

To: All Members of the Council

Emma McQuillan, Democratic Services
Manager

Policy and Governance

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Calls may be recorded for training or monitoring

Date: 9 February 2018

Dear Councillor

COUNCIL MEETING - TUESDAY, 20 FEBRUARY 2018

A MEETING of the WAVERLEY BOROUGH COUNCIL will be held in the COUNCIL CHAMBER, COUNCIL OFFICES, THE BURYS, GODALMING on **TUESDAY, 20 FEBRUARY 2018** 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 5 December 2017 and of the Extraordinary Meeting held on 19 December 2017 (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 answer the following question from a member of the public, along with any others received in accordance with Procedure Rule 10:-

i. from Daniel Kuszel of Godalming

Why has it taken this council over 2 years and counting to simply remove the private and large commercial waste bins located within the conservation area of Crown Court?

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. BUDGET 2018/2019

To receive the reports of the Executive in respect of the 2018/2019 budget:-

8.a Financial Strategy 2018/19 - 2020/21: General Fund Budget 2018/19 (Pages 11 - 56)

8.b Housing Revenue Account Business Plan, Revenue Budget and Capital Programme 2018/19 (Pages 57 - 72)

8.c Council Tax Setting 2018/19 (Pages 73 - 82)

9. REPORT OF INDEPENDENT REMUNERATION PANEL (Pages 83 - 102)

The report of the Independent Remuneration Panel into Members' Allowances is attached for consideration by the Council.

Recommendation

It is recommended that the Council considers and accepts the report of the Independent Remuneration Panel.

10. MINUTES OF THE EXECUTIVE

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

10.a 6 February 2018 (attached) (Pages 103 - 178)

10.b 20 February 2018 - Special Meeting (to be tabled)

11. MINUTES OF THE LICENSING AND REGULATORY COMMITTEE

To receive the minutes of the meetings of the Licensing and Regulatory Committee (attached – coloured bright green) held on:

11.a 19 December 2017 (Pages 179 - 182)

11.b 15 January 2018 (Pages 183 - 266)

12. MINUTES OF THE STANDARDS PANEL (Pages 267 - 274)

To receive the minutes of the meeting of the Standards Panel held on 29 January 2018 (attached – coloured buff).

13. CHANGES TO COMMITTEE MEMBERSHIPS

To note the following changes to the membership of the Executive and Committees which have been agreed with relevant Group Leaders and the Chief Executive under the Council's Scheme of Delegation:-

Executive

The Leader has revised the membership of her Executive reducing the number to 9 Portfolio Holders, and making minor adjustments to portfolio responsibilities – the new details of which are circulated To Follow – for information.

Customer Service and Value for Money Overview and Scrutiny Committee

Following the resignation of Cllrs Jeanette and Stewart Stennett from this Committee, Cllrs Brian Adams and David Round have been appointed to fill the vacancies.

Community Wellbeing Overview and Scrutiny Committee

Following the resignation of Cllr Simon Thornton from the Council, Cllr David Else has been appointed to fill the vacancy on this Committee.

Farnham Residents' Group Leader

Cllr Williamson has handed over responsibility as Group Leader of the Farnham Residents to Cllr John Ward which includes positions on the Standards Panel and Emergency Advisory Group.

Recommendation

It is recommended that the membership changes be noted.

14. 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).

Agenda Item 1.

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MINUTES of the WAVERLEY
BOROUGH COUNCIL held in
the Council Chamber, Council
Offices, The Burys, Godalming
on 5 December 2017 at 7.00
pm

- * Cllr Simon Inchbald (Mayor)
- * Cllr Denise Le Gal (Deputy Mayor)

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

*Present

Apologies

Cllr David Else, Cllr Jenny Else, Cllr John Fraser, Cllr Pat Frost, Cllr Val Henry, Cllr Mike Hodge, Cllr Nicholas Holder, Cllr Peter Martin, Cllr Libby Piper, Cllr John Ward, Cllr Ross Welland and Cllr John Williamson

Prior to the commencement of the meeting, prayers were led by the Reverend Jane Vlach.

35/16 MINUTES (Agenda item 1.)

The Minutes of the Meeting of the Council held on 17 October and of the Extraordinary meeting held on 6 November 2017 were confirmed and signed.

36/16 APOLOGIES FOR ABSENCE (Agenda item 2.)

Apologies for absence were received from Cllrs David and Jenny Else, John Fraser, Pat Frost, Val Henry, Mike Hodge, Nicholas Holder, Peter Martin, Libby Piper, John Ward, Ross Welland and John Williamson.

37/16 DECLARATIONS OF INTEREST (Agenda item 3.)

The Interim Managing Director, Tom Horwood, and the Strategic Director for Finance and Resources, Graeme Clark, declared interests in Minute No.75 of the Executive meeting held on 28 November 2017. Both left the Chamber during consideration of the item.

38/16 MAYOR'S ANNOUNCEMENTS (Agenda item 4.)

The Mayor thanked Damian Roberts, Strategic Director for Frontline Services, for his hard work and service to the Council, and wished him well in his new position at Epsom and Ewell Council.

39/16 QUESTIONS FROM MEMBERS OF THE PUBLIC (Agenda item 5.)

The following question was submitted to the Leader of the Council by Mr David Wyld of Farnham in accordance with Procedure Rule 10:-

“It has been widely reported in the press that Marks and Spencer is slowing down its previously announced plan to expand its Simply Food sites by 200 and that only the most promising sites will make the cut. Byron Burgers and ASK have both announced site closures and Carluccios a dip in pre-tax profits. In view of the “strong headwinds facing the industry”, to quote the Chief Executive of Carluccios, and the previous withdrawals from the development by Vue and Odeon, can the Council Leader confirm that the announced pre-let tenants are still committed to the Brightwells development?”

The response from the Leader of the Council was as follows:-

“I am pleased to confirm that 40% of the pre-lets are agreed. Given the commercial sensitivity of the scheme at this time, I am unable to go into any further details”.

40/16 QUESTION TIME (Agenda item 6.)

The following urgent question was submitted in accordance with Procedure Rule 11.2 by Cllr Robert Knowles of Haslemere:-

“NatWest Bank, announced on 1 December, that the Haslemere Branch will be closed. This follows the closure of Barclays and HSBC in Haslemere, and NatWest and Lloyds in Grayshott, leaving only a Lloyds Bank in Haslemere

town centre and a Santander in Shottermill. In detail, what representations has the portfolio holder for Economic Development made to these banks, as this will leave a town with a population in three counties, of some 18,000 people and a much larger number in surrounding villages, with one Bank in the town centre, and the likelihood of the closure of the town post office, which is totally unacceptable?"

In accordance with Procedure Rule 11.5, the following answer was given by the Executive Portfolio Holder for Economic Development:-

"Thank you Cllr Knowles for asking the question. Waverley Borough Council shares your concerns. Banks do not generally warn the Council when they are going to close branches.

Waverley has regular meetings with the local Chambers of Commerce, our next meeting is next Tuesday. I have already notified the chambers that we wish to add the suggested closure to our agenda. I understand other towns and villages in Waverley may be affected. We have also notified Jeremy Hunt's office and will keep members informed of the outcome of our discussions."

41/16 MINUTES OF THE EXECUTIVE (Agenda item 8.)

It was moved by the Leader of the Council, duly seconded and

RESOLVED that the Minutes of the Meeting of the Executive held on 28 November 2017 be approved and the recommendations contained therein adopted.

42/16 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 20 November 2017 be approved and the recommendations contained therein adopted.

The meeting concluded at 8.26 p.m.

Mayor

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MINUTES of the Special Meeting of the WAVERLEY BOROUGH COUNCIL held in the Council Chamber, Council Offices, The Burys, Godalming on 19 December 2017 at 6.00 pm

Cllr Simon Inchbald (Mayor)

* Cllr Denise Le Gal (Deputy Mayor in the Chair)

- | | |
|--------------------------|-------------------------|
| * Cllr Brian Adams | * Cllr Carole King |
| * Cllr Mike Band | Cllr Robert Knowles |
| * Cllr Andrew Bolton | Cllr Martin Lear |
| * Cllr Maurice Byham | * Cllr Denis Leigh |
| * Cllr Carole Cockburn | * Cllr Andy MacLeod |
| * Cllr Kevin Deanus | * Cllr Peter Martin |
| * Cllr Jim Edwards | * Cllr Tom Martin |
| * Cllr Patricia Ellis | Cllr Kika Mirylees |
| Cllr David Else | * Cllr Stephen Mulliner |
| * Cllr Jenny Else | * Cllr Nabeel Nasir |
| * Cllr Paul Follows | Cllr Libby Piper |
| * Cllr Mary Forszewski | * Cllr Julia Potts |
| Cllr John Fraser | * Cllr Sam Pritchard |
| Cllr Pat Frost | * Cllr Wyatt Ramsdale |
| * Cllr Michael Goodridge | Cllr Stefan Reynolds |
| Cllr Tony Gordon-Smith | Cllr David Round |
| * Cllr John Gray | * Cllr Richard Seaborne |
| Cllr Ged Hall | Cllr Jeanette Stennett |
| Cllr Jill Hargreaves | Cllr Stewart Stennett |
| Cllr Val Henry | * Cllr Chris Storey |
| Cllr Christiaan Hesse | Cllr Liz Townsend |
| Cllr Stephen Hill | * Cllr Bob Upton |
| * Cllr Mike Hodge | * Cllr John Ward |
| * 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 David Else, Cllr John Fraser, Cllr Pat Frost, Cllr Tony Gordon-Smith, Cllr Ged Hall, Cllr Jill Hargreaves, Cllr Christiaan Hesse, Cllr Stephen Hill, Cllr Robert Knowles, Cllr Martin Lear, Cllr Kika Mirylees, Cllr Libby Piper, Cllr Stefan Reynolds, Cllr Jeanette Stennett, Cllr Stewart Stennett, Cllr Liz Townsend, Cllr Liz Wheatley and Cllr John Williamson

43/16 APOLOGIES FOR ABSENCE (Agenda item 1.)

Apologies for absence were received from Cllrs David Else, John Fraser, Pat Frost, Ged Hall, Jill Hargreaves, Stephen Hill, Christiaan Hesse, Simon Inchbald, Robert Knowles, Martin Lear, Kika Mirylees, Libby Piper, Stefan Reynolds, Jeanette and Stewart Stennett, Liz Townsend, Liz Wheatley and John Williamson.

44/16 DECLARATIONS OF INTEREST (Agenda item 2.)

There were no interests declared under this heading.

45/16 DEPUTY MAYOR'S ANNOUNCEMENTS (Agenda item)

The Deputy Mayor welcomed Councillor Paul Follows, to his first meeting of the Council and congratulated him on his recent success in the by-election for the Godalming Central and Ockford ward.

She informed the Council that the new business rates pilots had been announced earlier in the day and that Surrey had been selected. This was good news for Waverley and the County and would provide extra funding for services.

Members were also reassured that extensive works and testing had taken place since the last Council meeting to address the issues experienced with the webcasting system, and that Mr Hollis from Sound Advice was in attendance to monitor the system.

46/16 APPOINTMENT TO THE POST OF CHIEF EXECUTIVE (Agenda item 3.)

RESOLVED that Tom Horwood be appointed to the permanent, full-time post of Chief Executive, including the statutory roles of Head of Paid Service, Returning Officer and Electoral Registration Officer.

47/16 RESULT OF GODALMING CENTRAL AND OCKFORD BY-ELECTION (Agenda item 4.)

RESOLVED that

1. the political proportions and allocation of seats to the principal committees for the remainder of the current Council year be agreed, as set out in paragraph 3 of the report; and
2. Cllr Paul Follows be appointed to the Central Area Planning Committee and Joint Planning Committee with effect from 20 December 2017.

The meeting concluded at 6.09 pm

Mayor

WAVERLEY BOROUGH COUNCIL

COUNCIL - 20 FEBRUARY 2018

Title:

MEDIUM TERM FINANCIAL PLAN 2018/19 – 2020/21

GENERAL FUND BUDGET 2018/19

[Wards Affected: All]

[Portfolio Holder: Cllr Ged Hall]

Summary and purpose:

This report outlines the latest General Fund Budget position for 2018/19. Members are reminded of the need to achieve savings throughout the three-year period covered by the Medium Term Financial Plan. Information is provided on the details of the provisional Local Government Finance Settlement 2018/19 and the Council's financial position following this.

The Executive has made recommendations to the Council regarding Waverley's budget and its element of the Council Tax for 2018/19.

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

The Council could not deliver the Corporate Priorities without a robust Budget-setting process in place and the Capital Programme proposed supports the priorities.

Equality and Diversity Implications:

An Equality Impact Assessment has been carried out to ensure there are no adverse equality implications arising from the proposed changes to the budget.

Resource/Value for Money implications:

All decisions made with regard to the Budget will impact on Waverley's resources. Full details are included in this report.

Legal implications:

There are no direct legal implications as a result of the recommendations of this report.

Introduction General Fund Revenue

1. This report presents the Council's Medium Term Financial Plan and the latest position on the 2018/19 draft General Fund Budget, including an outline of the financial background, key financial and topical issues, and details of savings and growth proposals.
2. This report contains the following Annexes:
 - Annexe 1 – draft General Fund Budget Summary
 - Annexe 2 – summary of key variations from 2017/18 Budget including income, savings and growth proposals
 - Annexe 3 – draft fees and charges for 2018/19
 - Annexe 4 – schedule of reserves and balances
 - Annexe 5 – draft capital programme

General Fund Background

3. A series of budget briefings were held in October 2017 for all members of the Council which set out the key aims of the Finance Plan and the issues and risks for the next three years. Significant savings will be required over the next three years in view of ongoing Government Grant reductions and other financial pressures. The Financial Plan approved in July 2017 forecast a budget shortfall of £2.7m for the period 2018/2019 to 2020/2021. The latest projection as set out in Annexe 2 is a shortfall of £3.2m, the increase being mainly due to higher estimated inflation cost.

Provisional Local Government Finance Settlement

4. Waverley accepted the Government's offer of locking in to a 4-year settlement in order to get certainty in its medium term financial planning. As expected, a further reduction has been applied to Waverley's grant in 2018/19 on top of the very substantial reductions already made. The Revenue Support Grant for Waverley is zero in 2018/19. Waverley's grant has reduced dramatically over the last 6-years from £3.8m in 2012/13.

New Homes Bonus

5. The Finance Plan reported that there was considerable uncertainty about the future level of payments to be made under the New Homes Bonus (NHB). The Government announced its future plans for the NHB alongside the draft finance settlement on 22 December 2017. The new proposals keep the 2017/18 NHB bonus payment at the expected level of £1.9m, but reduce the 18/19 figure by £620,000 and reduce the forecast figure for the 3-year period 2017-2020 by £3.5million. This is a significant reduction for Waverley and is the result of the Government curtailing payments made in previous years that were promised for 6 years, and from introducing a 'growth threshold' of 0.4% below which NHB is no longer paid.

6. The Financial Plan continues Waverley's prudent policy of New Homes Bonus being earmarked to be used for property investment and 'Invest-to-Save' schemes, so that the Council does not rely on the New Homes Bonus to support ongoing service provision. Therefore, whilst the reduction in payments to Waverley detailed above will not have a direct impact on services, it does significantly restrict the Council's ability to generate income from investing this money.

Fees and Charges

7. Fees and charges have been reviewed as part of the budget process. Some fees and charges are statutory but for those determined by Waverley some increases are proposed for 2018/19 where appropriate. Details of the proposed changes to fees and charges from 1 April 2018 are included at Annexe 3. The Government increased statutory planning fees by 20% in January 2018. The Building Control service is delivered in a competitive market that requires the fees to be negotiated. This year to enable the service to be commercially responsive, Council is requested to approve delegation for agreeing fees to the Strategic Director, Finance and Resources and planning Portfolio Holder.

Inflation

8. The Council's main contracts are indexed to the Consumer Price Index (CPI). An inflationary amount has been assumed for all General Fund budgets where it is unavoidable with projections being in line with the Government's longer term projections.

Pay Award

9. The cost of the staff 2% pay award agreed from 1 April 2018 is included in the Budget proposals. This award was agreed for 2018/19 following 1% in 2017/18 and 1% in 2016/17. (While Waverley is not a council in the 'national pay settlement' it may be noted that the draft national settlement is also 2%). The total cost is £330,000 split £250,000 to the General and £80,000 to the HRA budget.

Revenue Contribution to Capital

10. The core funding for the General Fund Capital Programme is from Revenue Contributions via the Revenue Reserve Fund. The Budget proposals include a Contribution to Capital from the Revenue Budget of £1m and, as explained above; the New Homes Bonus of £1.9m is currently identified to be earmarked in the property investment fund.

2018/19 Draft Revenue Budget

11. The General Fund Summary is shown at Annexe 1. The current budget shortfall is £0.79m which compares to a shortfall projected in the Financial Plan of £0.86m. The most significant variations included in this figure are government funding cuts, inflation, reduced interest on investments and waste/recycling net costs. A breakdown of the main changes in the 2018/19

draft budget compared to 2017/18 base budget which total £0.8m is included at Annexe 2. The budget position is summarised in the table below.

Income and funding	Expenditure and transfers to earmarked reserves
£59.4m	£60.2m
Budget shortfall = £0.8million	

12. Heads of Service and spending officers have examined operational and staffing budgets in detail and minor changes have been made to detailed budget lines. The Budget Challenge process has identified some proposals for cost savings, additional income and expenditure growth. These proposals are listed in Annexe 2 and are subject to consideration by Members. The main changes since the Financial Plan projection in July 2017 are:

- Negotiated transition relief in SCC’s waste funding reduction
- Income achieved from property acquisitions
- Proposed council tax increase
- Package of income and cost saving proposals identified during budget challenge process

Medium Term Financial Plan

13. As referred to above, the Financial Plan identifies budget pressures in each of the next three financial years, 2018/19 to 2020/21. Beyond this period, there is significant uncertainty around business rate and new homes bonus funding. Whilst the focus of this report is balancing the 2018/19 budget, the budget challenge process identified a range of solutions to the medium term problem. Officers will be developing proposals over the year to achieve further cost savings and additional income with reports back to Members in due course.

14. Annexe 2 shows that in 2019/2020 the Government intend to apply a ‘negative grant’ of some £800,000 pa to Waverley. The Government has indicated that this is a necessary step in balancing their national local government funding given the proposed changes to business rate framework. A number of Surrey councils are also expecting to be in a similar position. Following the Chancellor’s budget in November 2017, the Government announced that it would review its position on negative grant and consult in the Spring 2018. Waverley will continue to put its case across to the Government to reverse this policy.

15. Waverley’s budget strategy is to address the budget shortfall in the medium term in the following ways:

- Achieve cost savings from better procurement of supplies and services.
- Deliver increased income from property, including new acquisitions and investment in existing assets.
- New and increased income from fees and charges.
- Cost savings from increased efficiency including customer service initiatives and invest to save projects.
- Work with the Government to eliminate or reduce the impact of the negative grant on the Council.

- Use Waverley's successful participation in the Government's business rates pilot to achieve the best funding outcome for this Council and for Surrey.
 - If necessary, approve a Council tax increase each year up to the maximum allowable by the Government.
16. Annexe 2 sets targets for each of these themes over the next three years. Head of Service will be required to identify specific actions and proposals to achieve these targets. These proposals will be subject to consideration by Overview and Scrutiny committees and consultations will be undertaken as appropriate throughout the year before being submitted to Council for approval.

Local Government Act 2003 – Financial Administration

17. The Local Government Act 2003 formally introduced a number of specific sections covering:
- a. Budget calculations: report on robustness of estimates;**
 - b. Adequacy of reserves; and**
 - c. Budget monitoring.**
18. The sections were introduced to ensure sound financial management across all local authorities. Waverley's budget has always complied with best financial management practice. Prudent allowance has always been made for risk and uncertainties in budgets. Budgets are monitored by officers and reported to Members on a monthly basis supplemented by monthly exception reports. Waverley's financial management continues to receive favourable comments from its external auditors.
- a. The Robustness of the Estimates**
19. Full account has been taken of potential costs and adequate provision has been made. A prudent assessment of income has been undertaken and only income that has a high level of certainty of being received is included within Waverley's budgets. Waverley's Financial Plan, together with information presented to members at the October briefings and subsequent reports, demonstrates the financial challenges to Waverley in the future.
20. The key Financial Plan issues for the General Fund include:
- Move from positive to negative Revenue Support Grant.
 - Increased risk from changes in business rate income due to downward valuations and loss of businesses in the Borough;
 - Major contract renewals in 2019 – Waste, recycling, grounds maintenance, street cleaning etc.
 - Future of business rate and new homes bonus funding; and
 - Rising inflation and low interest rates.
21. In addition to the detailed scrutiny of the Budget by officers, Councillors have taken the opportunity through the Executive and Overview and Scrutiny process to:

- I. Critically examine budget variations
 - II. Consider the outcome of the budget challenge process and reviewed the higher value proposals coming forward
22. In view of the level of awareness amongst Members and the action taken to produce Waverley's Budget in 2018/19, the Section 151 Officer is satisfied with the robustness of the estimates presented. The Section 151 Officer is confident that overall the Budget is prudent especially in view of the track record of achievement of substantial budgeted savings over the past years.

b. Adequacy of Reserves

23. Waverley maintains a number of reserves, which are detailed in the Financial Plan. Waverley aims to maintain a prudent level of balances to support revenue spending and finance unforeseen events. The major reserves for General Fund purposes are the General Fund Working Balance, the Revenue Reserve Fund and the Property Investment Fund.
24. The Financial Plan explains the purpose of each fund. The General Fund balance supports fluctuations in normal business, e.g. unexpected changes in inflation or interest rates, higher than anticipated expenditure or loss of income, and spending on unforeseen events. The Revenue Reserve is used to finance capital expenditure and one-off costs and the property fund is to finance property investment/acquisition opportunities. It is essential that adequate balances are available to meet these and unforeseen costs.
25. The General Fund Working Balance and the Revenue Reserve Fund for the four year period is shown on Annexe 4, along with other key balances. It is the view of the Strategic Director/Section 151 Officer that a level of £3.2m on the General Fund Working Balance, which is effectively 10% of the gross General Fund Budget or equivalent to just over one month's service spending, satisfies the adequacy requirements of the Local Government Act 2003.
26. In the light of the identified future significant pressures, the levels of combined balances as detailed in this report are considered prudent but, in the light of the recent announcement on the cut to Waverley's New Homes Bonus, there will be significant pressures on the ability to expand capital spending without borrowing.

c. Budget Monitoring

27. It is the view of Waverley's Section 151 Officer that the arrangements for budget monitoring, referred to above, satisfy the requirements of the Local Government Act 2003. Budget Monitoring in 2017/18 shows that the Council has mostly delivered the savings assumed in the Budget and will deliver further savings at the year-end.

