entering therein but without their having so to enter a notice headed:

“WARNING” and stating “PERSONS PASSING BEYOND THIS POINT WILL FIND MATERIAL ON DISPLAY WHICH THEY MAY CONSIDER INDECENT. NO ADMITTANCE TO PERSONS UNDER 18 YEARS OF AGE”.

6. There shall be displayed above the entrance or main entrance to the premises hereby licensed a notice in permanent form in letters not less than 2 cm high (approximately  $\frac{3}{4}$  ") stating 'LICENSED SEX SHOP - LICENSEE [*insert name of licensee*].
7. The Licensee shall ensure that the public are not admitted to any parts of the premises other than those which have been approved by the Council save in the case of an emergency.
8. Neither the Licensee nor any employee (or any person) shall seek to obtain custom for the sex shop by means of a personal solicitation outside the premises or in the vicinity of the premises.

#### PREMISES

9. No part of the interior of the premises where sex articles are displayed shall be visible to passers-by at any time. The obscuration, screening or other arrangements shall be to the satisfaction of and approved by the Council.
10. Alterations or additions either internal or external, whether permanent or temporary to the structure, lighting or layout of the premises, shall not be made except with the prior approval of the Council.
11. All parts of the premises shall be kept in a clean and wholesome condition to the complete satisfaction of the Council.
12. Lighting in all parts of the premises shall be to a level approved by the Council and shall be in operation continuously during the hours when the sex shop is open to the public.
13.
  - (i) The windows of the licensed premises fronting the pavement shall not be obscured other than with the consent of the Council, but shall have suspended behind them, in a position approved by the Council, such opaque blinds or screens or such other arrangements as approved by the Council.
  - (ii) Any such precautions as may be necessary shall be taken to maintain the screening of the shop windows during any cleaning operations.
  - (iii) Nothing shall be displayed in the windows of the shop other than items of lingerie and dresses.
  - (iv) No display or advertisement visible from the outside of the premises shall include a depiction or description of a sex article.
14. Displays, advertisement, words, letter, model, sign, placard, board, notice, device, representation, drawing, writing, or any other matter or thing (whether

illuminated or not) shall not be exhibited so as to be visible from the outside of the premises except:-

- (i) Any notice of a size and in the form approved by the Council which is required to be displayed so as to be visible from outside the premises by law, or by any condition of a Licence granted by the Council.
  - (ii) Such display, advertisement, words, letter, model, sign, placard, board, notice, device, representation, drawing, writing or any matter or thing as shall have been approved by the Council.
15. Doors and openings which lead to parts of the premises to which the public are not permitted to have access, shall have notices placed over them marked "Private – no access to the public".

#### FILMS AND VIDEOS

20. (i) No film or video shall be exhibited, sold or supplied unless it has been passed by the British Board of Film Classification or such other authority performing a similar scrutinising function as may be notified to the licensee by the Council and bears a certificate to that effect and is a reproduction authorised by the owner of the copyright of the film or video so certified.
- (ii) The screen of the television should be no more than 12 inches and placed in such a position so as not to be visible to the public outside the premises.
- (iii) The screen shall be placed in such a position to the satisfaction of the Council.
- (iv) Only videos of clips of other videos for advertising purposes shall be shown and no individual clip shall be shown for longer than three minutes.
- (v) No film or video will be shown in its entirety.
- (vi) All trailers shown are to be approved by the British Board of Film Classification.
- (vii) A warning notice will be placed adjacent to the screen stating "For staff use only" or "No customers allowed to operate".

#### **21.1 Sex cinemas - Standard Conditions to replace any already adopted**

Standard Conditions which shall apply to sex cinemas.

1. The premises hereby licensed shall be used only for the purposes of a sex cinema as defined by Schedule 3 paragraph 3 of the Local Government (Miscellaneous Provisions) Act 1982 and shall not be used either wholly or in part for any other purpose or purposes whatsoever during the period in respect of which this licence is granted.
2. The premises shall be open to members of the public during the hours of Monday to Friday, 10.00 a.m. to 8.00 p.m.; Saturday 9.00 a.m. to 6.00 p.m.; Sunday, 11.00 a.m. to 5.00 p.m.