Assessment of Key Risks

28. The main key risks affecting Waverley's General Fund budget in the next few years, which have previously been raised at the financial seminar and in the Financial Plan are:

- The level of Government Grant/Business Rates Income beyond 2018/19 under the new financial regime
- Continuing levels of fee income
- Failure to ensure adequate levels of balances to meet known and unforeseen pressures in the future, particularly to fund capital investment and asset maintenance in the light of the significant reduction to New Homes Bonus payments

Council Tax Levels

29. Under the Local Government Finance Act 1992 each billing authority and precepting authority must determine whether its relevant basic amount of council tax for a financial year is excessive. If an authority's relevant basic amount of council tax is excessive a referendum must be held in relation to that amount. For 2018/19, the relevant basic amount of council tax of an authority is excessive if it is more than 2.99% above the 2017/18 amount.
30. It is recommended that, given the significant projected budget shortfall in 2018/19 and subsequent years, Waverley's council tax is increased by the maximum allowed in 2018/19. This would generate an additional £280,000 income.
31. In the Chancellor's budget in November 2017, the Government announced its intention to allow councils to increase the council tax premium applied to long term empty properties in their areas from 50% to 100%. Waverley currently applies the 50% premium as the Council considered it to be an important measure to encourage owners of empty homes to bring them back into use.
32. There are currently 110 long term empty homes in the Borough. It is proposed to increase Waverley's premium to 100% at the earliest opportunity once the Government has published the necessary regulations and given authority.

Council Tax Support Scheme

33. The Council Tax Support Scheme, which replaced council tax benefit on 1st April 2013, is reviewed annually. A range of assistance was introduced by Waverley to assist claimants and these schemes are actively promoted. A hardship fund was created to support claimants and the qualifying criteria revised to encourage take up. Discretionary Housing Payments are also available, and Waverley's "Don't Lose Your Home" officer and the Family Support team are proactively supporting households that are most affected by welfare reforms. Experience shows that the current Council Tax Support Scheme remains successful as evidenced by the gradual reduction in the number of claimants and the consistently low take up of discretionary support. It is, therefore, recommended that the current scheme remains unchanged for 2018/19.

General Fund Capital

34. Each year, the Council reviews its three-year Capital Programme and agrees the budgets to be included within the Budget for the year ahead. The overall

parameters for the Capital Programme are set out within the Council's Financial Plan

35. The proposed 2018/19 Capital Programme amounts to £2million as shown at Annexe 5 to this report.
36. The Annexe also presents the proposed financing, which shows significant external funding of over £0.8m, £1.0m coming from Waverley's own resources in the Revenue Reserve Fund and £0.2m from Waverley's other resources.
37. Certain capital schemes as identified by an asterisk on the schedule will be included within the overall Programme, but specific approval under delegation will be required before they proceed because further information is needed in support of these schemes. Once Council has approved the Budget, it is proposed that authority to proceed in these cases is delegated to the Director of Finance and Resources in conjunction with the Finance Portfolio Holder.

Overview and Scrutiny Committees

38. The Overview and Scrutiny Committees considered this report at their meetings and agreed to pass the following comments to the Executive:-

- i. Value for Money and Customer Service O and S

The Committee thanked officers and Portfolio Holders for their hard work in delivering a balanced budget for 2018/19 and made the following comments and recommendations.

The Committee noted that it was proposed that authority to set Building Control fees would be delegated to the Strategic Director in consultation with the Planning Portfolio Holder. Officers explained that this was due to the extremely competitive market in which the Building Control Service operated, and therefore there was a need to be flexible and able to respond quickly to changing circumstances. Members accepted this rationale, however recommended that the fees be reported once they had been agreed.

In relation to fees and charges, the Committee suggested that it would be more meaningful if the document set out how much income was generated from each service, thus enabling Members to see the impact of fee increases.

The Committee remained concerned about the impact of the negative Government grant in 2019/20 and recommended that the Executive continue to engage with local MPs to have this removed.

The Committee considered the potential impact of the Homelessness Act and whether a contingency budget should be put in place. Members concluded that this was not required at the current time, as the impact would be difficult to quantify, but recommended that the Executive be made aware of this potential risk and that the situation continue to be monitored.

ii. Community Wellbeing O and S

The Committee agreed that the Council should write to the Government about the poor funding received by Surrey Councils which put services at risk.

iii. Environment O and S

The Committee endorsed the recommendations to the Executive and Council. The Chairman asked that the Executive outline what alternatives had been considered to the proposed 2.99% increase in Waverley's Council Tax.

iv. Housing O and S

The Committee endorsed the recommendations to the Executive and Council.

Recommendation

The Executive, having considered the comments from the four Overview and Scrutiny Committees, RECOMMENDS that

1. a 2.99% increase in Waverley's element of Council Tax for 2018/2019 be agreed;
2. Waverley's council tax premium for long term empty properties be increased to 100% at the earliest opportunity;
3. no change be made to the Council's existing Council tax support scheme;
4. the income and cost saving proposals be implemented, as shown at Annexe 2, including any staffing changes;
5. the growth proposals shown at Annexe 2 be implemented, including any staffing changes;
6. the changes to Fees and Charges be approved, as shown at Annexe 3;
7. the delegation for agreeing Building Control fees to the Strategic Director/Chief Finance Officer and Portfolio Holder for Planning be approved;
8. the General Fund Budget for 2018/19 be approved, incorporating the above changes and the staff pay award;
9. the Executive carries out a review of the Medium Term Financial Plan and General Fund Budget in the Summer 2018 and takes any appropriate action in the light of the position at that time;
10. the 2018/19 General Fund Capital Programme and financing proposals be approved, as shown at Annexe 5; and

General Fund Revenue Account

Details

**2017-18
Budget**

**2018-19
Budget**

Budget Summary 2018/2019

	£	£
Community	3,018,540	3,005,690
Customer and Corporate Services	(775,740)	(820,210)
Environmental Services	925,470	1,203,110
Finance	1,369,470	1,481,360
General Fund Housing	989,440	995,090
Planning	1,939,990	2,091,700
Policy and Governance	2,694,050	2,832,100
Staff Vacancy Savings	(200,000)	(200,000)
Inflation Provision - non pay	200,000	200,000
	10,161,220	10,788,840
Movement in Reserves - Contribution (from)/to:		
Revenue Contribution to Capital Programme	990,580	1,000,000
New Homes Bonus to invest to save reserve	1,854,000	1,230,640
Local Plan - contribution to reserve	80,000	80,000
Borough Election reserve	20,000	20,000
Insurance reserve	5,000	5,000
Business Rates Equalisation Reserve	290,200	290,200
Income, savings and growth proposals - Annexe 2		(510,060)
Waverley Spending Requirement	13,401,000	12,904,620
Financed by :-		
Council Tax	9,334,000	9,395,980
Council Tax Increase of 2.99%		278,000
Revenue Support Grant	60,000	0
Retained Business Rates	1,870,000	1,926,390
Business rates in excess of Government Baseline	131,000	73,610
New Homes Bonus	1,854,000	1,230,640
Transition Grant	152,000	0
Total	13,401,000	12,904,620

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Latest Budget position	2018/2019	2019/2020	2020/2021	Total over 3-years
	Change from 2017/2018 Base	Change from 2018/2019 Base	Change from 2019/2020 Base	Change from 2017/2018 Base
	£000	£000	£000	£000
Changes from previous year's budget				
Inflation - including pay	450	480	500	1,430
Waste funding SCC reduction	50	210	290	550
Government grant reduction RSG	60			60
Government grant reduction transitional grant	150			150
Negative Government Grant		800		800
Housing benefit admin grant		50	50	100
Grounds maintenance SCC funding	70			70
Council tax growth	-40	-50	-50	-140
Information governance	50			50
Other budget adjustments		80	80	160
Local plan top-up		-80		-80
Budget Shortfall	790	1,490	870	3,150
less - Council tax increase of 2.99%	-280	-270	-270	-820
Net budget shortfall after assumed council tax increase	510	1,220	600	2,330

Addressing the Budget Shortfall				
Procurement saving target (not main service contracts)	-40	-50	-50	-140
Property income target (net of costs/financing/provision) based on £30m spend over period - WBC owned and new property	-250	-300	-300	-850
New/increased income - target		-870	-250	-1,120
Efficiency/customer service/invest to save - target saving				-220
Total of items below				-220
		-1,220	-600	-2,330
Budget Challenge - Finance				
Town and Parish grants - continue policy of annual reduction	-20			
Systems thinking review of benefits - staff saving	-70			
Budget Challenge - Environment				
End car park check in/check out trial	-2			
Increase Garden Waste Subscriptions by £5 from 1/4/18	-65			
Increase bulky waste charges	-1			
Shoe recycling	-2			
Snnoxhall Fields car park management	-15			
Budget Challenge - Leisure and Community				
Growth bid - Community safety - additional resource	20			
Growth bid - Economic development - £35,000 in 2019/20	0			
Growth bid - Health and wellbeing - £5,000	5			
Leisure centres - additional profit share	-50			
Income from live streaming - ballet and opera	-5			
Budget Challenge - Planning				
Discretionary Charging	-29			
Building Control Fee increase	-50			
Street Naming and Numbering Fee - net income	-20			
New CIL role - funded from CIL receipts	0			
Growth Bid - IT software roll out staffing support - one off cost	60			
Increase in statutory planning fees + 20%	-240			
One-off scanning resource to clear backlog*	20			
Improvement Plan roles *	110			
Compliance Officer *	40			
Appeals/Discharge of conditions officers *	60			
Create Local Plan Team Leader *	10			
* funded from 20% fee planning fee increase				
Budget Challenge - Governance				
One off cost - budget community engagement in 18/19	20			
Growth bid - WW1 Centenary - one off cost £1,000	1			
Growth bid - SE Charter for Member development - £3,000	3			
Total budget proposals	-510			

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**Fees and Charges
2018/2019**

Elections

Schedule of Fees and Charges for 2018/2019

Ref. No.	Unit of Charge	VAT Indicator	Existing Charge £	Proposed Charge £	% Increase
Register of Electors				These are Statutory Charges	
1	Electronic Data Per 1,000 names or part thereof on each register	OO	20.00	20.00	0.0%
		OO	1.50	1.50	0.0% (A flat rate fee is charged plus a charge per 1,000 names on each register.)
2	Paper Data Per 1,000 names or part thereof on each register	OO	10.00	10.00	0.0%
		OO	5.00	5.00	0.0%

Vat Indicator: OS = Standard
 OE = Exempt
 OZ = Zero Rated
 OO = Outside Scope

Policy & Governance
Schedule of Fees and Charges for 2018/2019

Ref. No.	Unit of Charge	VAT Indicator	Existing Charge £	Proposed Charge £	% Increase	
Democratic Representation						
<u>Annual Charges for supply of Committee Agendas</u>						
1	Meetings of Full Council	Per Copy	OZ	44.00	45.00	2.3%
2	Area Planning Committees (All)	Per Copy	OZ	101.00	104.00	3.0%
3	Individual Area Planning Committee	Per Copy	OZ	34.00	35.00	2.9%
4	Executive	Per Copy	OZ	67.00	69.00	3.0%
5	Others	Per Copy	OZ	34.00	35.00	2.9%
<u>Other Charges</u>						
6	Photocopying (A4/A3) (Print Room Only)	Per Copy	OS	0.20	0.20	0.0%
7	Copies of Committee Documents (including webcasts on DVD)	Per Copy	OS	9.00	9.00	0.0%

Policy & Governance
Schedule of Fees and Charges for 2018/2019

Ref. No.	Unit of Charge	VAT Indicator	Existing Charge £	Proposed Charge £	% Increase	
Land Charges						
1	LLC1 Official Search	Per Search	OO	42.00	43.00	2.4%
2	LLC1 additional parcel of land	Per Parcel	OO	5.00	5.00	
3	Con29 (inc SCC)	Per Search	OS	237.60	245.00	3.1%
4	Full Land Charges Search (inc. SCC)	Per Search	OS	272.00	288.00	5.9%
Printed Part II						
5	- Enquiries Con29O listed	per Enquiry	OS	18.00	18.00	0.0%
	- Each additional enquiry with Con 29	per Enquiry	OS	26.40	27.60	4.5%
6	- Each Additional Enquiry	per Enquiry	OO	22.00	23.00	4.5%
7	Search single part of Register	per Enquiry	OO	4.00	4.00	0.0%
8	Con 29	per Question	OS	3.00	3.00	0.0%
9	Search and Photocopying Legal Agreements, Searches etc.	Minimum Charge based upon 15-minute unit	OS	10.00	10.00	0.0%
10	Search and Photocopying A1 Plans/ Dyeline Copies	Per Copy	OS	10.00	10.00	0.0%

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Policy & Governance
Schedule of Fees and Charges for 2018/2019

Ref. No.	Unit of Charge	VAT Indicator	Existing Charge £	Proposed Charge £	% Increase	
Legal Expenses						
1	Data Protection Subject Access	Per Enquiry	OO	10.00	10.00	0.0%
2	Freedom of Information/ Environmental Information Regulations	Per Enquiry	OO	By Arrangement		
3	Proof of Life Certificates		OO	37.00	38.00	2.7%

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Policy and Governance
Schedule of Fees and Charges for 2018/2019

Ref. No.	Unit of Charge	VAT Indicator	Existing Charge £	Proposed Charge £	% Increase	
Licences						
1	Breeding Establishments	Annual	OO	290.00	300.00	3.4%
2	Riding Establishments - 1 to 8 Horses	Annual	OO	300.00	310.00	3.3%
3	Riding Establishments - 9 to 15 Horses	Annual	OO	450.00	460.00	2.2%
4	Riding Establishments - Over 15 Horses	Annual	OO	600.00	620.00	3.3%
5	Animal Boarding Establishments					
	a) Non-home Boarding	Annual	OO	270.00	280.00	3.7%
	b) Home Boarding	Annual	OO	190.00	200.00	5.3%
6	Dangerous Wild Animals	2-yearly	OO	200.00	210.00	5.0%
7	Zoos (2016/2017 -3 year licence)	4-yearly	OO	1,100.00	1,100.00	33.3%
8	Pet Shops	Annual	OO	210.00	220.00	4.8%
9	Cosmetic Piercing, Electrolysis, Acupuncture	per premise	OO	190.00	200.00	5.3%
10	Cosmetic Piercing, Electrolysis, Acupuncture	per person combined fee for premises and personal licence	OO	190.00	200.00	5.3%
11	Cosmetic Piercing, Electrolysis, Acupuncture	per premises and personal licence	OO	280.00	290.00	3.6%
12	Tattooing	per premise	OO	210.00	220.00	4.8%
13	Tattooing	per person combined fee for premises and personal licence	OO	210.00	220.00	4.8%
14	Tattooing	per premises and personal licence	OO	300.00	310.00	3.3%
15	Semi-permanent skin colouring	per premises	OO	210.00	220.00	4.8%
16	Semi-permanent skin colouring	per person combined fee for premises and personal licence	OO	210.00	220.00	4.8%
17	Semi-permanent skin colouring	per premises and personal licence	OO	300.00	310.00	3.3%
18	Street Trading					
	a) Sole Trader	Annual	OO	280.00	290.00	3.6%
	b) Schedule 2 event - up to 50 traders	Annual	OO	290.00	300.00	3.4%
	c) Schedule 2 event - 51 or more traders	Annual	OO	220.00	230.00	4.5%
	d) Schedule 2 event - up to 50 traders	Single Event	OO	140.00	140.00	0.0%
	e) Schedule 2 event - 51 or more traders	Single Event	OO	150.00	150.00	0.0%

Policy and Governance
Schedule of Fees and Charges for 2018/2019

Ref. No.	Unit of Charge	VAT Indicator	Existing Charge	Proposed Charge	% Increase	
			£	£		
19	Scrap Metal Dealers Licence					
	a) Site - new application		460.00	470.00	2.2%	
	b) Site - renewal		260.00	270.00	3.8%	
	c) Site to collectors - variation		400.00	410.00	2.5%	
	d) Collectors - new application		420.00	430.00	2.4%	
	e) Collectors - renewal		220.00	230.00	4.5%	
	f) Collectors to Site - variation		460.00	470.00	2.2%	
20	Hackney Carriage - Vehicles (not adapted) *					
	- less than 5 years old	Annual	OO	284.00	284.00	0.0%
	- 5 years old and over - first 6 months			284.00	284.00	0.0%
	- 5 years old and over - second 6 months			82.00	82.00	0.0%
21	Hackney Carriage - Vehicles (adapted) *					
	- under 5 years old	Annual	OO	102.00	102.00	0.0%
	- 5 years old and over - first 6 months			102.00	102.00	0.0%
	- 5 years old and over - second 6 months			82.00	82.00	0.0%
22	Missed Appointments (Vehicle Test)	Per Test	OO	70.00	70.00	0.0%
23	Re-testing of vehicles following failure	Per Test	OS	70.00	70.00	0.0%
24	Private Hire - Operators - renewal (5 vehicles and less)	5 years	OO	125.00	125.00	0.0%
	Private Hire - Operators - renewal (more than 5 vehicles)	5 years	OO	171.00	171.00	0.0%
	Private Hire - New Operators (5 vehicles and less)	5 years	OO	146.00	146.00	0.0%
	Private Hire - New Operators (more than 5 vehicles)	5 years	OO	192.00	192.00	0.0%
	Private Hire - New Operators (5 vehicles and less)	5 years	OO	215.00	215.00	0.0%
	Private Hire -New Operators (more than 5 vehicles)	5 years	OO	261.00	261.00	0.0%
25	Private Hire - Vehicles (not adapted) *	Annual				
	- under 5 years old	Annual	OO	284.00	284.00	0.0%
	- 5 years and over - first 6 months			281.00	281.00	0.0%
	- 5 years and over - second 6 months			82.00	82.00	0.0%
26	Private Hire - Vehicles (adapted) *					
	- under 5 years old	Annual	OO	102.00	102.00	0.0%
	- 5 years and over - first 6 months			102.00	102.00	0.0%
	- 5 years and over - second 6 months			82.00	82.00	0.0%
27	Hackney carriage / private hire - New driver	3 years		262.00	262.00	0.0%
	Hackney carriage / private hire licence renewal	3 years		170.00	170.00	0.0%
	Hackney carriage / private hire - New driver	1 year		108.00	108.00	0.0%
	Hackney carriage / private hire licence renewal	1 year		69.00	69.00	0.0%
28	Private Hire only - New driver	3 years		262.00	262.00	0.0%

Policy and Governance
Schedule of Fees and Charges for 2018/2019

Ref. No.	Unit of Charge	VAT Indicator	Existing Charge	Proposed Charge	% Increase
			£	£	
	Private Hire only licence renewal	3 years	170.00	170.00	0.0%
	Private Hire only- New driver	1 year	108.00	108.00	0.0%
	Private Hire only licence renewal	1 year	69.00	69.00	0.0%
29	Knowledge test	Per Test	70.00	70.00	0.0%
30	Resit / non-attendance fee for Knowledge test	Per Test	70.00	70.00	0.0%
31	Surrender and replacement of Hackney Carriage / Private Hire Licence		82.00	82.00	0.0%
32	6 Month test (vehicles over 5 years)	Per Test	83.00	83.00	0.0%
	Hackney Carriage and Private Hire				