3. Where the Licensee is a body corporate or an unincorporated body, any change of director, company secretary or other person responsible for the management of the body is to be notified in writing to the Council within 14 days of such change and such written details as the Council may require in respect of any new director, secretary or manager, are to be furnished within 14 days of a request in writing from the Council.
4. The Licensee or some responsible person nominated by him in writing for the purpose of managing the licensed premises in his absence and whose details have been supplied to and approved in writing by the Council, shall be in charge of and upon the premises during the whole time they are open to the public.

Registers shall be kept on the premises showing the name and address of any person who is responsible for managing the sex cinema in the temporary absence of the person nominated pursuant to Licence condition 5.

The Licensee shall ensure that during the hours the sex cinema is open to the public, every employee wears an identifying badge, of a type approved by the Council, indicating their name and that they are an employee.

5. The following written matter shall be clearly visible from outside the sex establishment:-
  - (v) The trading name of the premises as specified in the licence.
  - (vi) The hours of opening to the public.
  - (vii) The street number.
  - (viii) In each entrance or doorway to the licensed premises in a prominent position so as to be readily visible to any person approaching the premises with a view to entering therein but without their having so to enter a notice headed:

“WARNING” and stating “PERSONS PASSING BEYOND THIS POINT WILL FIND MATERIAL ON DISPLAY WHICH THEY MAY CONSIDER INDECENT. NO ADMITTANCE TO PERSONS UNDER 18 YEARS OF AGE”.

6. There shall be displayed above the entrance or main entrance to the premises hereby licensed a notice in permanent form in letters not less than 2 cm high (approximately  $\frac{3}{4}$  ") stating 'LICENSED SEX CINEMA - LICENSEE [*insert name of licensee*].
7. The Licensee shall ensure that the public are not admitted to any parts of the premises other than those which have been approved by the Council save in the case of an emergency.
8. Neither the Licensee nor any employee (or any person) shall seek to obtain custom for the sex cinema by means of a personal solicitation outside the premises or in the vicinity of the premises.

## PREMISES

9. No part of the interior of the premises where advertisements or stills from films are displayed shall be visible to passers-by at any time. The obscuration, screening or other arrangements shall be to the satisfaction of and approved by the Council.
10. Alterations or additions either internal or external, whether permanent or temporary to the structure, lighting or layout of the premises, shall not be made except with the prior approval of the Council.
11. All parts of the premises shall be kept in a clean and wholesome condition to the complete satisfaction of the Council.
12. Lighting in all parts of the premises shall be to a level approved by the Council and shall be in operation continuously during the hours when the sex cinema is open to the public.
13.
  - (i) The windows of the licensed premises fronting the pavement shall not be obscured other than with the consent of the Council, but shall have suspended behind them, in a position approved by the Council, such opaque blinds or screens or such other arrangements as approved by the Council.
  - (v) Any such precautions as may be necessary shall be taken to maintain the screening of the shop windows during any cleaning operations.
  - (vi) Nothing shall be displayed in the windows of the shop other than items of lingerie and dresses.
  - (vii) No display or advertisement visible from the outside of the premises shall include a depiction or description of a film or any images derived from a film.
14. Displays, advertisement, words, letter, model, sign, placard, board, notice, device, representation, drawing, writing, or any other matter or thing (whether illuminated or not) shall not be exhibited so as to be visible from the outside of the premises except:-
  - (iii) Any notice of a size and in the form approved by the Council which is required to be displayed so as to be visible from outside the premises by law, or by any condition of a Licence granted by the Council.
  - (iv) Such display, advertisement, words, letter, model, sign, placard, board, notice, device, representation, drawing, writing or any matter or thing as shall have been approved by the Council.
15. Doors and openings which lead to parts of the premises to which the public are not permitted to have access, shall have notices placed over them marked "Private – no access to the public".