Policy and Governance
Schedule of Fees and Charges for 2018/2019

Ref. No.		Unit of Charge	VAT Indicator	Existing Charge	Proposed Charge	% Increase
				£	£	
33	- Replacement plate bracket		OS	10.00	10.00	0.0%
34	- New/Replacement plate & window disc		OS	20.00	20.00	0.0%
	- Replacement lanyard		OS	1.00	1.00	0.0%
	- Replacement driver's badge			10.00	10.00	0.0%
	- Change of address		OS	10.00	10.00	0.0%
35	New Plate / Licence for seating alteration		OO	20.00	20.00	0.0%
38	Transfer of P/H to H/C (new badge, knowledge test and admin)		OO	90.00	90.00	0.0%
39	Gambling Act 2005 - Including lotteries, permits, premises, etc	Various		Please see website for individual fees		
Licensing Act 2003						
40	- Personal	New	OO	37.00	37.00	0.0%
41	- Premises	Initial/Variation	OO	Various depending on rateable value		
42	- Premises: Sex Establishment	from -according to RV	OO	4,690.00	4,690.00	0.0%
43	- Premises	Annual Fee	OO			
44	- Premises	DPS Variations, etc	OO	23.00	23.00	0.0%
45	- Temporary Event Notice	Per Event	OO	21.00	21.00	0.0%
Search and Photocopying						
46	Copies of documents (general)	First page £1.00 20p per sheet thereafter	OS	1.00	1.00	0.0%
47	Data Barring Service (previously CRB)	Per Applicant	OO	50.00	50.00	0.0%

Vat Indicator: OS = Standard
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OO = Outside Scope

Policy and Governance
Schedule of Fees and Charges for 2018/2019

Ref. No.	Unit of Charge	VAT Indicator	Existing Charge £	Proposed Charge £	
Corporate Management					
1	Sale of Annual Financial Report	Per Copy	OZ	10.00	10.00
2	Sale of Annual Budget	Per Copy	OZ	10.00	10.00

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Planning Service
Schedule of Fees and Charges for 2018/2019

Ref. No.	Unit of Charge	VAT Indicator	Existing Charge	Charge £	% Increase
Planning					
1	Various	OO	Various		
Statutory Planning Application Fees statutory fee increase of 20% applied from January 2018					
Other Discretionary Planning Fees					
2	Per Annum	OZ	120.00	200.00	66.7%
<u>Search and Photocopying</u>					
3	First page £1.00 20p/sheet thereafter	OS	1.00	1.00	0.0%
4		OO	6.00	10.00	66.7%
5	Per Copy	OS	6.00	20.00	233.3%
6	Minimum Charge	OS	30.00	30.00	0.0%
7	Per Property (Minimum Charge)	OO	500.00	500.00	0.0%
Pre-Application Charges <i>(charges shown inclusive of VAT)</i>					
8		OS	60.00	60.00	0.0%
9		OS	95.00	95.00	0.0%
10		OS	200.00	200.00	0.0%
		OS	500.00	500.00	0.0%
		OS	900.00	900.00	0.0%
		OS	2,500.00	2,500.00	0.0%
		OS	5,000.00	5,000.00	0.0%
		OS		7,500.00	
		OS		10,000.00	
11a		OS	0.00	200.00	0.0%
		OS	500.00	500.00	0.0%
		OS	2,500.00	2,500.00	0.0%
		OS	3,500.00	3,500.00	0.0%
11b			200.00	200.00	0.0%
12		OS	4,000.00	5,000.00	25.0%
13		OS	50.00	100.00	100.0%
14		OS	45.00	50.00	11.1%

Planning Service
Schedule of Fees and Charges for 2018/2019

Ref. No.	Unit of Charge	VAT Indicator	Existing Charge	Charge £	% Increase
15	Listed Building & Conservation Area Advice	OS	150.00	200.00	33.3%
16	Tree Advice	OS	35.00	40.00	14.3%

Planning Service
Schedule of Fees and Charges for 2018/2019

Ref. No.	Unit of Charge	VAT Indicator	Existing Charge	Charge £	% Increase
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Other Planning Services

17	Waverley Borough Local Plan				
	- Waverley residents & organisations	Per Copy	OZ	35.00	40.00 14.3%
	- Non-Waverley residents & organisations	Per Copy	OZ	50.00	60.00 20.0%
18	Local Plan - Maps				
	- Waverley residents & organisations	Per Copy	OZ	20.00	25.00 25.0%
	- Non-Waverley residents & organisations	Per Copy	OZ	30.00	40.00 33.3%

House Name Changes Street Naming and Numbering)

19	House Name Change	per House	OS	40.00	see below 0.0%
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Property name additions/amendments

Rename a road	300.00
Rename a property	100.00

Numbering of new properties

Plots

First plot of any new development	200.00
Additional plots 2 to 20	40.00
Additional plots 21 and above	30.00

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Customer and Corporate Services

Schedule of Fees and Charges 2018/2019

Ref. No.	Unit of Charge	VAT Indicator	Existing Charge £	Charge £	% Increase	
Property and Development Services						
Surveyor's Fees						
1	Request from owners/occupiers to purchase additional land	Per Request	OS	350.00	500.00	42.9%
2	Request from owners/occupiers for the grant of a permanent easement	Per Request	OS	350.00	500.00	42.9%
3	Request for access/drainage rights	Per Request	OS	350.00	500.00	42.9%
4	Request for assignment of leases (where lease allows)	Per Request	OS	see below		
	Residential Premises		OS	160.00	250.00	56.3%
	Commercial Tenancies		OS	365.00	600.00	64.4%
5	Request for landlord's consent for change of use/sub-letting/alterations etc. (where lease allows)	Per Request	OS	see below		
	Residential Premises		OS	160.00	250.00	56.3%
	Commercial Tenancies		OS	365.00	600.00	64.4%
6	Grant of licence to use land or accessway	Per Request	OS	170.00	250.00	47.1%
7	Request for a tenant's reference	Per Request	OS	115.00	150.00	30.4%
8	Discharge of a covenant	Per Request	OS	325.00	450.00	38.5%
9	Request for Wayleave	Per Request	OS	170.00	300.00	76.5%
10	Grant/renewal of lease (where appropriate)	Per Request	OS	see below		
	Commercial		OS	365.00	500.00	37.0%
	Non-Commerical		OS	160.00	250.00	56.3%

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*Charges above to individuals and organisations are on a cost recovery basis and increases move Waverley's charges more in line with other Local Authorities

Finance
Schedule of Fees and Charges for 2018/2019

Ref. No.	Unit of Charge	VAT Indicator	Existing Charge £	Proposed Charge £	% Increase
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Cost of Collection

Summons Costs

1	Council Tax				
	Per Summons				
	on issue of summons	OO	105.00	105.00	0.0%
	on granting of liability order (further charge)	OO	3.00	3.00	0.0%
2	Business Rates				
	Per Summons				
	on issue of summons	OO	130.00	130.00	0.0%
	on granting of liability order (further charge)	OO	3.00	3.00	0.0%

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Community Services
Schedule of Fees and Charges for 2018/2019

Ref. No.		Unit of Charge	VAT Indicator	Existing Charge £	Proposed Charge £	% Increase	Explanatory Notes	
Event and Filming Administration Fees								
Administration Fees		All events and filming request will be subject to an administration charge to cover the costs of event admin, checking of documentation and any site visits required						
1	Local Community / Charity / School Event	Per Event	OS	50.00	52.00	4.0%		
2	Commercial Event / Filming Admin Fee	Per Event	OS	100.00	103.00	3.0%		
3	Town & parish Council fee per annum for organising events on WBC land to cover admin required	Per Annum	OS	100.00	103.00	3.0%		
Events								
4	Fairs - Operational day	Day	OE	600.00	619.00	3.2%	} plus 500 refundable deposit	
5	Fairs - Setting up / down	Day	OE	155.00	160.00	3.2%		
6	Small Fetes / Village Shows	Day	OE	100.00	103.00	3.0%	} plus 200 refundable deposit	
	Large Fetes / Village Shows	Day	OE	150.00	155.00	3.3%		
7	Car Boot Sales	Day	OE	200.00	206.00	3.0%	} plus 500 refundable deposit	
8	Caravan Rallies - Per Unit	Night	OS	8.00	8.00	0.0%		
9	Tilford Camp Site - Per Head	Night	OS	5.00	5.00	0.0%		
10	Grazing Rights						By Negotiation	
11	Frensham Common	Parking	Car / Day	OS	4.00	4.00	0.0%	
			Coach / Day	OS	16.00	16.00	0.0%	
			Motor Homes / Day	OS	8.00	8.00	0.0%	
			Horse box / Day	OS	12.00	12.00	0.0%	
12	Balloon launches	per launch	OE	75.00	77.00	2.7%		
		Annual fee	OE	1,000.00	1,031.00	3.1%	Exclusive right per site	
13	Allotments	5 rod plot	per plot	OE	60.00	62.00	3.3%	To be aligned with FTC charges
		10 rod plot	per plot	OE	120.00	124.00	3.3%	To be aligned with FTC charges
14	Forest Schools	Session	OE	35.00	36.00	2.9%		
15	Professional Dog Walking	Session	OE	15.00	15.00	0.0%		
		Annual licence	OE	150.00	155.00	3.3%	1 person with 4 dogs on WBC sites	
16	Bonfires	Event	OE	102.00	105.00	2.9%	} plus 500 refundable deposit	
17	Ice Cream Vans	6 months	OE	1,550.00	1,598.00	3.1%	} plus 500 refundable deposit	
		one off's	OE	50.00	52.00	4.0%		
18	Mobile Catering	per month	OE	510.00	526.00	3.1%	} plus 500 refundable deposit	
19	Bouncy Castle (use of land)	Session	OE	51.00	53.00	3.9%		
20	Blessings (eg Frensham Pond)	Event	OS	50.00	52.00	4.0%		
21	Wedding Events on Open Spaces		OS	150.00	155.00	3.3%	} plus 200 refundable deposit	
22	Farnham Castle use of Farnham park for extra parking for castle events		OS	1,000.00	1,031.00	3.1%	annual fee	
23	Officer call outs for site visits / meetings / utility meetings	Hour	OE	110.00	113.00	2.7%		
Still Photography								
24	Advertising	Per Day (or part thereof)	OS		By Negotiation		}	
25	Books or Magazines		OS		By Negotiation		}	
Filming								
26	Feature film or Advertising film	Per Day	OS		By Negotiation		}	
27	Set up and clear up days	(or	OS		By Negotiation		}	

Community Services
Schedule of Fees and Charges for 2018/2019

Ref. No.	Unit of Charge	VAT Indicator	Existing Charge £	Proposed Charge £	% Increase	Explanatory Notes
28	Television Drama or Comedy part thereof)	OS		By Negotiation		}
29	Small scale filming	OS	51.00	By Negotiation		}
30	Individual Educational/Student requests	OS		Free		}
	University of creative arts - student filming requests	Annual fee OS	500.00	1,000.00	100.0%	}
	Music					}
31	Recording or video Per Day (or part thereof)	OS		By Negotiation		}

Community Services
Schedule of Fees and Charges for 2018/2019

Ref. No.	Unit of Charge	VAT Indicator	Existing Charge £	Proposed Charge £	% Increase	Explanatory Notes
Recreational Open Space						
Football						
With Pavilion						
1	Full size pitch U15 - over 18's, 11v11	Match	OS	82.00	84.00	2.4% }
2	Full size pitch U13 - U14, 11v11	Match	OS	51.00	52.00	2.0% }
3	Junior pitch U11-U12's, 9v9	Match	OS	43.00	44.00	0.0% }
4	Colleges/Businesses Seniors	Match	OS	94.00	96.00	2.1% }
Without Pavilion						
5	Full size pitch U15 - over 18's, 11v11	Match	OS	70.00	71.00	1.4% }
6	Full size pitch U13 - U14, 11v11	Match	OS	41.00	42.00	2.4% }
7	Junior pitch U11-U12's, 9v9	Match	OS	37.00	38.00	2.7% }
8	Mini pitch U7-U10, 5v5 ad 7v7	Match	OS	34.00	35.00	2.9% }
9	Colleges/Businesses Seniors	Match	OS	82.00	84.00	2.4% }
Rugby						
10	Seniors	Match	OS	82.00	84.00	2.4% }
11	Mini Rugby	Match	OS	41.00	42.00	2.4% }
12	Junior (u18)	Match	OS	50.00	51.00	2.0% }
13	Colleges/Businesses Seniors	Match	OS	94.00	96.00	2.1% }
Training						
14	Football - no pitch use	Session	OS	25.00	25.00	0.0% }
15	Rugby - no pitch use	Session	OS	27.00	27.00	0.0% }
16	Football - pitch use	Session	OS	70.00	70.00	0.0% }
17	Rugby - pitch use	Session	OS	82.00	82.00	0.0% }
Cricket - with pavilion						
18	Seniors	Match	OS	93.00	95.00	2.2% }
19	Seniors (artificial wicket)	Match	OS	79.00	81.00	2.5% }
20	Colts	Match	OS	39.00	40.00	2.6% }
21	Colts (artificial wicket)	Match	OS	34.00	35.00	2.9% }
22	Colleges/Businesses Seniors	Match	OS	102.00	102.00	0.0% }
Cricket - without pavilion						
23	Seniors	Match	OS	77.00	79.00	2.6% }
24	Seniors (artificial wicket)	Match	OS	64.00	65.00	1.6% }
25	Colts	Match	OS	35.00	36.00	2.9% }
26	Colts (artificial wicket)	Match	OS	30.00	31.00	3.3% }
27	Colleges/Businesses Seniors	Match	OS	90.00	92.00	2.2% }
28	Broadwater Changing rooms	Match	OS	18.00	18.00	0.0% } eg FCC cricket matches
Note: VAT is not chargeable on certain block/seasonal bookings of sports facilities.						
Tennis						
29	Seniors Per Court	Hour	OS	8.00	8.00	0.0% }
30	Juniors Per Court (Up to 6pm Monday to Friday)	Hour	OS	5.00	6.00	20.0% }
31	Colleges/Businesses Seniors	Hour	OS	10.00	10.00	0.0% }
Bowls Club						
32	Per Green	Year	OE	6,000.00	7,000.00	16.7% }
Athletics						
33	Athletics at Woolmer Hill Sports Ground, Haslemere	Year	OE	708.00	730.00	3.1% } Artificial track provided and maintained by Athletics Club

Community Services
Schedule of Fees and Charges for 2018/2019

Ref. No.	Unit of Charge	VAT Indicator	Existing Charge £	Proposed Charge £	% Increase	Explanatory Notes
Outdoor Keep Fit Groups						
34	One off use	Session	OS	11.00	11.00	0.0%
35	Once a week, 1-2-1 tuition	Annual Charge	OS	51.00	52.00	2.0%
36	Multiple sessions each week, 1-2-1 tuition	Annual Charge	OS	102.00	104.00	2.0%
37	Once a week, group tuition	Annual Charge	OS	102.00	104.00	2.0%
38	Multiple sessions each week, group tuition	Annual Charge	OS	204.00	208.00	2.0%
Outdoor Fitness Camp Note:						
39	Reinstatement fees may be charges if damaged is caused by training on the sports pitches.	Per Incident				Dependent on amount of litter/damage
40	Littering/Vandalism Charge Should sports clubs/trainers etc litter of damage our facilities, they may be liable for costs associated with rectifying issues	Per Incident				Dependent on amount of litter/damage

Community Services
Schedule of Fees and Charges for 2018/2019

Ref. No.	Unit of Charge	VAT Indicator	Existing Charge £	Proposed Charge £	% Increase	Explanatory Notes
Sunvale Cemetery, Haslemere						
Interment Fees - Earth Grave						
1	First Burial in Grave Space - 8ft)	OO	816.00	841.00	3.1%	
2	Subsequent Burials)	OO	714.00	736.00	3.1%	
3	Child - 0-16 years) per Grave	OO	No Charge	No Charge		
4	Ashes)	OO	357.00	368.00	3.1%	
5	Ashes - Child 0-16 years)	OO	No Charge	No Charge		
6	Non-Residents of the Parish)	OO		Fees + 100%		
Exclusive Right of Burial Purchase of Grave Space						
7	Earth Grave)	OO	1,500.00	1,547.00	3.1%	
8	Earth Grave - child 0-16 years)	OO	510.00	526.00	3.1%	
9	Cremation Section)	OO	510.00	526.00	3.1%	
10	Non-Residents of the Parish)	OO		Fees + 100%		
11	Transfer of exclusive grant of right of burial)	OO	60.00	62.00	3.3%	
Memorial Rights (Grave Space must be purchased)						
12	Head Stone (maximum height 5'))	OO	150.00	155.00	3.3%	
13	Kerb Stone (maximum 7'x 3'6"))	OO	204.00	210.00	2.9%	
	cross or other monument not over)					
	2' high x 1'6")					
14	Added Inscription after first)	OO	102.00	105.00	2.9%	
15	Non-Residents of the Parish)	OO		Fees + 100%		
Administration						
16	Discretionary Fee	OO	60.00	62.00	3.3%	To be charged where excessive time spent and no other fee charged.

Vat Indicator: OS = Standard
OE = Exempt
OZ = Zero Rated
OO = Outside Scope

Community Services
Schedule of Fees and Charges 2018/2019

Ref. No.		Unit of Charge	VAT Indicator	Existing Charge £	Proposed Charge £	% Increase		
Borough Hall, Godalming								
Casual Use								
Main Hall								
1	Monday - Friday	9am - 6pm	Per Hour	OE	44.00	45.00	2.3%	
2	Monday - Thursday	6pm - Midnight	Per Hour	OE	52.00	54.00	3.8%	
Court Room								
3	Monday - Friday	9am - 6pm	Per Hour	OE	35.00	36.00	2.9%	
4	Monday - Thursday	6pm - Midnight	Per Hour	OE	44.00	45.00	2.3%	
Borough Hall Complex - Block Bookings								
5	Monday - Thursday		Per Day	OE	200.00	200.00	0.0%	
Borough Hall Complex								
6	Friday	4pm - 6pm	Per Hour	OE	49.00	51.00	4.1%	
7		6pm - 2am	Per Hour	OE	59.00	61.00	3.4%	
8	Saturday	9am - 6pm	Per Hour	OE	49.00	51.00	4.1%	
9	Childrens Party	2:30pm - 5.30pm	Per Hour	OE	39.00	40.00	2.6%	New charge excludes Bar
10		6pm - 2am	Per Hour	OE	59.00	61.00	3.4%	
11	Sunday	9am - 1pm	Per Hour	OE	49.00	51.00	4.1%	
12		1pm - 6pm	Per Hour	OE	49.00	51.00	4.1%	
13	Childrens Party	2:30pm - 5.30pm	Per Hour	OE	39.00	40.00	2.6%	New charge excludes Bar
14		6pm - 2am	Per Hour	OE	59.00	61.00	3.4%	
Extra Staff Member (Tiered seating, bar staff, support)								
15		9am - 6pm	Per Hour	OE	15.00	15.00	0.0%	New charges reflect pay levels and customer resistance.
16		6pm - midnight	Per Hour	OE	17.00	17.00	0.0%	
17		Midnight - 2am	Per Hour	OE	23.00	24.00	4.3%	
18		10pm - 2am	Set Rate	OE	78.00	80.00	2.6%	
Other								
19	Kitchen		Per Session		67.00	69.00	3.0%	
20	Mobile ovens				34.00	35.00	2.9%	
21	Tiered seating				105.00	105.00	0.0%	

Community Services

Schedule of Fees and Charges 2018/2019

Ref. No.		Unit of Charge	VAT Indicator	Existing Charge £	Proposed Charge £	% Increase
Regular Use						
Main Hall						
22	Monday - Friday	9am - 6pm	Per Hour	OE	15.00	15.00 0.0%
23	Monday - Thursday	6pm - Midnight 1 Hour	Per Hour	OE	24.00	25.00 4.2%
24	Monday - Thursday	6pm - Midnight 2 Hours	Per Hour	OE	22.00	23.00 4.5%
25	Monday - Thursday	6pm - Midnight 3 Hours	Per Hour	OE	20.00	21.00 5.0%
Court Room/Bar						
26	Monday - Friday	9am - 6pm	Per Hour	OE	12.00	12.00 0.0%
27	Monday - Thursday	6pm - Midnight 1 Hour	Per Hour	OE	17.00	17.00 0.0%
	Monday - Thursday	6pm - Midnight 2 Hours	Per Hour	OE	16.00	16.00 0.0%
	Monday - Thursday	6pm - Midnight 3 Hours	Per Hour	OE	15.00	15.00 0.0%
Borough Hall Complex - Block Bookings						
28	Monday - Friday		Per Day	OE	68.00	68.00 0.0%
Borough Hall Complex						
29	Friday, Saturdays & Sundays	Weekly user		OE	20% off	20% off
30		Monthly user		OE	15% off	15% off
31		Occasional (over 4)		OE	10% off	10% off
32		2 bookings per year		OE	5% off	5% off
33		Overnight (no staff)		OE	50% off	50% off

- Notes:
- i) The court room, when used as a bar for social functions, will be closed at 11pm and cleared by 11.30pm.
 - ii) The above schedule excludes the Cinema which is shown below.
 - iii) Nursery School: to be agreed.
 - iv) Cancellation of a Casual Booking will incur a loss of the deposit paid. Cancellation of a booking within 28 days of the booked date will incur total cost of the booking to be levied.
 - v) A cash deposit of £1,000 will be secured on any public function and an insurance indemnity of £2,000,000 required. An insurance indemnity certificate of £1,000,000 is required on all bookings.
 - vi) A negotiation of rates chargeable can be made in circumstances beneficial to the Council and the client especially on regular use.
 - vii) Bar facilities from 7pm - 11pm are part of the bookings for our clients if required. Clients are not allowed to operate their own bar unless special permission and conditions apply
 - viii) The premises must be cleared by the client and their guests by midnight.
 - ix) Catering for large social functions will not be allowed to be carried out by the client unless special permission and conditions apply.
 - x) The Borough Hall complex is a non-smoking area.
 - xi) Regular Hirers will be charged for all pre-confirmed dates within the financial year, any cancellations by the Hirer will not be refunded.
 - xii) In the event of adverse weather, the Borough Hall Management reserves the right to cancel bookings at short notice
 - xiii) Regular Bookings cancelled by Management will be refunded at the end of the financial year

Cinema						
34	Adult			OS	7.50	7.50 0.0%
35	Senior			OS	6.50	6.50 0.0%
36	Child			OS	3.50	3.50 0.0%
37	Student			OS	6.50	6.50 0.0%
38	Sat Childrens Film			OS	3.00	3.00 0.0%
39	Group (10 or more)			OS	6.00	6.00 0.0%
Vat Indicator: OS = Standard OE = Exempt OZ = Zero Rated OO = Outside Scope						

Community Services
Schedule of Fees and Charges for 2018/2019

Ref. No.	Unit of Charge	VAT Indicator	Existing Charge £	Proposed Charge £	
Careline					
1	- Careline Customers: (£4.40 plus vat)	Per Week	OS	5.28	5.28 } Additional fee of £2 per additional invoice generated } for new customers not } paying by Direct Debit
2	- Housing Associations	Contracts and pricing individually agreed			

Vat Indicator: OS = Standard
 OE = Exempt
 OZ = Zero Rated
 OO = Outside Scope

Environment Services
Schedule of Fees and Charges 2018/2019

Ref. No.		Unit of Charge	VAT Indicator	Existing Charge £	Charge £	% Increase	
Special Refuse Collection							
Standard Charge							
1	1 Item	Per Visit	OO	43.00	44.00	2.3%	Standard charges are designed to achieve overall full recovery of the cost of the service to the Council.
2	2 Items	Per Visit	OO	51.00	52.00	2.0%	
3	3 Items	Per Visit	OO	59.00	60.00	1.7%	
4	4 Items	Per Visit	OO	67.00	68.00	1.5%	
5	5 Items	Per Visit	OO	75.00	76.00	1.3%	
6	6 - 9 Items	Per Visit	OO	90.00	94.00	4.4%	

Reduced Charge

1	1 Item	Per Visit	OO	22.00	22.00	0.0%	Reduced charges are based on 50% of the standard charge and apply to persons in receipt of benefit, ie Supplementary Benefit Income Support Housing Benefit Council Tax Support Family Tax Credit
2	2 Items	Per Visit	OO	26.00	26.00	0.0%	
3	3 Items	Per Visit	OO	30.00	30.00	0.0%	
4	4 Items	Per Visit	OO	34.00	34.00	0.0%	
5	5 Items	Per Visit	OO	38.00	38.00	0.0%	
6	6 - 9 Items	Per Visit	OO	45.00	47.00	4.4%	
1	Cancellation Fee		OO	10.00	10.00	0.0%	

Waste Recycling

1	Green Waste Collection						
	Standard Charge:						
	1 bin	per Annum	OO	55.00	60.00	9.1%	
	Purchase of bin	per Item	OO	20.00	20.00	0.0%	

Vat Indicator: OS = Standard
OE = Exempt
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OO = Outside Scope

Environment Services
Schedule of Fees and Charges 2018/2019

Ref. No.	Unit of Charge	VAT Indicator	Existing Charge £	Charge £	% Increase	
Environmental Health						
Food						
1	Surrender Certificates for Unfit Food	OS	170.00	175.00	2.9%	Food certificates, if only issued by LAs and if required to issue them by statute, are outside the scope of VAT. Food certificates are provided on request to assist with private legal cases, usually in relation to accident investigations.
2	Export Certificates for Food	OS	170.00	175.00	2.9%	
3	Statement of Fact	OS	170.00	175.00	2.9%	
Private Water Supply						
1	Risk Assessments		160.00	165.00	3.1%	Subject to a statutory maximum of £500 per risk assessment
	+ Per Hour		55.60	56.70	2.0%	
2	Sampling		58.00	60.00	3.4%	Subject to a statutory maximum of £100 per visit
	Per Hour		50.66	51.70	2.1%	
3	Investigations		58.00	60.00	3.4%	Subject to a statutory maximum of £100 per investigation
4	Authorisations		100.00	100.00	0.0%	Subject to a statutory maximum of £100 per authorisation granted
	+ Per Hour		50.66	51.70	2.1%	
5	Analysis		20.00	21.00	5.0%	Subject to statutory maxima: £25 for Regulation 10 analyses £100 for check monitoring analyses £500 for audit monitoring analyses
			+ laboratory fees			

Vat Indicator: OS = Standard
OE = Exempt
OZ = Zero Rated
OO = Outside Scope

Environment Services
Schedule of Fees and Charges 2018/2019

Ref. No.	Unit of Charge	VAT Indicator	Existing Charge £	Charge £	% Increase		
Animal Control							
1	Stray Dogs	Per Occasion	OO	25.00	25.00	0.0%	Statutory fee plus kennelling and vet's costs extra
<u>Rats and Mice</u>							
2	Domestic #	Per Treatment	OS	70.00	70.00	0.0%	Rodent treatments are for a single domestic property, including immediate gardens and grounds, occupied by one family.
3	Domestic - Call out		OS	35.00	35.00	0.0%	
4	Reduced Charge *		OS	35.00	35.00	0.0%	
5	Reduced Charge Call out *		OS	17.50	17.50	0.0%	
6	Commercial	Per Hour	OS	70.00	70.00	0.0%	
7	Commercial - Call out		OS	35.00	35.00	0.0%	Additional charges may be made if: the property is occupied by more than one family, or if further visits are required, or if outbuildings, stables or land where domestic pets or livestock are present.
<u>Wasps</u>							
8	Domestic	Per Visit	OS	60.00	62.00	3.3%	Additional nests at the same time, +50% for each nest
9	Domestic - Call out		OS	30.00	30.00	0.0%	
10	Reduced Charge *	Per Visit	OS	30.00	30.00	0.0%	
11	Reduced Charge Call out *		OS	15.00	15.00	0.0%	
12	Commercial	Per Hour	OS	60.00	62.00	3.3%	
13	Commercial - Call out		OS	30.00	30.00	0.0%	
<u>Casual Treatments / Other Insects</u> (Including Fleas)							
14	Fleas	Per Visit	OS	75.00	75.00	0.0%	Charges are for up to a standard 3 bedroom house.
15	Reduced charge*	Per Visit	OS	37.50	37.50	0.0%	Additional rooms are charged at £17.50 each.
16	Bed Bugs	Per Visit	OS	75.00	75.00	0.0%	
17	Reduced charge*	Per Visit	OS	37.50	37.50	0.0%	
18	Cockroaches	Per Visit	OS	75.00	75.00	0.0%	
19	Reduced charge*	Per Visit	OS	37.50	37.50	0.0%	
20	Cluster Flies	Per Visit	OS	104.00	104.00	0.0%	
21	Reduced charge*	Per Visit	OS	52.00	54.00	3.8%	
22	Carpet Moths	Per Visit	OS	104.00	104.00	0.0%	
23	Reduced charge*	Per Visit	OS	52.00	54.00	3.8%	
24	Advice visits or callout charge for missed appointments	Per Visit	OS	35.00	35.00	0.0%	
25	Pharaoh's Ants	Per Visit	OS	Price subject to survey			
<u>Squirrels</u>							
26	Squirrels		OS	115.00	118.00	2.6%	

* The reduced charge will apply to those who can demonstrate to be in receipt of Income Support, Housing Benefit, Council Tax Relief (other than sole occupancy relief) or Disability Working Allowance or Disability Living Allowance.

Vat Indicator: OS = Standard
OE = Exempt
OZ = Zero Rated
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Environment Services
Schedule of Fees and Charges 2018/2019

Ref. No.	Unit of Charge	VAT Indicator	Existing Charge £	Charge £	% Increase
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Housing Services
Schedule of Fees and Charges for 2018/2019

Ref. No.	Unit of Charge	VAT Indicator	Existing Charge £	Charge £	% Increase
General Fund Housing					
Houses in Multiple Occupation (HMO)					
1	Five yearly - per property (new application)	OO	565.00	575.00	1.8%
2	Five yearly - per property (renewal)	OO	495.00	505.00	2.0%
Caravan Site Licence Fees					
3	Site Licence Applications	OO			
	No. of pitches 1 - 5		460.00	469.00	2.0%
	6 - 24		483.00	492.00	1.9%
	25 - 99		528.00	538.00	1.9%
4	Site Licence Variations	OO			
	No. of pitches 1 - 5		296.00	303.00	2.4%
	6 - 24		308.00	315.00	2.3%
	25 - 99		330.00	338.00	2.4%
	Licence Transfer All			140.00	
	Annual Fee 1 - 5			55.00	
	6 - 24			110.00	
	25 - 99			220.00	
5	Property Inspections				
	Property Inspections for Immigration/ Foreign Office/Visa Application purposes	OS	160.00	160.00	0.0%
1	Officer time for works in default (Subject to Statutory maximum charge of £300)	Per Hour OO	60.00	60.00	0.0%
2	Officer time for Housing Act enforcement (Subject to Statutory maximum charge of £300)	Per Hour OO	60.00	60.00	0.0%

Schedule of Reserves and Balances - Projected										
General Fund	2017/18	2018/19			2019/20			2020/21		
	Estimated balance @ 1/4/18	In	Out	Balance	In	Out	Balance	In	Out	Balance
	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000	£'000
<i>Revenue</i>										
General Fund Working Balance	3,200			3,200			3,200			3,200
<i>Capital</i>										
Non-Earmarked Capital Reserves										
Revenue Reserve Fund	0	1,000	(1,000)	0	900	(900)	0	900	(900)	0
General Fund Capital Receipts	0	500	?	500	500	?	1,000	500	?	1,500
Investment Advisory Board (incl NHB)	0	1,230	?	1,230	1,000	?	2,230	500	?	2,730
	0	2,730	(1,000)	1,730	2,400	(900)	3,230	1,900	(900)	4,230
Earmarked Reserves										
Potential SANG site acquisitions	1,000			1,000		(1,000)	0			0
	1,000	0	0	1,000	0	(1,000)	0	0	0	0
General Fund Total	4,200	2,730	(1,000)	5,930	2,400	(1,900)	6,430	1,900	(900)	7,430

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Draft Capital Programme 2018/19

	2018/19 Proposed Programme	Revenue Reserve Fund	Repairs & Renewals Fund	New Homes Bonus invest to save	S106 Funding received	Capital Receipts	External Funding
Aarons Hill Skatepark	15,000	11,030			3,970		
Broadwater Park	35,000	35,000					
Greenspaces, DDA and Sports Facility Improvements	45,000	37,220			7,780		
Higher Level Stewardship Partnership Working with Natural England	165,000	85,000					80,000
Pavilions - Improving Energy efficiency and condition	25,000	25,000					
Playground Asset Repairs Replacement	25,000	16,690			8,310		
Ranger Vehicle Replacement Programme	30,000	-	27,500			2,500	
Programme to Protect Public Parks and Spaces	45,000	45,000					
The Edge Leisure Centre - ATP Carpet Replacement	130,000	130,000					
Leisure Centre capital spend - increase in addition to £150k base budget	125,300	125,300					
Bus Shelter Replacement Programme	20,000	20,000					
Civica W2 Document Disposal module	23,000	23,000					
Employee Services Scanning of Files	21,000	21,000					
Forms Integration with bank end systems	15,000	15,000					
Forward Programme/Legislative Changes	10,000	10,000					
Infrastructure Upgrades	30,000	30,000					
Mobile Working	17,000	17,000					
Northgate Ilap upgrade to Engage	5,000	5,000					
Server room refurbishment	30,000	30,000					
Upgrade to Office 2016/365	5,000	5,000					
Farnham Museum front Elevation Brickwork Repairs *	90,000	90,000					
Pool Car Replacement * (bid £35,000)	0	-					
Car Park rolling programme	187,000	187,000					
Waste and Recycling container replacement including Garden Waste	90,000	27,500			500		62,000
Wey Hill Car Park	200,000	-		200,000			
Disabled Facilities Grant	600,000	-					600,000
Warm Homes Project (Safe and Warm Grants)	40,000	-					40,000
Roll out of annual canvass 2018 using tablets	8,750	8,750					
	2,032,050	999,490	27,500	200,000	20,560	2,500	782,000

* Approved in principle but subject to further business case before proceeding

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WAVERLEY BOROUGH COUNCIL

COUNCIL - 20 FEBRUARY 2018

Title:

HOUSING REVENUE ACCOUNT BUSINESS PLAN, REVENUE BUDGET AND CAPITAL PROGRAMME 2018/19

**[Portfolio Holders: Cllrs Carole King and Ged Hall]
[Wards Affected: All]**

Summary and purpose:

This report advises Members of the latest position regarding the Housing Revenue Account (HRA) for 2018/19 and the updated 30-year Business Plan and seeks approval of the 2018/19 budget.

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

Waverley's landlord service deals with the management and maintenance of existing housing stock and delivering affordable housing which helps to improve lives – two of the Council's five corporate priorities. A viable business plan, which takes account of these priorities, needs to be in place to aid delivery of these priorities.

Equality and Diversity Implications:

Providing more and better affordable housing for residents of the Borough in housing need, particularly the more vulnerable in our society.

Resource/Value for Money Implications:

Resource implications are contained throughout the report.

Legal Implications:

There are no direct legal implications as a result of this report. The Council must set a balanced HRA budget.

Introduction

1. This report outlines the draft budgets to be included within the annual review and update of the HRA 30 year Business Plan and the Budget for the year ahead, including the three-year Capital Programmes. The Business Plan is underpinned by the Council's Medium Term Financial Plan and provides the resources to fund the 30-year maintenance forecast and deliver proposals for building new affordable homes and investment in stock remodelling.

2. This report contains the following Annexes:

Annexe 1 – Revised HRA Business Plan - 2018/19 to 2020/21

Annexe 2 – Housing Fees and Charges

Annexe 3 – Capital Programme comprising

- Housing Core Programme
- New Affordable Homes Programme
- Stock Remodelling Programme

Annexe 4 – HRA Capital Resources summary

Annexe 5 – HRA Reserves Summary

Business Plan

3. The latest projection for the Business Plan for the four years commencing with 2017/18, is attached at Annexe 1. There has been rigorous scrutiny of HRA budgets throughout 2017 by officers and the Housing and Finance portfolio holders. The measures agreed by Council in 2017 balanced the Business Plan in the medium term following the major changes introduced by the Government affecting HRA finances.
4. The Government implemented major changes to HRA finances in 2016 which will lose the HRA around £300million over the 30-year life of the Business Plan compared to the previously projected and approved position. The changes are shown below:
 - Rent reductions of 1% per year for 4 years from 2016/17 (incorporated into Annexe 1)
 - Impact of the sale of high value voids – now expected to be from 2019/20.
 - Welfare reforms including Universal Credit

Rents

5. Prior to 2016/17 the Council followed a rent setting policy that supported Waverley's Business Plan objectives with broad adherence to the Government's social rent policy. This increase was modelled into the business plan but in 2016/17 the government imposed a 1% per year rent reduction for the next four years. Therefore, Waverley's rent level in 2018/19 must be set at 1% below its 17/18 level. The Business Plan includes a return to rent increases from 2020/21.
6. It is proposed to increase all garage rents by 10%, this equates to an increase of approximately one pound for normal garages and a two pound (plus) increase for the garages at Waggon Yard, Farnham, to reflect their prime town centre location.
7. It is proposed that service charges in sheltered accommodation be increased by 50p/week in 2018/19 and the heating reimbursement charge by the same amount in line with previous energy increases.

Fees and Charges

8. A proposed schedule of charges for various services to leaseholders and shared owners is given in Annexe 2. Whilst the income from fees and charges are already included in the Business Plan, Members are required to approve these annually.

Draft 2018/19 Capital Programme

9. The draft Capital Programmes at Annexe 3 shows the proposals estimated to be spent in 2018/19 and the following years on each of the three elements to the capital programme.
10. The 30-year Business Plan also includes a programme to develop new affordable homes and a programme to remodel some of the existing stock. The major project at Ockford Ridge will be a combination of redevelopment and remodelling existing dwellings.

Financing

11. The financial model in Waverley's HRA Business Plan incorporates the transfer to the HRA Revenue Reserve to support capital expenditure. Annexe 4 shows the Capital Programme proposals against the resources available in the next four years. The table at Annexe 4 shows that latest capital expenditure plans are affordable in the medium term. Waverley has spent £21million on building new homes in the last 3 years and has a number of further schemes committed and in the pipeline. It is expected that the balance of capital resources shown in Annexe 4 will be utilised in the next 3-7 years as these schemes are delivered.
12. In 2012 Waverley had to take out £189m of borrowing (in addition to the existing £3m) to transfer the HRA to the new 'self financing' basis. The HRA began making repayments of external debt principal in 2017/18. This is now scheduled to continue each year throughout the life of the Business Plan. As the total debt reduces each year this enables the HRA to reborrow to finance Capital expenditure if necessary, up to the statutory cap level of £192m. Whilst there is no need to borrow additional sums in the medium term as sufficient resources are available to meet the capital programme expenditure, a delegation is sought to enable borrowing to be undertaken, if needed and if the conditions are favourable, to ensure flexibility in the HRA business plan.

Local Government Act 2003 – Financial Administration

14. The Local Government Act 2003 formally introduced a number of specific sections covering:
 - a. **Budget calculations: report on robustness of estimates;**
 - b. **Adequacy of reserves; and**
 - c. **Budget monitoring**

Robustness of Estimates

15. Full account has been taken of potential costs and adequate provision has been made. A prudent assessment of income has been undertaken and only income that has a high level of certainty of being received is included within the Council's budgets.
16. The Council's Medium Term Financial Plan, together with information presented at the Annual Member Finance Briefings and subsequent reports demonstrate the financial challenges to Waverley Borough Council and Landlord Service in the future.
17. In view of the level of awareness amongst Members and the action taken to produce the Council's budget in 2018/19, the S.151 Officer is satisfied with the robustness of the estimates presented.

b) Adequacy of reserves

18. Adequate reserves are necessary to meet significant cost that could not reasonably have been foreseen in the preparation of the budget. The levels of the HRA working and repairs fund balances have been reviewed and the working balance maintained at £2m. Annexe 5 shows the schedule of HRA balances and reserves. Plans for investment of balances in existing and new build properties are being drawn up to ensure the reserves are fully utilised.

c) Budget Monitoring

19. It is the view of Waverley's Section 151 Officer that the arrangements for budget monitoring, referred to above, satisfy the requirements of the Local Government Act 2003. Budget Monitoring in 2017/18 shows that the HRA is staying within budget on capital and revenue overall.

Housing Overview and Scrutiny Committee

20. The Housing Overview and Scrutiny Committee considered this report at its meeting on 30 January 2018 and made the following comment:-

The Committee was pleased to see the prudent approach to budgeting and endorsed the recommendations to the Executive and Council.

Recommendation

The Executive, having considered the comments from the Housing Overview and Scrutiny Committee, RECOMMENDS that:

1. the rent level of Council dwellings be reduced by 1% from the 2017/18 level with effect from April 2018 in compliance with the Welfare Reform and Work Act;

2. the weekly charge for garages rented by both Council and non-Council tenants be increased by 10% from April 2018;
3. the service charge in sheltered accommodation be increased by 50p/week from 7 April 2018;
4. the recharge for energy costs in sheltered accommodation (as appropriate) be increased by 50p/week from April 2018;
5. the revised HRA Business Plan for 2018/19 to 2020/21 as set out at Annexe 1 be approved;
6. the fees and charges be agreed as set out in Annexe 2;
7. the 2018/19 Housing Revenue Account Capital Programmes as shown at Annexe 3 be approved;
8. the financing of the capital programmes be approved in line with the resources shown in Annexe 4; and
9. authority be delegated to the Strategic Director and Head of Housing Operations in consultation with the Portfolio Holders for Housing and Finance to undertake external borrowing and/or internal borrowing transactions to ensure flexibility in HRA Business Plan resources to meet future capital expenditure needs.

Background Papers

There are no background papers (as defined by Section 100D(5) of the Local Government Act 1972) relating to this report.