## 21.2 Sexual entertainment venues

### Conditions relating to sexual entertainment venues

1. Total nudity (the exposing of genitals, anus, or pubic area) shall only be permitted on stage and at no other place in the premises.
2. No sex act shall take place as part of the entertainment.
3. The area proposed for striptease (involving complete nudity) shall:-
  - a) be in a position where the performance cannot be seen from the street.
  - b) be in a designated area of the premises with segregation from the audience.
4. The area proposed for lap dancing, table side dancing (involving partial nudity) shall be in a position where the performance cannot be seen from the street.
5. There shall be no physical contact between persons appearing on stage and the audience.
6. The entertainment shall be given only by performers/entertainers and the audience shall not be permitted to participate.
7. Persons appearing on stage shall have direct access to the dressing room without passing through or in close proximity to the audience.
8. Lap dancers/table side dancers shall immediately dress at the conclusion of each performance.
9. The licensee, performer and any person concerned in the organisation or management of the entertainment shall not encourage, or permit encouragement of the audience to throw money at or otherwise give gratuities to the performers (except as permitted by condition 11 below).
10. Entertainment provided by topless dancers to customers seated at tables may only take part in those parts of the premises approved by the Council. No audience participation shall be permitted.
11. There shall be no physical contact between customers and the dancers except for the placing of money or tokens into the hands of the dancer at the beginning or conclusion of the performance. Whilst the dancers are performing there shall be a minimum distance of one metre between the dancer and the seated customers. Notices to this effect shall clearly be displayed at each table and at the entrance to the premises.
12. Should a customer attempt to touch a dancer, the dancer must withdraw and report the matter to her / his manager / supervisor.

13. Topless dancers shall at all times wear a G-string or similar piece of clothing that covers the pubic area, genitals and anus.
14. The Licensee shall immediately investigate any report of contact, misconduct or provocation by a customer or dancer.
15. No telephone numbers, addresses or information leading to any further meeting may be passed from customer to dancer or vice versa.
16. No dancer may perform if they are drunk.
17. No member of the public shall be admitted or allowed to remain in the dance area if they appear to be drunk.
18. All members of the public shall remain seated in the dance area other than when they arrive, depart, visit the lavatory or go to the bar.
19. Members of the public shall not be permitted to congregate in the bar area for any purpose except to order or collect drinks from the bar.
20. Signs must be displayed at the entrance to the dance area stating:- “Any customer attempting to make physical contact with a dancer will be asked to leave”. Signs must be sufficient in size, legible and positioned so as to be read by all customers entering the dance area.
21. No dancer shall perform any sexually explicit or lewd act.
22. Whilst dancing takes place not less than [insert agreed number] Door Supervisors licensed by the Security Industry Agency shall be employed in the part of the premises used for dancing unless alternative arrangements are approved by the Council.
23. CCTV shall be installed to cover all areas where dancing will take place. All cameras shall continually record whilst the premises are open to the public and the video recordings shall be kept available for a minimum of 28 days and shall provide a record of the time and date stamping on the recording. Recordings shall be made available to an authorised officer of the Council or a Police Officer together with facilities for viewing. The recordings for the preceding two days shall be made available immediately on request. Recordings outside this period shall be made available on 24 hours notice.

## 22 Appendix Six - Grounds for Granting or Refusing an Application

1. Case-law has determined that the Licensing Sub Committee may not refuse a sex establishment licence solely on the ground that the establishment may cause offence. (*R v Coventry City Council ex parte Quitelynn Ltd (1985)*).
2. The local authority **must** refuse an application for a licence on any of the grounds listed in paragraph 12 of Schedule 3 to the Act. A licence shall not be granted to:
  - a) To a person under the age of 18;
  - b) To a person who is for the time being disqualified because they are a licence holder whose licence has been revoked within the previous 12 months;
  - c) To a person, other than a body corporate, who is not resident in the United Kingdom or who was not so resident throughout the period of six months immediately preceding the date when the application was made;
  - d) To a body corporate which is not incorporated in the United Kingdom; or
  - e) To a person who has, within a period of 12 months immediately preceding the date when the application was made, been refused the grant or renewal of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal.
3. The local authority **may** refuse to grant an application for a licence where any of the matters mentioned in paragraph 12 (2) and (3) of Schedule 3 of the Act apply. An application for the grant or renewal of a licence may be refused on any of the grounds listed below or on several of those grounds. An application for the transfer of a licence may be refused on either or both of the grounds listed in a) or b) below. An application for a variation may be refused but the Act does not specify on what grounds.
  - a) The applicant is unsuitable to hold a licence by reason of having been convicted of any offence or for any other reason.
  - b) That if the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application himself.
  - c) That the number of sex establishments in the relevant locality at the time the application is made is equal to or exceeds the number which the authority considers is appropriate for that locality.
  - d) That the grant or renewal of the licence would be inappropriate, having regard to the:
    - i. character of the relevant locality; or
    - ii. use to which any premises in the vicinity are put; or

iii. layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

Relevant locality means:

- a) in relation to the premises, the locality where they are situated; and
- b) in relation to a vehicle, vessel or stall, any locality where it is desired to use it as a sex establishment.