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HRA Business Plan - Proposed Budget 18/19 - Overview

	Approved Budget 17/18	Budget 18/19	Budget 19/20	Budget 20/21
Income	(30,014,580)	(29,401,330)	(29,709,920)	(29,952,700)
1 Net Dwelling Rent	(28,685,340)	(28,220,390)	(28,494,970)	(28,737,570)
2 Net Garage/Other Rent	(234,300)	(263,380)	(273,820)	(274,020)
3 Service Charges	(312,000)	(312,560)	(322,890)	(322,880)
4 Costs Recovered	(269,340)	(295,100)	(305,430)	(305,430)
5 Other income	(353,600)	(135,100)	(138,010)	(138,000)
6 Interest Receipts	(160,000)	(174,800)	(174,800)	(174,800)
Expenditure	22,380,930	22,401,330	22,709,920	22,952,700
7 Housing Management	1,100,250	1,016,880	1,035,550	1,035,710
8 Housing Management - Staffing	2,819,977	2,819,980	2,819,980	2,819,980
9 Housing Management - Recharges	1,327,039	1,345,370	1,392,460	1,392,550
10 Housing Management - Non Distributed Costs	611,220	626,240	648,160	648,160
Total Housing Management	5,858,486	5,808,470	5,896,150	5,896,400
11 Housing Maintenance	5,466,180	5,315,140	5,501,170	5,501,190
12 Other costs	735,395	599,730	620,720	620,720
13 Debt Interest	5,802,050	5,745,840	5,676,050	5,591,180
14 Principal Repayment	3,487,000	3,708,000	4,223,000	4,303,000
15 Contingency (High Value Asset Levy, unexpected costs, etc.)	1,031,819	1,224,150	792,830	1,040,210
Contributions to Reserves	7,633,650	7,000,000	7,000,000	7,000,000
16 Contribution to New Build	3,000,000	3,000,000	3,000,000	3,000,000
17 Contribution to Core Capital	4,633,650	4,000,000	4,000,000	4,000,000

Explanaton of Major Variances

5 - Other Income - £178,000 Supporting People funding withdrawn by Surrey County Council

12 - Other Costs - Contribution to Flooding Wall was a single year budget requirement in 2017/18

Fees and Charges
2018/2019

Housing Services

Schedule of Fees and Charges for 2018/2019

	Unit of Charge	VAT Indicator	Existing Charge	Proposed Charge	% Increase
			£	£	
Housing Revenue Account					
Supervision and Management Special					
Guest Rooms - E P Units - Single	Per Night	OS	16.00	17.00	6.3% }
Guest Rooms - E P Units - Double	Per Night	OS	21.00	22.00	4.8% }
Community Rooms - Residents	Session	OE	16.00	20.00	25.0% }
Community Rooms - Non Resident	Session	OE	34.00	35.00	2.9% }
Leaseholder Charges					
The following charges replace the flat rate charge currently in place					
Annual practical notes and information to leaseholder. Check of leaseholder account to ensure there are no problems and ground rent invoicing with supporting documentation.	Annual	OO	26.00	27.00	3.8%
Annual practical notes and information to shared owners. Check of account to ensure there are no problems, check to see if ground rent payable	Annual	OO	23.50	24.50	4.3%
Annual practical notes and information to shared owners. Check of account to ensure there are no problems, check to see if ground rent payable	Annual	OO	26.00	27.00	3.8%
Service charge invoicing and supporting documentation non-shared ownership.	Quarterly	OO	2.50	3.50	40.0%
Service charge invoicing and supporting documentation non-shared ownership.	Annual	OO	11.00	12.00	9.1%
Service charge invoicing and supporting documentation shared ownership.		OO	26.00	27.00	3.8%
Consent to alter		OS	56.00	57.00	1.8%
Retrospective/ Complex consent to alter		OS	76.00	77.00	1.3%
Consent to underlet		OS	31.00	32.00	3.2%
Consent to keep pets		OS	31.00	32.00	3.2%

Housing Services
Schedule of Fees and Charges for 2018/2019

	Unit of Charge	VAT Indicator	Existing Charge	Proposed Charge	% Increase
			£	£	
Letter to lenders and other third parties		OS	26.00	27.00	3.8%
Reminder in relation to arrears with full printout of account		OE	26.00	27.00	3.8%
Section 20 management		OE	36.00	37.00	2.8%
Obtaining Land Registry document as requested by leaseholder		OS	11.00	12.00	9.1% Plus Land Registry cost
Provision of duplicate invoices		OS	2.50	3.00	20.0%
Contacting or responding to you in relation to a problem with your flat. Non-complex replies by email will be free		OS	5.50	6.00	9.1%
Written contact and liaison with you in relation to statutory requirements, such as fire and asbestos risk assessments		OE	2.50	3.00	20.0%
Leasehold enquiry responses		OS	235.00	240.00	2.1%
Leasehold (with sinking fund) enquiry responses		OS	247.00	250.00	1.2%
Preliminary telephone advice for non-complex issues relating to your leasehold property			FREE	FREE	
Changing leaseholder records, leaseholder responsible for advising changes in writing			FREE	FREE	

HRA Core Capital Programme

Projects	2018/19	2019/20	2020/21
Aids and Adaptations	303,000	300,000	300,000
Asbestos Removal	100,000	150,000	150,000
Community Room Improvements	50,000	-	-
Domestic Heating Upgrade	250,000	250,000	250,000
Electrical Upgrades Project	300,000	300,000	300,000
Energy Initiative Project	10,000	10,000	10,000
Estate Grounds Improvements Works	10,000	10,000	10,000
External Wall Finish and Chimneys	150,000	250,000	250,000
Fire Risk Assessment Remedial Works	20,000	20,000	20,000
Flat Block Communal Area Upgrade	40,000	40,000	40,000
Garage Refurbishment	70,000	25,000	25,000
Internal Remodelling of Flats	350,000	250,000	250,000
Moat Lodge Sheltered Unit Electrical Rewiring	50,000	-	-
Paths and Car Parking Scheme Improvement	140,000	50,000	50,000
Planned Kitchen Installations	-	500,000	500,000
Pro-active Tree and Hedge Works	25,000	25,000	25,000
Professional Fees	50,000	50,000	50,000
Riverside Court Shelter Unit Communal Boiler Upgrade	200,000	-	-
Roof Covering Project	800,000	650,000	650,000
Roofline And Surface Water Renovation	150,000	150,000	150,000
Structural Works	150,000	160,000	160,000
Void and "One off" Bathroom installations	50,000	50,000	50,000
Void and "One Off" Kitchen Installations	200,000	200,000	200,000
Void Tree Management	5,000	5,000	5,000
Windows and Doors Replacement	720,000	300,000	300,000
Sub Total	4,193,000	3,745,000	3,745,000
Staff Allocation	613,660	613,660	613,660
Total Programme	4,806,660	4,358,660	4,358,660

Draft IT Capital Programme for 2018/19 funded from the Housing Revenue Account (HRA):

Projects	2018/19
	£
Home Monitoring Smart Thermostat	25,000
Development and Upgrade of Housing Management Database (Orchard)	40,000
Texting Development to increase the range of communication methods	15,000
Digital Platform Development to increase and improve self service	15,000
Total Spend	95,000

HRA New Affordable Homes Capital Programme

Project	2018/19	2019/20	2020/21
Nursery Hill	71,000	-	-
Ockford Ridge Site A	434,733	1,201,702	4,405,263
Ockford Ridge Site C	8,945	60,980	104,012
Ockford Ridge Site D	581,187	107,048	-
Pre Development Budget	82,300	82,300	82,300
Sherrydon	21,000	-	-
Wey Court	504,260	-	-
Sub Total	1,703,425	1,452,030	4,591,575
Staff Allocation	408,930	408,930	408,930
Total Programme	2,112,355	1,860,960	5,000,505

HRA Stock Remodelling Capital Programme

Project	2018/19	2019/20	2020/21
Community Rooms	378,000	-	-
Ockford Ridge Refurbishment - Phase 3	485,000	-	-
Ockford Ridge Refurbishment - Future phases	-	4,432,570	-
Total Programme	863,000	4,432,570	-

HRA Capital Programme Financing Summary

	2018/19 £	2019/20 £	2020/21 £
Capital Spend			
Core Capital Programme	4,806,660	4,358,660	4,358,660
New Build Capital Programme	2,112,355	1,860,960	5,000,505
Stock Improvement Programme	863,000	4,432,570	-
Approved Rescheduling from 2017/18	6,887,530	682,569	
Total Spend	14,669,545	11,334,759	9,359,165
Resources			
Estimated Balance carried forward	33,729,830	26,560,285	22,725,526
Capital Receipts Received in year	500,000	500,000	500,000
Core Capital Contribution from Revenue	4,000,000	4,000,000	4,000,000
New Homes Contribution from Revenue	3,000,000	3,000,000	3,000,000
Total Resources	41,229,830	34,060,285	30,225,526
Balance of Capital Resources	26,560,285	22,725,526	20,866,361

Schedule of Reserves and Balances - Actual and Projected										
Housing Revenue Account	31/03/18	2018/19			2019/20			2020/21		
	Estimated Balance £'000	In £'000	Out £'000	Balance £'000	In £'000	Out £'000	Balance £'000	In £'000	Out £'000	Balance £'000
Revenue Reserves										
Working Balance	2,000			2,000			2,000			2,000
Stock condition survey programme		100								
Universal credit impact provision	1,000		-35	965			965			965
Total Revenue Reserves	3,000	100	-35	2,965	0	0	2,965	0	0	2,965
Capital Reserves										
Major Repairs Reserve	2,439	6,352	-7,259	1,533	6,352	-6,711	1,174	6,352	-6,711	815
Capital Receipts	15,195	500	-3,770	11,925	500	-2,369	10,056	500	-2,501	8,055
New Affordable Homes	10,197	3,000	-3,770	9,427	3,000	-931	11,496	3,000	-2,500	11,996
Stock Remodelling	5,899		-2,223	3,676		-3,676	-0			-0
Flood prevention wall - Godalming	105			105		-105	0			0
Total Capital Reserves	33,836	9,852	-17,022	26,666	9,852	-13,792	22,726	9,852	-11,712	20,866
	0									
Housing Revenue Account Total	36,836	9,952	-17,057	29,631	9,852	-13,792	25,691	9,852	-11,712	23,831

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WAVERLEY BOROUGH COUNCIL

COUNCIL – 20 FEBRUARY 2018

Title:**COUNCIL TAX SETTING 2018/2019****[Wards Affected: All]**

Summary and Purpose

The purpose of this report is to enable the Council to make the necessary resolutions in relation to the setting of Council Tax for 2018/2019.

Waverley, as a billing authority for the purposes of Council Tax, is required to set its Council Tax before 11th March in the financial year preceding that for which the Council Tax is set. This report summarises all of the appropriate budgetary decisions that will have been taken to enable the level of Council Tax for 2018/2019 to be determined and specifies all of the individual levels of Council Tax for approval by the Council.

Introduction

1. In setting the Council Tax levels for 2018/2019 the Council must include all details of the precepting authorities' requirements and have considered and, where necessary, approved the following items:
 - (a) the Council Tax base for 2018/2019
 - (b) the Business Rates forecast for 2018/2019
 - (c) the Revenue Estimates for 2018/2019; and
 - (d) the total amount of Revenue Support Grant to be received.

Precepts and Council tax

2. At its meeting on 28 November 2017, and in accordance with the provisions of S84 of the Local Government Act 2003, the Executive approved the Council Tax base for Waverley and for each Town/Parish Council area for 2018/2019.
3. In addition, at the same meeting, and in accordance with the provisions of the Local Government Finance Act 2012, the business rates forecast for 2018/2019 was approved.
4. The Council, in approving the earlier budget reports, will have approved its Revenue Estimates for 2018/2019.
5. The Surrey County Council precept requirement for 2018/2019 is £76,479,216.39.

6. The Police and Crime Commissioner for Surrey precept requirement for 2018/2019 is £12,819,964.87.
7. Notifications of precept requirements have been received from all Town/Parish Councils and amount to £3,129,287.12.
8. A statement showing the resultant Council Tax at Band D, incorporating an average Parish/Town council tax charge is at Annexe 1 for information.
9. It is now necessary to incorporate all the above-mentioned items in the calculation of the Council Tax charges and for the Council to pass the following recommendations in accordance with the requirements of Sections 31 to 36 of the Local Government Finance Act 1992 (the Act).

Recommendation

It is recommended that the Council agrees the following council tax resolutions:-

1.1 The following amounts have been calculated for the Council for 2018/2019 in accordance with Sections 31 to 36 of the Local Government Finance Act 1992:

- | | | |
|------------|----------------------|---|
| (a) | £73,515,712 | being the aggregate of the amounts that the Council estimates for the items set out in Section 31A 2 (a) to (f) of the Act taking into account all precepts issued to it by Parish Councils; |
| (b) | £60,792,455 | being the aggregate of the amounts which the Council estimates for the items set out in Section 31A (3) (a) to (d) of the Act; |
| (c) | £12,723,257 | being the amount by which the aggregate at (a) above exceeds the aggregate at (b) above, calculated by the Council, in accordance with Section 31A (4) of the Act, as its council tax requirement for the year; |
| (d) | £234.79 | being the amount at (c) divided by 54,191.0, calculated by the Council in accordance with Section 31B (1) of the Act and rounded for administrative purposes, as the basic amount of its Council Tax for the year; |
| (e) | £3,129,287.12 | being the aggregate amount of all special items referred to in Section 34 (1) of the Act; |
| (f) | £177.04 | being the amount at (d) above less the result given by dividing the amount at (e) above by 54,191.0 calculated by the Council in |

accordance with the Section 34 (2) of the Act and rounded for administrative purposes, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no special item relates;

(g) Part of Council's area

	£	
Alfold	229.65	being the amounts given by adding
Bramley	201.64	to the amount at (f) above the
Busbridge	204.27	special item or items relating to
Chiddingfold	271.41	dwellings in those parts of the
Churt	230.73	Council's area mentioned above
Cranleigh	243.72	divided in each case by the amount
Dockenfield	202.47	calculated by the Council, in
Dunsfold	253.00	accordance with Section 34(3) of the
Elstead	211.08	Act, as the basic amounts of its
Ewhurst	246.04	Council Tax for the year for dwellings
Farnham	239.66	in those parts of its area to which one
Frensham	235.69	or more special items relate.
Godalming	245.35	
Hambledon	204.97	
Hascombe	223.12	
Haslemere	217.61	
Peper Harow	181.37	
Thursley	218.79	
Tilford	273.49	
Witley	239.06	
Wonersh	200.08	

(h)

Valuation Bands

<u>Part of the Council's Area</u>	Band A £	Band B £	Band C £	Band D £	Band E £	Band F £	Band G £	Band H £
Alfold	153.09	178.61	204.12	229.65	280.68	331.71	382.74	459.30
Bramley	134.42	156.82	179.23	201.64	246.45	291.25	336.06	403.28

Busbridge	136.17	158.87	181.56	204.27	249.66	295.05	340.44	408.54
Chiddingfold	180.93	211.09	241.24	271.41	331.72	392.03	452.34	542.82
Churt	153.81	179.45	205.08	230.73	282.00	333.27	384.54	461.46
Cranleigh	162.47	189.55	216.63	243.72	297.88	352.04	406.19	487.44
Dockenfield	134.97	157.47	179.96	202.47	247.46	292.45	337.44	404.94
Dunsfold	168.66	196.77	224.88	253.00	309.22	365.44	421.66	506.00
Elstead	140.71	164.17	187.62	211.08	257.98	304.89	351.79	422.16
Ewhurst	164.02	191.36	218.69	246.04	300.71	355.39	410.06	492.08
Farnham	159.77	186.39	213.02	239.66	292.92	346.17	399.43	479.32
Frensham	157.12	183.31	209.49	235.69	288.06	340.44	392.81	471.38
Godalming	163.56	190.82	218.08	245.35	299.87	354.39	408.91	490.70
Hambledon	136.64	159.41	182.19	204.97	250.52	296.06	341.61	409.94
Hascombe	148.74	173.53	198.32	223.12	272.70	322.28	371.86	446.24
Haslemere	145.07	169.24	193.42	217.61	265.97	314.32	362.68	435.22
Peper Harow	120.91	141.06	161.21	181.37	221.67	261.97	302.28	362.74
Thursley	145.85	170.16	194.47	218.79	267.41	316.03	364.64	437.58
Tilford	182.32	212.71	243.09	273.49	334.26	395.04	455.81	546.98
Witley	159.37	185.93	212.49	239.06	292.18	345.30	398.43	478.12
Wonersh	133.38	155.61	177.84	200.08	244.54	289.00	333.46	400.16

being the amounts given by multiplying the individual amounts contained within (g) above by the number which, in the proportion set out in Section 5 (1) of the Local Government Finance Act 1992, is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in valuation band D, calculated by the Council, in accordance with Section 36 (1) of the Local Government Finance Act 1992 as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands. Waverley and Parish/Town charges are calculated separately then added together;

1.2 that it be noted that for 2018/2019 the Surrey County Council and the Police and Crime Commissioner for Surrey have stated the following amounts in precepts issued to the Council, in accordance with Section 40 of the Local Government Finance Act 1992, for each of the categories of dwellings shown below.

	<u>Valuation Bands</u>							
	A £	B £	C £	D £	E £	F £	G £	H £
Surrey County Council BASIC	872.60	1,018.03	1,163.47	1,308.90	1,599.77	1,890.63	2,181.50	2,617.80
Surrey County Council ADULT SOCIAL CARE	68.26	79.64	91.01	102.39	125.14	147.90	170.65	204.78
Surrey County Council TOTAL	940.86	1,097.67	1,254.48	1,411.29	1,724.91	2,038.53	2,352.15	2,822.58
Surrey Police and Crime Commissioner	157.71	184.00	210.28	236.57	289.14	341.71	394.28	473.14

1.3 that, having calculated the aggregate in each case of the amounts at 1.1 (h) and 1.2 above, the Council, in accordance with Section 30 (2) of the Local Government Finance Act 1992, hereby sets the following amounts as the amounts of Council Tax for the financial year commencing on 1st April 2018 for each of the categories of dwellings shown below:-

Part of the Council's Area (NOT including Adult Social Care)

	<u>Valuation Bands</u>							
	A £	B £	C £	D £	E £	F £	G £	H £
Alfold	1,183.40	1,380.64	1,577.87	1,775.12	2,169.59	2,564.05	2,958.52	3,550.24
Bramley	1,164.73	1,358.85	1,552.98	1,747.11	2,135.36	2,523.59	2,911.84	3,494.22
Busbridge	1,166.48	1,360.90	1,555.31	1,749.74	2,138.57	2,527.39	2,916.22	3,499.48
Chiddingfold	1,211.24	1,413.12	1,614.99	1,816.88	2,220.63	2,624.37	3,028.12	3,633.76
Churt	1,184.12	1,381.48	1,578.83	1,776.20	2,170.91	2,565.61	2,960.32	3,552.40

Cranleigh	1,192.78	1,391.58	1,590.38	1,789.19	2,186.79	2,584.38	2,981.97	3,578.38
Dockenfield	1,165.28	1,359.50	1,553.71	1,747.94	2,136.37	2,524.79	2,913.22	3,495.88
Dunsfold	1,198.97	1,398.80	1,598.63	1,798.47	2,198.13	2,597.78	2,997.44	3,596.94
Elstead	1,171.02	1,366.20	1,561.37	1,756.55	2,146.89	2,537.23	2,927.57	3,513.10
Ewhurst	1,194.33	1,393.39	1,592.44	1,791.51	2,189.62	2,587.73	2,985.84	3,583.02
Farnham	1,190.08	1,388.42	1,586.77	1,785.13	2,181.83	2,578.51	2,975.21	3,570.26
Frensham	1,187.43	1,385.34	1,583.24	1,781.16	2,176.97	2,572.78	2,968.59	3,562.32
Godalming	1,193.87	1,392.85	1,591.83	1,790.82	2,188.78	2,586.73	2,984.69	3,581.64
Hambledon	1,166.95	1,361.44	1,555.94	1,750.44	2,139.43	2,528.40	2,917.39	3,500.88
Hascombe	1,179.05	1,375.56	1,572.07	1,768.59	2,161.61	2,554.62	2,947.64	3,537.18
Haslemere	1,175.38	1,371.27	1,567.17	1,763.08	2,154.88	2,546.66	2,938.46	3,526.16
Peper Harow	1,151.22	1,343.09	1,534.96	1,726.84	2,110.58	2,494.31	2,878.06	3,453.68
Thursley	1,176.16	1,372.19	1,568.22	1,764.26	2,156.32	2,548.37	2,940.42	3,528.52
Tilford	1,212.63	1,414.74	1,616.84	1,818.96	2,223.17	2,627.38	3,031.59	3,637.92
Witley	1,189.68	1,387.96	1,586.24	1,784.53	2,181.09	2,577.64	2,974.21	3,569.06
Wonersh	1,163.69	1,357.64	1,551.59	1,745.55	2,133.45	2,521.34	2,909.24	3,491.10

Part of the Council's Area (including Adult Social Care)

	<u>Valuation Bands</u>							
	A	B	C	D	E	F	G	H
	£	£	£	£	£	£	£	£
Alfold	1,251.66	1,460.28	1,668.88	1,877.51	2,294.73	2,711.95	3,129.17	3,755.02
Bramley	1,232.99	1,438.49	1,643.99	1,849.50	2,260.50	2,671.49	3,082.49	3,699.00
Busbridge	1,234.74	1,440.54	1,646.32	1,852.13	2,263.71	2,675.29	3,086.87	3,704.26
Chiddingfold	1,279.50	1,492.76	1,706.00	1,919.27	2,345.77	2,772.27	3,198.77	3,838.54
Churt	1,252.38	1,461.12	1,669.84	1,878.59	2,296.05	2,713.51	3,130.97	3,757.18
Cranleigh	1,261.04	1,471.22	1,681.39	1,891.58	2,311.93	2,732.28	3,152.62	3,783.16
Dockenfield	1,233.54	1,439.14	1,644.72	1,850.33	2,261.51	2,672.69	3,083.87	3,700.66
Dunsfold	1,267.23	1,478.44	1,689.64	1,900.86	2,323.27	2,745.68	3,168.09	3,801.72
Elstead	1,239.28	1,445.84	1,652.38	1,858.94	2,272.03	2,685.13	3,098.22	3,717.88
Ewhurst	1,262.59	1,473.03	1,683.45	1,893.90	2,314.76	2,735.63	3,156.49	3,787.80
Farnham	1,258.34	1,468.06	1,677.78	1,887.52	2,306.97	2,726.41	3,145.86	3,775.04
Frensham	1,255.69	1,464.98	1,674.25	1,883.55	2,302.11	2,720.68	3,139.24	3,767.10
Godalming	1,262.13	1,472.49	1,682.84	1,893.21	2,313.92	2,734.63	3,155.34	3,786.42
Hambledon	1,235.21	1,441.08	1,646.95	1,852.83	2,264.57	2,676.30	3,088.04	3,705.66
Hascombe	1,247.31	1,455.20	1,663.08	1,870.98	2,286.75	2,702.52	3,118.29	3,741.96
Haslemere	1,243.64	1,450.91	1,658.18	1,865.47	2,280.02	2,694.56	3,109.11	3,730.94
Peper Harow	1,219.48	1,422.73	1,625.97	1,829.23	2,235.72	2,642.21	3,048.71	3,658.46
Thursley	1,244.42	1,451.83	1,659.23	1,866.65	2,281.46	2,696.27	3,111.07	3,733.30
Tilford	1,280.89	1,494.38	1,707.85	1,921.35	2,348.31	2,775.28	3,202.24	3,842.70
Witley	1,257.94	1,467.60	1,677.25	1,886.92	2,306.23	2,725.54	3,144.86	3,773.84
Wonersh	1,231.95	1,437.28	1,642.60	1,847.94	2,258.59	2,669.24	3,079.89	3,695.88

Background Papers

There are no background papers (as defined by Section 100D(5) of the Local Government Act 1972) relating to this report.

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COMPARATIVE COUNCIL TAX LEVELS

Council Tax at Band D			
	2017/18	2018/19	% Increase on 2017/18
	£	£	
Surrey County Council	1,331.55	1,411.29	6.0%
Police & Crime Commissioner for Surrey	224.57	236.57	5.3%
Waverley Borough Council	171.91	177.04	3.0%
Council Tax at Band D excluding Parishes	<u>1,728.03</u>	<u>1,824.90</u>	5.6%
Parish/Town Council (average)	54.27	57.75	6.4%
Total Average Charge at Band D	<u><u>£1,782.30</u></u>	<u><u>£1,882.65</u></u>	5.6%

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**The report of the Independent Remuneration Panel
appointed to review the allowances paid to Councillors of
Waverley Borough Council**

January 2018

1. INTRODUCTION

- 1.1 The Local Government Act 2000 requires all local authorities to appoint an Independent Remuneration Panel (IRP) to advise on the terms and conditions of their scheme of Councillors' allowances.
- 1.2 The Council, at its meeting in February 2017, resolved to change the Council's structure around the Overview and Scrutiny arrangement and increased from two Committees to four. One implication from this was the increase within the Scheme of Members' Allowances from paying two Chairmen and Vice-Chairmen of Overview and Scrutiny Committees, to four.
- 1.3 The IRP last completed a full review of Members' Allowances in January 2012 and was due to review the Council's scheme during 2017 in accordance with the requirement to review them every five years. In view of this, and the recent changes to the structure of the Overview and Scrutiny Committees, it was considered timely for the IRP to meet again and as part of their review of members' allowances, discuss how to fund the additional SRAs within an already tight budget.
- 1.4 The composition of the Panel is as follows:-
- Neil McClelland (Chairman)
 - Ken Kent
 - Robert Mattock
- 1.5 The IRP's terms of reference were in accordance with the requirements of The Local Authorities (Members' Allowances) (England) Regulations 2003 ("the 2003 Regulations"), together with "Guidance on Consolidated Regulations for Local Authority Allowances" issued jointly by the Department of Communities and Local Government (formerly the Office of the Deputy Prime Minister (ODPM)) and the Inland Revenue. Those requirements are:-

To make recommendations to the Council as to:-

- (a) the amount of basic allowance;
- (b) the responsibilities or duties in respect of which the following should be available:-
- (i) special responsibility allowance;
 - (ii) travelling and subsistence allowance;
 - (iii) dependents' carers' allowance; and
 - (iv) co-optees' allowance; and
 - (v) the amount of such allowances;
- (c) whether payment of allowances may be backdated, in the event that the scheme is amended at any time, so as to affect an allowance payable for the year in which the amendment is made;

- (d) whether adjustments to the level of allowances may be determined according to an index and, if so, which index and how long that index should apply, subject to a maximum of four years before its application is reviewed;
- (e) which Members are to be entitled, if any, to pensions in accordance with a scheme made under Section 7 of the Superannuation Act 1972, and whether basic allowance or special responsibility allowance, or both, should be treated as amounts in respect of which such pensions are payable in accordance with such a scheme.

Having looked at these areas as part of the review, there are no proposals to change earlier decisions relating to those areas, other than basic allowance and special responsibility allowance.

2. BACKGROUND INFORMATION

- 2.1 Over the last 8 years the IRP has previously completed two full reviews of the Members' Allowances Scheme. At its review in January 2009 the Panel put forward recommendations involving setting a multiplier for each role and no SRA for Vice-Chairmen. These recommendations were not approved by the Council but they did accept the changes proposed for the Carers' Allowance.
- 2.2 In September 2011, the Panel reconvened and looked again in detail at the allowances paid across the South East Region. It was noted then that Waverley's allowances were far less than other Local Authorities so recommendations were put forward to increase both basic and special responsibility allowances to be equal to the average levels paid across the South East over a three year period. The Panel also made recommendations to set an SRA for the Chairmen and Vice Chairmen of Standards and the Audit Committee, as well as maintain the link with the staff annual pay award. The Council approved the recommendations except not to introduce it until 2012/13. Subsequently, in February 2013 the Council then decided to introduce the new allowances immediately rather than over the 3 year life span of the Council.
- 2.3 Since 2013, there had been one further minor change to the allowances, this being a new SRA for the Joint Planning Committee Vice-Chairman in recognition of the amount of work involved with this Committee.
- 2.3.1 The budget for Members' basic and special responsibility allowances in 2017/18 is currently £377,279 and the IRP was made aware of the significant budget pressures on the Council.
- 2.4 The IRP needed to consider how best to pay a SRA to all four of the Overview and Scrutiny Chairmen and Vice-Chairmen resulting from the recent change in structure and whether this was possible through making adjustments to the scheme within the current budget or propose an increase to the overall budget.

3. CURRENT SCHEME

- 3.1 Within the current scheme Waverley Councillors are entitled to a total basic allowance of £4,665 per annum, with the first £500 currently being paid tax-free to reflect the reimbursement of costs necessarily incurred. In addition, some Councillors receive Special Responsibility Allowances for undertaking additional duties, as set out in the Scheme.
- 3.2 Councillors may claim the cost of travel and subsistence expenses incurred on approved duties and Child Care and Dependants' Carers' Allowance up to certain amounts.

4. PRINCIPLES

- 4.1 The following principles, which were established at the time of the IRP's first review in 2002, continue to underpin this review:-
- (i) The work of a Councillor is essentially voluntary in nature. This principle is recognised and supported by all Councillors interviewed during the reviews in 2002, 2003, 2008 and 2012. Government Guidance also recognises that some elements of this work should remain voluntary;
 - (ii) Any scheme of allowances should be fair, transparent and logical;
 - (iii) Allowances apply to roles within the Council, not individual Councillors;
 - (iv) Allowances should represent reasonable *compensation* to Councillors for expenses they incur, and time they commit, in relation to their role, not *remuneration* for their work. Councillors are not paid employees of the Council and their allowances should not be treated as salary;
 - (v) Allowances cannot be used to recognise individual performance. The legislation does not provide for "performance related" allowances.
 - (vi) Special responsibility allowances are used to recognise the *significant* additional responsibilities which attach to some roles, not just the extra time required.
- 4.2 In making recommendations, the IRP have sought to maintain a balance between:-
- (i) The essentially voluntary nature of a Councillor's role;
 - (ii) The need for allowances to provide appropriate financial recognition for the expenses incurred and time spent by Councillors in fulfilling their roles;
 - (iii) The need to ensure that the level of allowances is sufficient so as not to discourage anyone considering becoming a Councillor or to deter existing Councillors from fulfilling their role;

- (iv) The need for the allowance system to be as simple as possible, without this consideration becoming an undue constraint on the design of the scheme.

5. Evidence Gathering

5.1 The IRP recognised that individual councillors undertook different duties and responsibilities and that those differences covered a wide spectrum. Certain consultations and investigations were required to assist the Panel in reaching a conclusion.

5.1 The Panel's investigations involved the following:

- Eight face-to-face interviews with a representative selection of Councillors;
- A questionnaire (and its results) to all Councillors to obtain an estimate of time spent on Council duties and additional costs associated in being a councillor. Twenty responses were received;
- A comparative study of the payments made in other similar Councils (attached at Annexe 1); and
- Information about the budget situation across the Council from the Head of Finance.

6 Councillors' views on the level of allowances

6.1 Eight councillors were interviewed as part of the review; the Leader of the Council, a working Member, Portfolio Holder for Finance, Portfolio Holder for Economic Development, Planning Chairman, two Councillors involved in Licensing and the Chairman of the Overview and Scrutiny Review and now Vice-Chairman of the new Housing Overview and Scrutiny Committee.

6.2 All Councillors interviewed accepted that much of their work was voluntary in nature and this was reflected in the written returns all councillors made to the IRP. All accepted that the level of sacrifices made to be a Councillor was an individual decision albeit because of the number of meetings, it was difficult to maintain a good balance. The majority agreed that whilst loss of earnings should not be made good through the Members' Allowance, there should be a reasonable basic allowance to recognise the time commitment in normal backbench work, and to ensure that essential out of pocket expenses were reimbursed.

6.3 All Councillors interviewed recognised that Members of the Executive took on significant responsibilities over and above those of backbenchers, especially over the last 6 months and the increasing demands that will be placed on them over the coming year.

6.4 Councillors interviewed were asked about whether or not an allowance should be paid as a general rule to Vice-Chairmen, a suggestion raised by a couple of members as a way of balancing the budget. This also was a recommendation put forward before by the IRP in 2008. Similarly to then, the

other Members interviewed rejected the suggestion as it was recognised the important position that the Vice-Chairman played and they also wanted to encourage it as a shadowing opportunity and good experience for progression planning.

7. Compensation for time and responsibility

7.1 Responses to the Panel's questionnaire showed that Councillors spent widely varying amounts of time on their councillor activities and responses were similar to those received in the 2008 questionnaire. It was noted that the basic allowance didn't cover the time commitment for the role, however, information obtained from these and the interviews highlighted that a majority of councillors were happy with the level of basic allowance and felt that it covered out of pocket expenses.

7.2 The responses and interviews showed that the Leader and the Members of the Executive had significant responsibilities and committed a considerable number of hours each month to the Council. There was also additional significant responsibility in the work of the Chairmen of Committees. For the Executive, in particular, they had an even more difficult role coming up with the changes arising from the Strategic Review undertaken by the Council which they would be taking decisions on and implementing.

8. Travelling and Subsistence Allowance & Dependants' Carers' Allowance

8.1 The 2003 Regulations provide that a scheme of allowances may also include the payment of:-

(a) a travelling and subsistence allowance to its Members and co-opted members (which may include provision for the payment of an allowance for those members who travel by bicycle or other non-motorised transport); and

(b) a dependants' carers' allowance to those councillors who incur expenditure for the care of children or other dependants

8.2 No specific questions were asked on these allowances, nor raised by Members, with the exception of the comment that the payment to cover travelling expenses was welcomed especially when additional meetings were being called more frequently.

9. **CONCLUSION**

9.1 **Special Responsibility Allowances (SRAs)**

9.1.1 Guidance advises that SRAs may be paid to those members of the Council who have significant additional responsibilities, over and above the generally accepted duties of a councillor.

9.1.2 The IRP carefully considered the evidence gathered from the interviews and questionnaires from Councillors and, in particular, information obtained from viewing other local authorities in the Surrey area.

9.1.3 The IRP looked at a number of options to balance the budget whilst still managing to pay an SRA to the two new Overview and Scrutiny Chairmen. This included:

- a) withdrawing all Vice-Chairmen's SRAs;
- b) paying the new Chairmen a $\frac{1}{4}$ of £9,488 which is the total amount paid currently if the Overview and Scrutiny structure had not changed;
- c) reducing the basic allowance by a certain percentage, to be agreed; and
- d) reducing the basic allowance and SRA allowance for all councillors by a certain percentage, to be agreed.

The IRP looked at each option in turn with the conclusions noted below:

- a) The IRP concluded that the Vice-Chairmen's SRA should continue as they played an important role, and also a progressive role to gain experience in becoming a chairman in future years.
- b) The IRP concluded that they should not divide the O&S Chairmen's and Vice-Chairmen's current allowance, recognising the significant contribution and responsibility they had, especially this year as the new Committees were establishing themselves.
- c) The IRP concluded that it did not want to reduce the current SRAs by a certain percentage (in addition to the basic allowance) as all postholders put in a significant amount of time and effort, and reducing it would not be reasonable.
- d) Consequently, as a result of these conclusions the IRP moved onto looking at a recommendation to reduce the basic allowance, or, proposing a budget increase of £9,488 which would cover the four new SRAs. The IRP considered the evidence before them and, although noting the budget pressures, felt that the basic allowance should not be reduced, and that the increase proposed for the new SRAs was only small.

9.1.4 The comparative data was useful but, unless a sophisticated analysis was undertaken into the committee structures of all neighbouring authorities, it was almost impossible to determine exactly a midpoint base for an SRA.

9.2 Basic Allowance

- 9.2.1 As stated earlier in this report, the Panel recognised that many Councillors devote significant amounts of time to their duties. The questionnaires indicated that Councillors spend a large number of hours a month on their duties, of which half was spent on “constituency business”. Councillors with additional responsibilities worked substantially longer than this, predominantly, in attending meetings with officers outside of formal meetings and information obtained in this review confirms this.
- 9.2.2 There are 57 Councillors at Waverley, more per head of population than any other Surrey District. This inevitably makes the total cost of Waverley Councillor allowances relatively high compared with equivalent Boroughs.
- 9.2.3 Having considered all the options for the SRA, the Panel discussed whether or not a small reduction be made to the basic allowance which would cover the £9,488 amount required to pay the additional O&S Chairmen and Vice-Chairmen.
- 9.2.4 The IRP felt that the basic allowance should not be reduced considering the time commitment councillors gave to their roles. Furthermore, the current basic allowance was mid-point to those paid by other Local Authorities and so no decrease or increase was proposed.

9.3 Audit Committee Chairman and Vice-Chairman

- 9.3.1 The IRP also considered the SRA paid to the Chairman and Vice-Chairman of the Audit Committee, particularly noting the similarities to the roles carried out by the Chairmen and Vice-Chairmen of the Overview and Scrutiny Committees. It was noted that the Audit Committee had a high level of responsibility considering items such as reviewing and approving the annual accounts. Therefore, the Chairman and Vice-Chairman took on a large amount of responsibility in their roles. In view of this, and having reviewed the amount paid by other Surrey Councils, it was agreed that they should be paid more to reflect the additional responsibility they had. It was agreed that their SRA should be in line with that offered to the Overview and Scrutiny Chairmen and Vice-Chairmen of £3,162 and £1,582 respectively.
- 9.3.2 The proposed Scheme is, therefore, attached at Annexe 2.

9.4 Pensions

- 9.4.1 The IRP did not consider or make any recommendations in relation to pensions for Councillors.

9.5 Travelling and Subsistence Allowance and Broadband

- 9.5.1 The IRP propose that no changes be made to the existing arrangements for travelling, subsistence and broadband allowances.

9.6 **Dependants' Carers' Allowance**

9.6.1 The IRP propose that no changes be made to the existing arrangements for co-optees or appointed Members of the Standards Panel allowances.

9.7 **Co-Optees' Allowance**

9.7.1 The IRP propose that no changes be made to the existing arrangements for co-optees or appointed Members of the Standards Panel allowances.

9.8 **Town/Parish Allowances**

9.8.1 The IRP do not propose to make any recommendations in relation to allowances for Town or Parish Councillors.

9.8.2 The IRP agreed that any changes to the scheme should be backdated to the start of the current Council year 2017/2018.

10. RECOMMENDATIONS

The IRP, therefore, **RECOMMENDS** that

1. The Members' Allowance budget for 2017/18 be increased by £10,682 in order to pay for the additional SRAs for the Chairmen and Vice-Chairmen of the two additional Overview and Scrutiny Committees as well as for the increase to the SRA to the Chairman and Vice-Chairman of the Audit Committee.

The IRP further **RECOMMENDS** that the following is also agreed

2. a Special Responsibility Allowance be paid to all four Chairmen and Vice-Chairmen of the Overview and Scrutiny Committees;
3. the Special Responsibility Allowance paid to the Chair and Vice-Chairman of the Audit Committee be increased to £3,162 and £1,582 respectively;
4. only one Special Responsibility Allowance will be payable to a single councillor at one time, in line with current policy;
5. the basic allowance, and each of the SRAs, continue to be increased annually in line with the percentage increase in Waverley's Staff salaries; and
6. any changes to the scheme should be backdated to the start of the current Council year 2017/2018.

Signed:
Neil McClelland (Chairman)

Signed: Signed:
Ken Kent Bob Mattock

Council Name	Type of Council (County, Unitary or District/Borough)	Leader	Deputy Leader	Cabinet Member / Portfolio Holder	Chair Audit Committee	Licensing Committee Chair	Deputy Chair Licensing Committee	Planning Committee Chair	Deputy Chair Planning Committee	Members of Planning Committee	Overview and Scrutiny Committee Chair	Deputy Chair Overview and Scrutiny Committee	Overview and Scrutiny Co-optee	Chair / Civic Mayor	Deputy Chair/ Civic Mayor	Opposition Group Leader	Deputy Opposition Leader	Group Leader	Opposition Spokesperson	Committee Chair	Independent Person	1 SRA per cllr?
Waverley Borough Council	District	13,567.00	9,392.00	6,262.00	2,343.00	3,131.00	1,566.00	3,131.00	1,566.00	n/a	3,131.00	1,566.00	208.00	548.00	n/a	3,131.00	n/a	n/a	n/a	n/a	n/a	Yes
Epsom & Ewell	Borough	2,338.41	3,341.36	Not applicable	2,338.41	2,338.95	0	3,341.36	1,002.41	334.14	2,338.95	0	Not applicable	Not currently included in scheme - separate civic budget but Mayor continues to receive allowance as ordinary member of Council	Not currently included in scheme - separate civic budget but Mayor continues to receive allowance as ordinary member of Council	200 plus 50 per group member	Not applicable	See Leader of the Council	Not applicable	2,338.95	1,002.41	No - with the exception of the Chairman of the Planning Committee who is not entitled to claim the allowance as an ordinary member of the Planning Committee in addition to the Chairman's allowance
Guildford Borough Council	District	7,939.00	1,323.00	5,293.00	3,308.00	3,308.00	n/a	5,293.00	n/a	n/a	5,293.00	n/a	n/a	Mayor receives £5,293 SRA + £8,000 allowance to meet the expenses of the office of Mayor	Deputy Mayor receives £2,646 SRA + £2,000 allowance to meet the expenses of the office of Deputy Mayor	Shadow Leader receives £5,293	n/a	£66 per group member	n/a	Executive Advisory Board chairs (x2) receive £3,308	Independent Persons are only eligible to claim travelling expenses	No
Reigate and Banstead	Borough Council	13,376.00	10,924.00	8,918.00	416.00	416.00	0 (But Sub-Committee chairs also get 416)	5,144.00	0	760.00	2,989.00	0	0	12,465.00	2,575.00	0	0	139 basic allowance + 55 for each group member	N/A	0	0	No
Runnymede Borough Council	District/Borough	6,430.00	1,608.00	n/a	1,061.00	3,215.00	1,608.00	5,626.00	3,751.00	1,875.00	3,215.00	1,608.00	n/a	3,215.00	804.00	2,411.00	n/a	2,411.00	Nil	3,215.00	Nil	No
Spelthorne	Borough	13,306.00	8,782.00	6,653.00	3,327.00	4,657	Not applicable	5,321.00	Not applicable	Not applicable	4,656.00	Not applicable	Not applicable	£18500 including £4700 for travel	3,900.00	3,100.00	Not applicable	Not applicable	Not applicable	Not applicable	Not applicable	Yes
Surrey Heath Borough Council	District	13,590.60	n/a	4,533.60	n/a	3,627.00	1,813.08	4,198.92	2,099.40	n/a	3,627.00	1,448.16	n/a	4,727.56	1,574.88	4,533.60	n/a	4,533.60	n/a	1,813.08	None	Yes
Tandridge District Council	District	2,885.00	1,443.00	N/A	N/A	N/A	N/A	2,885.00	1,443.00	558.00	2,885.00	1,443.00	N/A	2,885.00	1,443.00	2,885.00	N/A	2,885.00	N/A	2,885.00	500.00	NO
Elmbridge Borough Council	District	12,240.00	not applicable	6,120.00	3,662	3,590.00	800.00	5,100.00	1,163.00	not applicable	6,120.00	3,060.00	not applicable	not applicable	not applicable	With membership greater than 10% of total members = £500 With membership less than 10% of total members = £125	not applicable	not applicable	not applicable	not applicable	not applicable	YES
Woking Borough Council	District	5,000.00	1,500.00	750.00	0	500.00	0	750.00	0	0	500.00	0	0	13,960.00	1,402.00	1,000.00	0	0	0	0	£360 (5% of the Basic Allowance)	Yes
Mole Valley	District	6,663.48	0	Depends on number of Exec Members. Fewer Members = larger allowance. Minimum = £2,392	2,050.30	256.29	0	2,460.36	0	0	2,050.30	0	0	2,459.46	922.64	3,588.03	512.58	512.58	no information received	Standards = £512.58	travel only	no

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WAVERLEY BOROUGH COUNCIL

MEMBERS' ALLOWANCES SCHEME

(1st April 2017 to 31st March 2018)

The Waverley Borough Council, in exercise of the powers conferred by the Local Authorities (Members' Allowances)(England) Regulations 2003, hereby makes the following scheme:

1. This scheme may be cited as the Waverley Borough Council Members' Allowances Scheme, and shall have effect from 1st April 2017.
2. In this scheme, "councillor" means a member of the Waverley Borough Council who is a councillor.

Flat-rate Allowance

3. Subject to paragraphs 7 and 8, for each year a flat-rate allowance of £4,665 shall be paid to each councillor. This payment is subject to income tax deduction.

Special Responsibility Allowance

4. (1) For each year, a special responsibility allowance shall be paid to those councillors who hold the special responsibilities in relation to the authority that are specified in Schedule 1 to this scheme.
(2) Subject to paragraphs 6 and 7, the amount of each such allowance shall be the amount specified against that special responsibility in that schedule.

Co-opted and Appointed Members' Allowances

5. For each year, an allowance of £210 shall be paid to each co-opted and appointed Member of the Standards Panel. If any such Member is also the Chairman or Vice-Chairman of the Standards Panel, the appropriate Special Responsibility Allowance will be paid in addition to this amount.

6. Carer's and Childcare Allowances

- (1) Carer's and childcare costs can be claimed, provided that they are fair and reasonable, to support the expenses of those Members who may care for dependants, whether children, elderly persons or people with disabilities, whilst the Member is on Council business which attracts travelling & subsistence allowances as listed in Schedule 3.
- (2) The allowance is not payable for the employment of a member of the claimant's own household.

Renunciation

7. A councillor may by notice in writing given to the Chief Executive elect to forego any part of his or her entitlement to an allowance under this scheme.

Part-year Entitlements

8. (1) The provisions of this paragraph shall have effect to regulate the entitlements of a councillor to the flat-rate allowance and a special responsibility allowance where, in the course of a year, this scheme is amended or that councillor

becomes, or ceases to be, a councillor, or accepts or relinquishes a special responsibility in respect of which a special responsibility allowance is payable.

- (2) If an amendment to this scheme changes the amount to which a councillor is entitled by way of the flat-rate allowance or a special responsibility allowance, then in relation to each of the periods
 - (a) beginning with the year and ending with the day before that on which the first amendment in that year takes effect, or
 - (b) beginning with the day on which an amendment takes effect and ending with the day before that on which the next amendment takes effect, or (if none) with the year,

the entitlement to such allowances shall be to the payment of such part of the amount of the allowances under this scheme as it has effect during the relevant period as bears to the whole the same proportion as the number of the days in the period bears to the number of days in the year.

- (3) Where the term of office of a councillor begins or ends otherwise than at the beginning or end of a year, the entitlement of that councillor to the flat-rate allowance shall be to the payment to such part of the flat-rate allowance as bears to the whole the same proportion as the number of days during which his term of office subsists bears to the number of days in that year.
- (4) Where this scheme is amended as mentioned in sub-paragraph (2), and the term of office of a councillor does not subsist throughout the period mentioned in sub-paragraph (2)(a), the entitlement of any such councillor to the flat-rate allowance shall be to the payment of such part of the flat-rate allowance referable to each such period (ascertained in accordance with that sub-paragraph) as bears to the whole the same proportion as the number of days during which his term of office as a councillor subsists bears to the number of days in that period.
- (5) Where a councillor has during part of, but not throughout, a year such special responsibilities as entitle him or her to a special responsibility allowance, that councillor's entitlement shall be to payment of such part of that allowance as bears to the whole the same proportion as the number of days during which he or she has such special responsibilities bears to the number of days in that year.
- (6) Where this scheme is amended as mentioned in sub-paragraph (2), and a councillor has during part, but does not have throughout the whole, of any period mentioned in sub-paragraph (2)(a) of that paragraph any such special responsibilities as entitle him or her to a special responsibility allowance, that councillor's entitlement shall be to payment of such part of the allowance referable to each such period (ascertained in accordance with that sub-paragraph) as bears to the whole the same proportion as the number of days in that period during which he or she has such special responsibilities bears to the number of days in that period.

Claims and Payments

9. (1) A claim for carer's and childcare allowance under this scheme shall be made in writing within three months of the date of the meeting in respect of which the entitlement to the allowance arises.

- (2) A claim for carer's and childcare allowance shall include, or be accompanied by, a statement by the councillor claiming the allowance that he or she is not entitled to receive remuneration in respect of the matter to which the claim relates otherwise than under the Council's scheme.
 - (3) All claims for mileage and subsistence must be made on the official form and submitted within 3 months of the end of the period claimed. All claim forms must be signed and must contain full details of meetings and start and destination points. Payments for travel to official meetings can only be made where the Members has signed the formal attendance register for that meeting.
10.
 - (1) Payments shall be made
 - (a) in respect of the flat-rate allowance and special responsibility allowance, subject to sub-paragraph (2), in instalments one-twelfth of the amount specified in this scheme on the 15th day of each month;
 - (b) in respect of the carer's & childcare allowance, on the 15th day of each month in respect of claims received up to the day 14 days before that date.
 - (2) Where a payment of one-twelfth of the amount specified in this scheme in respect of the flat-rate allowance or a special responsibility allowance would result in the councillor receiving more than the amount to which, by virtue of paragraphs 7 and 8, he or she is entitled, the payment shall be restricted to such amount as will ensure that no more is paid than the amount to which he or she is entitled.

Suspension of Allowances

11. Where a councillor is suspended or partially suspended from their responsibilities or duties as a member of the authority, any travelling and subsistence allowance payable to the councillor in respect of the responsibilities or duties from which they are suspended or partially suspended may be withheld by the authority.

Annual review of allowance rates

12. The rates of allowance for:
 - (a) the annual flat-rate allowance;
 - (b) the allowance for co-opted and appointed members of the Standards Committee;
 - (c) the allowance for special responsibility allowances;

shall be increased with effect from 1st April each year in line with the annual pay award for staff for the same year.

Pension Scheme

13. No allowances will be eligible for pensions.

Travel and Subsistence Allowances

14. The current motor mileage rates and subsistence rates are specified at Schedule 2 and the approved duties for the purpose of travelling and subsistence allowances are specified at Schedule 3.

Payments will only be made when supported by a receipt.

15. *Travelling Allowances:* Travelling allowances may be claimed in respect of each occasion on which a Councillor carries out a duty as described in Schedule 3.

If a claimant uses their own motor car or one belonging to a member of her/his family, or otherwise provided for their use and subject to the claimant having the appropriate insurance, the rate for travel shall be as stated in Schedule 2.

The distance claimed for mileage should be the shortest most reasonable journey by road from the point of departure to the point at which the duty is performed, and similarly from the duty point to the place of return.

When claiming mileage for using a motor vehicle fuel VAT receipts must be provided; the receipt(s) should show that sufficient fuel to undertake the journey(s) was purchased.

Other travel expenses: Parking fees, public transport fares will be reimbursed at cost, but only on production of a valid ticket or receipt - the cheapest available fare for the time of travel should normally be purchased.

16. *Subsistence Allowances:* Subsistence allowances may be claimed in respect of each occasion on which a Councillor carries out a duty as specified in Schedule 3

Where a meal is provided or paid for by the Council during the course of an approved duty the claimant will not be entitled to claim subsistence allowance.

Where absence from normal place of residence is greater than 4 hours, but only in respect of activities outside of the Council's boundaries, subsistence claims will be met on the basis of actual expenditure subject to the following:

The expenditure is considered reasonable.

Receipts are submitted with the claim.

Claimant must be prepared to justify expenditure if asked to do so.

Provision Of Valid Receipts

Failure to supply receipts and appropriate detail for any expense will result in non-payment of claims.

No other allowances are payable.

SCHEDULE 1

SPECIAL RESPONSIBILITY ALLOWANCES 2015/16

The following are specified as the special responsibilities in respect of which special responsibility allowances are payable, and the amounts of those allowances:

Special Responsibility Allowances		
	Chairmen etc	Vice-Chairmen
	£	£
Leaders/Executive:		
Leader of the Council	13,703.00	-
Deputy Leader of the Council	9,486.00	
Leader of the Principal Opposition Group	3,162.00	-
Members of the Executive (up to 8 Portfolio Holders at £6325 each)	50,600.00	-
Council	553.00	
Chairmen/Vice-Chairmen:		
<i>Overview and Scrutiny Committees:</i>		
Customer Service and VfM	3,162.00	1,582.00
Environment	3,162.00	1,582.00
Community wellbeing	3,162.00	1,582.00
Housing	3,162.00	1,582.00
<i>Regulatory Committees:</i>		
Standards Panel	1,856.00	Nil
Licensing and Regulatory Committee	3,162.00	1,582.00
Audit Committee	3,162.00	1,582.00
Joint Planning Committee	3,162.00	1,582.00
Eastern and Central Area Planning Committee	3,162.00	1,582.00
Western and Southern Area Planning Committee	3,162.00	1,582.00
	£107,818.00	£14,238.00

Note – Members will only be entitled to the basic allowance plus one special responsibility allowance

SUMMARY OF SPECIAL RESPONSIBILITY ALLOWANCES:

	£
Leaders/Executive/Chairmen	107,818.00
Vice-Chairmen	14,238.00
	£122,056.00

The payment of Special Responsibility Allowances is subject to the deduction of income tax.

SCHEDULE 2

RATES FOR TRAVELLING AND SUBSISTENCE ALLOWANCE

Members may only claim travelling and subsistence allowance in respect of the 'approved' duties listed in Schedule 3.

TRAVEL

Motor Mileage Allowance

<u>Engine Capacity</u>	<u>Rate per mile</u>
All	45.0 pence

When long journeys are undertaken as approved duties, the most economic method of travel should always be sought. Members should consider car-sharing wherever possible.

Public Transport – Rail/Bus	Second class or any available cheap rate
Cycle mileage allowance	22.3 pence per mile

SUBSISTENCE RATES

Day Subsistence Allowance

4 hours before 11.00am	Breakfast allowance	£6.88
4 hours including 12noon to 2pm	Lunch allowance	£9.50
4 hours including 3pm to 6pm	Tea allowance	£3.76
4 hours ending after 7pm	Evening meal allowance	£11.76

Overnight Subsistence Allowance including accommodation (when claiming reimbursement)

(i)	In London	£102.00
(ii)	Otherwise	£89.00

Members should book accommodation through Waverley officers wherever possible.

TRAVEL OUTSIDE OF THE BOROUGH

The following list determines the payment of travelling allowances to members who either work or reside outside the Borough and who travel long distances to attend Waverley 'approved' duties:

<u>Nature of Absence</u>	<u>Travelling allowance to be paid</u>
Holiday	None
Change of residence	Up to a maximum of 27 miles per return journey, being the distance between Godalming and the furthest Borough boundary.
Employment*	

* In respect of employment, each Political group can spend up to £500 above this (based on normal allowances for actual travel) in any one year for exceptional circumstances, subject to the approval of the group leader

Key Contacts for Members' Allowances Scheme

<i>Emma McQuillan</i>	emma.mcquillan@waverley.gov.uk	01483 523351
<i>Peter Vickers</i>	peter.vickers@waverley.gov.uk	01483 523539

SCHEDULE 3

SCHEDULE OF APPROVED DUTIES FOR THE PURPOSES OF CARER'S, CHILDCARE, TRAVELLING AND SUBSISTENCE ALLOWANCES

The following meetings are approved for the payment of carer's, childcare, travelling and subsistence allowances:

1. A meeting of the Council and, where councillors are members, a meeting of the Executive or any other Committee or Sub-Committee of the Council, or of the following:
 - Working Groups
 - Chairman's agenda meetings
 - Opening of tenders (Executive Portfolio Holder, Chairman or Vice-Chairman)
 - Attendance at site meetings of the relevant Planning Committees (such site meetings being identified by the Head of Planning and approved at the meeting of the relevant Sub-Committee)
 - Employers' Negotiating Team (including Joint Negotiating Committee for Pay and Conditions)
 - Housing Benefits Review Panel
 - meetings
 - initial training courses only
 - Computer appreciation and computer training courses approved by the Council
 - Seminars, training courses, presentations or visits for Members of the Council as identified by the Executive or other Committee or a Sub-Committee, unless formally extended to others with the agreement of the Executive
 - Meetings convened by the Chief Executive
 - Pre-arranged meetings between Portfolio Holders and officers which are necessary for the business of the portfolio
 - Meeting with All Parishes) Waverley members attending as
 - SCC Waverley Local Committee) representatives of Waverley only
 - Meetings with the Council's external auditors
 - Staff appointments (including staff appraisals)
 - Overview and Scrutiny Committee meeting attendances by portfolio holders and Executive meeting attendances by Chairman and Vice Chairman of Overview and Scrutiny Committees.
 - Attendance by Councillors at Waverley meetings of which they are not members when exercising their rights under Council Procedure Rule 24.
2. a meeting of any of the associations of authorities of which the Council is a member, eg Local Government Association
3. a meeting of a body where the appointment thereto is made by the Local Government Association
4. Attendances by all Member representatives appointed by Waverley at meetings of outside bodies
5. Attendance by appropriate Executive Members at meetings of Outside Organisations where this is necessary to protect Waverley's interests, as approved by the Chief Executive, after consultation with the Leader.

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WAVERLEY BOROUGH COUNCIL

MINUTES OF THE EXECUTIVE - 6 FEBRUARY 2018

SUBMITTED TO THE COUNCIL MEETING – 20 FEBRUARY 2018

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

Present

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

Apologies

Cllr Andrew Bolton

Also Present

Councillor Mike Band, Councillor Maurice Byham, Councillor Mary Forszyszewski, Councillor David Hunter, Councillor Peter Isherwood, Councillor David Round and Councillor Nick Williams

89. MINUTES (Agenda item 1)

The Minutes of the Meeting held on 28 November 2017 were confirmed and signed as a correct record.

90. APOLOGIES FOR ABSENCE (Agenda item 2)

Apologies for absence were received from Cllr Andrew Bolton.

91. DECLARATIONS OF INTERESTS (Agenda item 3)

Cllrs Jim Edwards and Ged Hall declared general non-pecuniary interests as members of Haslemere Town Council.

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.

92. MEDIUM TERM FINANCIAL PLAN 2018/19 - 2020/21 (Agenda item 5)

The reports from the Executive in respect of the 2018/19 budget are set out at Agenda Item 8 to the Council agenda, incorporating:-

8a. General Fund Budget Revenue and Capital – 2018/19

- 8b. Housing Revenue Account Business Plan, Revenue Budget and Capital Programme 2018/19
- 8c. Council Tax Setting 2018/19.

These reports have been dealt with at Agenda Item 8 of the Council agenda.

93. TREASURY MANAGEMENT FRAMEWORK 2018/2019 (Agenda item 8)

- 93.1 The Treasury Management Framework for 2017/18 was approved at February 2017 Council. Treasury management is the management of the Council's investments and cash flows, its banking, money market and capital market transactions, the effective control of the risks associated with those activities and the pursuit of optimum performance consistent with those risks.
- 93.2 For Waverley Borough Council this means collecting around £130m per annum and managing a similar amount of revenue expenditure together with an average investment of around £65m each day invested in financial markets and, with the introduction of HRA Self-financing in 2012/13, it now also includes borrowing of £192m and in future this could also include borrowing to support commercial investment.
- 93.3 The current version of the code (last updated in November 2011) incorporates the implications of HRA Self-Financing and requirements for the management of risk. The 2018 revised code is expected to require inclusion of information regarding the Council's high level policies for borrowing and commercial investments held for financial return.
- 93.4 The CIPFA code requires local authorities to maintain their Treasury Management Policy in accordance with the code, and any of its revisions, and with legislation. It also requires local authorities to determine their Treasury Management strategies, Investment strategies and their Prudential Indicators on an annual basis.
- 93.5 During 2017 CIPFA undertook to revise the code through a series of consultations and have delayed the publication of the revised code pending the outcome of the Government's consultation which ended in December 2017 on proposed changes to the prudential framework of capital finance, which includes the Local Authorities Investment Code and MRP Guidance. Publication of the revised code is expected imminently but not in time for the Council to incorporate into its Treasury Management Framework at the February Council meeting.
- 93.6 The Council's Medium Term Financial Plan includes significant planned investment in commercial property through the recently set up Investment Board which is developing the Property Investment Strategy in conjunction with the Value for Money Overview and Scrutiny Committee. The Council also has ambitions to maximise development of affordable housing within its Housing Business Plan. Professional treasury management advice is currently being obtained to enable the Council to develop a long term strategic financing plan to maximise and optimise financial resources on both General Fund and HRA accounts, including potential debt restructuring, use

of cash reserves and borrowing whilst remaining legal and managing risk exposure.

- 93.7 The Council is requested to extend the adoption of the 2017/18 Treasury Management Framework until the April Council meeting where it will be requested to adopt a revised framework incorporating the revised CIPFA code, and supported by specialist treasury management advice alongside the Property Investment strategy. The Executive accordingly

RECOMMENDS that

- 28. the approved Treasury Management Framework for 2017/18 be extended until the Council meeting in April 2018.**

[Reason: to agree an extension of the current treasury management framework awaiting policy changes from Government]

94. ANNUAL PAY POLICY STATEMENT (Agenda item 9)

- 94.1 The Localism Act 2011 requires all public authorities to publish Annual Pay Policy Statements.
- 94.2 The Council is required to adopt the Annual Pay Policy Statement each year and the Council is not legally permitted to depart from the policies set out in that statement when it considers actual decisions in relation to individuals' remuneration, including redundancy and/or severance.
- 94.3 The Annual Pay Policy Statement for 2018-19 at Annexe 1 has been updated in line with the requirements of the Localism Act 2011, resulting in minimal adjustment from last year and the amendments are shown as tracked changes. The Executive

RECOMMENDS that

- 29. the Annual Pay Policy Statement for 2018-19 be approved and adopted.**

[Reason: in accordance with the Localism Act 2011 which requires all public authorities to publish Annual Pay Policy Statements]

95. FUNDING FOR VOLUNTARY SECTOR ORGANISATIONS 2018/2019 - SERVICE LEVEL AGREEMENTS 2018-2021 (Agenda item 10)

[Cllr David Round was in attendance and spoke on this item]

- 95.1 The Council has a strong commitment to working with and funding voluntary sector organisations to deliver services to residents. It is pleased to have maintained its overall budget at the same level since 2012/13, despite having to make significant savings on other services. The Council will look to protect funding to the voluntary sector, which supports many of our most vulnerable residents, if at all possible.

- 95.2 The Council has previously funded voluntary organisations in three ways: through SLAs, the Waverley Community Partnership annual grant scheme and the Waverley Voluntary Commissioning Partnership in partnership with Surrey County Council Adult Social Care.
- 95.3 Following the work of a Grants Review Special Interest Group held in 2011, seven organisations signed three year SLAs as a pilot for this new way of working. In 2015/16 the Council made the decision to move an additional 4 organisations across from the annual grant scheme to three year SLAs and a further 5 organisations to one year Agreements in 2017/18. This means that all SLAs expire on 31 March 2018. Due to this, the Waverley Community Partnership annual grant scheme was suspended for 2017/18 to determine its future. This meant that the Council's primary way of funding voluntary organisations would be SLAs to enable it to closely align funded activities with agreed priorities, deliver more effective partnership working and better outcomes for local communities.

Financial Implications

- 95.4 The Council's total proposed funding allocated to community organisations in 2018/19 is £687,105 showing the Council's continued commitment to its partnerships with voluntary organisations. This overall budget has been maintained at a similar level over the past 5 years, despite the Council's significant reductions in its government grant. Waverley has continued to receive a cut in its Government Grant in the current year, 2017/18, which reduces to zero in 2018/19. The financial projection in the latest approved medium term financial plan shows a budget shortfall of £2.8m over the next 3 years. Proposals to close the budget gap in 2018/19 are currently being considered by Members but there is still a significant shortfall to address in future years. At this stage however, there are no proposals to reduce the overall funding to the voluntary sector.

Summary of funding proposed for 2018-2021

- 95.5 The Agreements will detail this level of funding per annum for the three-year period of the Agreement; however, individual amounts will be subject to annual review and Council approval in February each year as part of the budget setting process:

	Annual funding proposed (for each of the next 3 years 2018-2021)	Actual funding for 2017/18
Waverley Voluntary Commissioning Partnership	-	£42,770
Service Level Agreements	£687,105	£644,290*
Total funding	£687,105	£687,060
*The Orchard Club saw a reduction of £20,000 in their funding in 2017/18 due to changes in the way they deliver their services under the SLA.		

- 95.6 In addition to the above funding, the Council supports these and additional organisations in many other ways including assistance with accessing other sources of funding, one-off capital investment, discretionary rate relief and rent relief.

Waverley Voluntary Commissioning Partnership

- 95.7 Surrey County Council and Waverley Borough Council have previously jointly funded (on a 50:50 basis) this commissioning scheme with an overall pot of £85,540. Surrey County Council wrote to Waverley in the summer 2017 to inform the Council that due to budget pressures they will be ceasing their contribution (£42,770) from 31 March 2018.

- 95.8 At its meeting on 5 September 2017 the Executive agreed to utilise the SLA process to assess how best to allocate the Council's remaining Waverley Voluntary Commissioning Partnership funding of £42,770 with the currently funded organisations. This demonstrated the Council's continued commitment to ensuring that the existing high priority services that this pot funds could continue to support residents, otherwise they would have been at risk.

Service Level Agreements 2018-2021 Review Process

- 95.9 The key purposes of the SLAs are as follows:

- To provide greater accountability for the funding given to voluntary organisations.
- To ensure the organisations are delivering outcomes that relate to the Council's corporate priorities.
- To demonstrate outcomes that the organisations are delivering are providing value for money with robust performance measures in place.
- To build a stronger partnership.
- To give organisations and the Council the opportunity to budget and plan for the future.

- 95.10 At its meeting on 5 September 2017, the Executive agreed the establishment of an Executive Panel to review the current SLAs, in preparation for their renewal for the next three years, 1 April 2018 to 31 March 2021. The Panel proposed allocations for the next three years of the Agreements, with the caveat that funding is subject to annual review through the Council's budget setting process.

- 95.11 The Executive Panel, chaired by the Portfolio Holder for Economic Development and Grants supported by the Portfolio Holder for Health, Wellbeing and Culture and the Portfolio Holder for Environment, met on 20 September. Officers from the Communities Team and Finance supported the Executive Panel.

- 95.12 In reaching its decision, the Executive Panel reviewed information on each organisation including: a budget forecast for 2017/18, a business plan, key monitoring data, key financial information, a questionnaire completed by the

Member Representative where there is one, a questionnaire completed by the organisation, and any relevant issues that the Panel should be aware of.

95.13 Annexe 2 shows the Panel's proposed allocations for funding and provides notes on the reasons for the proposed grant levels for some organisations where this is considered to be particularly relevant. Information on other discretionary support that the Council provides to partner organisations is detailed in Annexe 3.

95.14 Overall the Panel felt that all organisations are achieving good outcomes for residents with limited resources. The Panel noted that all organisations are run by volunteer Trustees, are fairly small, and do not have the funding leverage that national and larger charities may have. It is not unusual for these local charities to need to access their reserves in order to operate.

Citizens' Advice Waverley

95.15 The Panel noted that Citizens Advice Waverley is currently reviewing its business plan as part of its long-term strategy. In particular, it is the only funded organisation that provides an entirely free service to its clients and is required to invest resources to satisfy the needs of its membership to Citizens Advice national, adding pressure to its business model. The Panel felt that the Service Level Agreement should operate as a mechanism for Citizens' Advice Waverley to work collaboratively with other bureaux and strengthen its partnership working. This would also enable Citizens Advice Waverley to explore the possibility of streamlining overheads costs and reduce the costs per client. A number of other local Councils are also encouraging their Citizens Advice Bureaus to work in collaboration.

95.16 Citizens Advice Waverley has a commitment to support clients face to face, which many clients say they prefer. This requires a venue for these meetings to take place. The Panel felt that alternative, more cost-effective venues should be explored such as libraries and community buildings.

95.17 The Panel felt that there should be a stronger review of CAW's funding throughout the term of their SLA to ensure that the above requirements to explore alternative models of delivery are met.

Services for Older People in Haslemere

95.18 The Orchard Club currently provides services for older people in Haslemere and surrounding villages. It previously operated out of Haslewey Community Centre under a licence arrangement. The Orchard Club moved its entire operations from Haslewey in December 2016 and now operates under an outreach-type model of service delivery, focussing on supporting more isolated, vulnerable older people to attend meaningful activities.

95.19 As part of its relocation and reorganisation, the Council has actively supported The Orchard Club to enable them to rent space at the Haslemere locality office for its administrative operations. The Council also provided additional support to enable The Orchard Club to rent space at Rolston House sheltered housing scheme lounge area to operate its Friends social

group. In addition, the Council assisted The Orchard Club to establish a lunch club from High Lane Community Centre.

- 95.20 The Orchard Club's operations have changed significantly and inevitably it is now a very different to the service that the Council originally agreed to fund through its SLA. In addition, the number of people being supported by the service has reduced. Following agreement with The Orchard Club, the Council released a total of £36,500 for the year 1 April 2017 to 31 March 2018 rather than the original amount allocated of £56,500. The remaining £20,000 was identified as a saving which is now proposed to be built into the base budget for 2018/19.
- 95.21 In view of The Orchard Club's significant change in operations and recognising a degree of uncertainty about how these changes might manifest themselves over the coming months, the Executive Panel proposed ring fencing £26,000 during 2018/19 towards funding day centre type services for older people in the Haslemere area, such as those provided by The Orchard Club. That way, whatever The Orchard Club decides to do over the coming months, the money will still remain available to support the needs of older people in Haslemere. The Council continues to support The Orchard club with their plans, and continue to look for every opportunity to develop high quality day centre type services and meaningful activities for older people in the local area.

The Clockhouse

- 95.22 The Panel proposed to continue to maintain The Clockhouse's funding towards its core service at the same level, £43,200. In addition, the Panel proposed to ring fence a further £9,800 per year, which will be reviewed annually. This additional funding would be to support The Clockhouse to develop its activities to meet the changing needs of the local community and as part of developing a stronger partnership with the Council based on delivery of agreed outcomes. The Board is working towards taking on the Godalming area Community Meals Service and this additional transitional funding will support the organisation in this work as well.

Overview and Scrutiny Committee, Community Wellbeing Sub-Group

- 95.23 At its meeting on 12 September 2017 the Community Overview and Scrutiny Community Wellbeing Committee resolved that a Service Level Agreement Group be established to consider the Executive Grants Panel's funding proposals. The Sub-group met on 17 October to make their comments and observations. The Sub-group agreed overall with the Executive Grants Panel's proposed allocations for funding to each organisation and made the following specific observations:
- 95.24 Citizens Advice Waverley – agreed that their funding should be reviewed if requirements were not met. Furthermore, Members wanted to see the results of their customer satisfaction surveys.

- 95.25 Day Centres – the group noted the proposed increase to The Clockhouse dependent upon outcomes achieved to develop the partnership with the Council to meet its objectives. The group also felt that more meaningful activities should be provided to clients, particularly for people living with dementia.
- 95.26 Cranleigh Arts Centre – the group noted that the Arts Centre is a community facility available to all residents living in the borough and communications from the Arts Centre should reach and attract this wider audience. The Sub-group supported the Arts Centre receiving slightly more to support their drive to expand services.
- 95.27 The group noted that officers would be working on ensuring that the Agreements were tightly monitored, especially those where there was an expectation to improve service delivery.

Service Level Agreements 2018 - 2021

- 95.28 All organisations were informed of their proposed levels of funding in mid-December with the intention that this early indication would support them with their financial planning. It was made clear to the organisations that the proposals are subject to approval through the Committee process. The Agreements will detail the proposed level of funding per annum for the three year period of the Agreement, however, individual amounts will be subject to annual review and Council approval in February each year as part of the budget setting process.
- 95.29 At its meeting on 5 September, the Executive approved delegated authority to the Head of Community Services in consultation with the Portfolio Holder for Economic Development and Grants to agree the final service specification for each organisation's SLA.
- 95.30 The SLA documents are being prepared and will be ready for signing on 1 April 2018 so that the Council is in a position to release the first funding instalments at the beginning of April. The Service Expectations will be carefully written to ensure that any requirements identified as part of the SLA review process are included and that outcomes and outputs are clear. The Service Specifications and monitoring data may need to be reviewed during the period of the Agreements to ensure they are aligned to the Council's new Corporate Plan, which is scheduled to be taken to full Council in February 2018.

Community Wellbeing Overview and Scrutiny Committee

- 95.31 The Community Wellbeing Overview and Scrutiny Committee considered the funding proposals for the Service Level Agreements to voluntary organisations at its meeting on 23 January 2018, and passed the following observations to the Executive:-

The Overview and Scrutiny Committee thanked the Executive for managing to maintain the budget at the same level as the previous year. The Committee agreed that they should help Hasleway to continue to support older peoples services following the changes with the Orchard Club. A comment was also made that when they looked at grants again, to ensure that there was a fair balance across the Borough.

95.32 The Executive confirmed the overall funding to the voluntary sector at £687,105 for 2018/19, considered the proposed allocations for the Service Level Agreements for 2018/19-2020/21, having regard to the comments of the Community Wellbeing Overview and Scrutiny Committee and Sub-Group and

RECOMMENDS that

30. the funding levels for each organisation, as detailed in Annexe 2, be approved.

[Reason: to consider the proposed levels of Service Level Agreement funding to the voluntary sector organisations]

96. WAVERLEY BOROUGH COUNCIL PREVENT STRATEGY (Agenda item 15)

96.1 Prevent is one of four objectives which make up the government's Strategy for countering terrorism, CONTEST, with the others being Pursue, Protect, and Prepare. Prevent is unique in that it is the only element of CONTEST that takes place in the pre-criminal space, prior to any illegal activity taking place. Prevent is also predominantly a safeguarding mechanism, in recognition that radicalisation of vulnerable individuals is comparable to the other forms of harm and abuse considered by the Council's Safeguarding Policy for Children and Adults at Risk.

96.2 **The Prevent Strategy** published by the government in 2011 has three key objectives:

- To respond to the ideological challenge of terrorism and the threat faced from those who promote it.
- To prevent people from being drawn into terrorism, and ensure that they are given the appropriate advice and support.
- To work with sectors and institutions where there are risks of radicalisation which need to be addressed.

96.3 The Prevent duty applies to Waverley Borough Council and other agencies working with vulnerable adults, children and young people, where the work is being carried out on behalf of the Council. The Prevent Implementation Plan (included as an annex within the Prevent Policy) outlines the Council's Prevent duties and lead officers responsible for ensuring that these actions are carried out.

- 96.4 Prior to the 2015 Act, responsibility for Prevent and its delivery largely sat with the Police. In line with the requirements of the 2015 Act, the lead responsibility for Prevent shifted from Surrey Police to Surrey County Council. As the lead agency for Prevent in Surrey, Surrey County Council is responsible for proposing procedures and governance for Surrey's Prevent Strategy. This includes the Channel process, and using multi-agency structures, to co-ordinate Prevent activity across Surrey to develop a joint understanding of threats, vulnerabilities and risks outlined in the Counter Terrorism Local Plan (CTLP). The Chief Executive at Waverley Borough Council receives a Waverley CTLP annually, which is incorporated into the Council's Implementation Plan for Prevent.
- 96.5 The Prevent Policy sets out how the Council will meet its obligations to prevent people from being drawn into terrorism. It applies to staff, agency workers, volunteers, and contractors employed by the Council. It is also applicable to Councillors undertaking official duties on behalf of the Council. The policy complements and supports the Waverley Borough Council Safeguarding Policy for Children and Adults at Risk.
- 96.6 It is vital for successful safeguarding that the procedures in this Policy are understood and applied consistently at an individual, managerial and organisational level. The essential elements of the Policy are awareness of the Council's responsibilities for Prevent and how to make a referral should a concern be raised. Once the Policy is adopted there will be awareness training for all staff, including how to make a referral if there is a concern.
- 96.7 At its meeting on 23 January 2018, the Community Wellbeing Overview and Scrutiny Committee welcomed the Strategy, attached at Annexe 4, and endorsed its adoption to the Executive. Members also recommended that training should be organised for all Councillors on Prevent, including how to approach it and what to do in the event they are concerned. The Executive

RECOMMENDS that

- 31. the proposed Prevent Policy and Implementation Plan be approved and adopted.**

[Reason: to propose the adoption of a new Prevent Policy, in line with the recently adopted Safeguarding Policy for Children and Adults at Risk, summarising the Council's Prevent responsibilities and providing an overview on the delivery of Prevent in Waverley and Surrey.]

97. REVIEW OF SCHEME OF DELEGATION (Agenda item 17)

- 97.1 The Standards Panel, at its meeting on 29 January 2018, reviewed the Scheme of Delegation and further amendments proposed which had been identified in the first eight months of operation of the scheme.
- 97.2 The Panel discussed feedback from members about the process for being able to call-in planning applications for consideration by a Planning Committee and revised wording is set out below in respect of this. This wording also incorporates the provisions which are already set out in the

Constitution relating to those applications which will be determined by a Joint Planning Committee - and the Standards Panel agreed that this provision should be replicated in both documents for clarity.

- 97.3 The proposed changes are shown as tracked changes in Annexe 5. The Executive now

RECOMMENDS that

- 32. the revised Scheme of Delegation at Annexe 5 be approved and adopted.**

[Reason: to keep the Scheme of Delegation under regular review and make changes as necessary]

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. BUDGET MANAGEMENT REPORT (Agenda item 7)

RESOLVED that

1. the latest position against the budget in 2017/18 be noted;
2. delegated authority be given to the Chief Finance Officer in consultation with the Leader and the Portfolio Holder for Finance to agree the Government's required Memorandum of Understanding in order for the business rate pilot to progress, as detailed in paragraph 18;
3. the rescheduling of £16,000 for the Lammas lands HLS project into 2018/19 be approved, as detailed in paragraph 22;
4. the rescheduling of £83,000 for Farnham Museum into 2018/19 be approved, as detailed in paragraph 24;
5. the rescheduling of £270,000 for external refurbishment works on the Ockford Ridge Phase 2 into 2018/19 for the refurbishment on Ockford Ridge Phase 3 be approved, as detailed in paragraph 36;
6. the rescheduling of £420,000 for works on the community rooms into 2018/19 be approved, as detailed in paragraph 37;
7. the rescheduling of £200,000 for utility works on Ockford Ridge into 2018/19 be approved, as detailed in paragraph 42;
8. the rescheduling of £100,000 for the demolition works on Ockford Ridge Site A into 2018/19 be approved, as detailed in paragraph 43; and
9. the rescheduling of £50,000 for Ockford Ridge Site C to 2018/19 be approved, as detailed in paragraph 44.

[Reason: to review the budget and make any variations as necessary]

99. PERFORMANCE MANAGEMENT REPORT Q2 2017/18 (JULY - SEPTEMBER 2017) (Agenda item 11)

The Executive considered the performance figures for Quarter 2, taking into account the observations and recommendations about performance and progress towards targets from the Overview and Scrutiny Committees and

RESOLVED that

1. the changes highlighted in the report to the complaints indicators on adopting the new Complaints Handling Policy be approved;
2. a review of Leisure Centre indicators be agreed;
3. the change to the target of the E4 (missed bins) indicator from 26 to 40 be approved; and
4. inclusion of a new Housing indicator to measure rent arrears starting from Q1 2018/19 be endorsed.

[Reason: to review performance against key indicators and make any amendments as necessary]

100. SELF-BUILD AND CUSTOM HOUSEBUILDING REGISTER (Agenda item 12)

RESOLVED that

1. the introduction of a local connection test as additional eligibility criteria for being entered on either Part 1 or Part 2 of the Self-Build & Custom Housebuilding (SB & CH) Register be approved;
2. the introduction of a set charging fee of £25 for applicants wishing to gain entry onto the SB & CH Register be approved; and
3. the introduction of an annual set fee of £10 to be charged for each base period that the applicant remains on the SB & CH Register with effect from 31 October 2018.

[Reason: to seek approval for the introduction of additional criteria and fee for entry onto and remaining on the register]

101. LITTER AND DOG FOULING ENFORCEMENT PROPOSAL (Agenda item 13)

RESOLVED that

1. the proposal for a one-year trial of litter and dog fouling enforcement in partnership with East Hants District Council be supported;
2. the Head of Environmental Services be authorised to enter into an agreement with East Hants District Council;

3. the proposed introduction of Public Space Protection Orders (PSPOs) for dog fouling and other dog related issues be supported; and
4. the level of Fixed Penalty Notices for littering and dog fouling be set at £100 with a discount to £75 for early payment within 14 days.

[Reason: to seek approval to trial the issuing of Fixed Penalty Notices for littering and dog fouling enforcement in partnership with East Hants District Council]

102. WEYHILL CAR PARK - AUTHORITY TO APPLY FOR DE-REGISTRATION OF COMMON LAND (Agenda item 14)

[Cllr David Round was in attendance and spoke on this item]

RESOLVED that authority be delegated to the Head of Environmental Services to progress the submission of an application to the Secretary of State for the de-registration of the common land at Weyhill in Haslemere.

[Reason : to seek authority to submit an application to the Secretary of State to de-register common land]

103. WAVERLEY COMPLAINTS HANDLING POLICY AND REVIEW OF COMPLAINTS RECEIVED IN 2016/17 (Agenda item 16)

RESOLVED that the new complaints handling policy, at Annexe 1 to the report, be approved and the statistical information be noted.

[Reason: to agree changes to the complaints handling policy and the introduction of a new two stage complaints procedure]

104. TRANSFER OF LAND AND LEASE OF STORE, GOSTREY MEADOW, FARNHAM (Agenda item 18)

RESOLVED that

1. the small area of land at Gostrey Meadow, Farnham, shown hatched red on the plan at Annexe 1, be transferred to Farnham Town Council for the purposes of constructing an accessible toilet; and
2. the adjoining shelter be leased to Farnham Town Council for a period of up to 50 years on a full repairing and insuring basis, with any other terms and conditions to be negotiated by the Estates and Valuation Manager.

[Reason: to consider a property-related matter]

105. EXCLUSION OF PRESS AND PUBLIC (Agenda item 19)

At 8.04pm 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 the 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 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).

106. WASTE, STREET CLEANING AND GROUNDS MAINTENANCE CONTRACT PROCUREMENT (Agenda item 20)

[Cllrs Maurice Byham, Mary Forszewska, David Hunter, Peter Isherwood and Nick Williams attended the meeting as members of the Overview and Scrutiny Working Group. The Leader invited them to speak on the item]

Having discussed this item in (Exempt) session, at 8.23pm the meeting resumed in open session to consider the recommendations.

The Executive considered the conclusions and recommendations of the Environment Overview and Scrutiny Committee on the procurement approach for the provision of waste, recycling, street cleaning and grounds maintenance services from the end of the current contracts in October 2019, as set out in the (Exempt) Annexe and RESOLVED that:

1. the high standards of performance achieved under the current contracts for waste recycling, street cleaning and grounds maintenance be noted;
2. the recommendations in relation to the proposed service design for the services to be delivered from October 2019, as set out in paragraph 1.5 of the Executive Summary in (Exempt) Annexe 1 be endorsed;
3. the recommended approach to be taken to progress the three options for the procurement of services from October 2019, as set out in paragraph 1.6 of the Executive Summary in (Exempt) Annexe 1 be supported; and
4. authority be delegated to the Strategic Director and Portfolio Holders for Environment and Finance to identify and action the most advantageous options for Waverley.

[Reason: to present the findings of the Overview and Scrutiny Working Group and agree the next steps]

The meeting commenced at 6.45 pm and concluded at 8.25 pm

Chairman

WAVERLEY PAY POLICY 2018/19

PUBLISHED AS AN ANNUAL STATEMENT FROM 2012/13

In line with the Government's principles of pay accountability set out in the Localism Act 2011, Waverley has an open and transparent approach to the salaries and payments of all our staff. The Council publishes the salaries of the Chief Executive, Strategic Directors and Heads of Service with a description of each role and responsibility within the authority. This means that all our senior salaries are easily accessible by members of the public who can see exactly what is paid for particular roles and responsibilities. Full Council will approve any new appointment with a salary package of £100,000 or more i.e. the Chief Executive appointment and new Strategic Director appointment. From April 2014, in line with the revised Code of Recommended Practice for Local Authorities on Data Transparency, the number of staff whose remuneration (including benefits) exceeds £50,000 and a list of their responsibilities, has been published on the website.

The Council's organisational structures are also published on its website with the job descriptions for our senior staff. We are committed to ensuring that our salaries and payments are subject to the principles of fairness, openness and consistency and these can be tested against value for money and equal pay. The salary structure is published on our website and this shows that salaries are linked to particular grades. Grades are determined by job evaluation giving each job description a relative value. The current salary structure was agreed by the full Council in December 2010 after consultation with staff representatives through the Council's Joint Negotiating Committee (JNC), this was last updated April last year and continues to apply the the UK Living Wage as the minimum evaluated salary grade . The Joint Negotiating Committee meets annually to review the salary structure. If a pay award is agreed, it is applied to the salary structure with effect from 1 April.

The grading structure covers a wide range of jobs. The differentials between the salary grades for these jobs is objectively justified by our job evaluation system which takes account of equal pay for work of equal value and evaluates each job based on the level of skills, knowledge, problem solving and accountability required. The pay multiple (ratio between the Chief Executive's salary and the median salary of the authority's workforce) is 1:4.

More details can be found at www.waverley.gov.uk/spend.

The Council has tight controls on workforce costs including salaries and payments. Any newly appointed or promoted staff start at the bottom of the grade (the "starting salary"). In exceptional circumstances, where salary benchmarking and recruitment experience demonstrates the impact of salary competitiveness on the ability to recruit suitably qualified staff, the Head of Service may authorise recruitment to a higher point within the grade and/or additional payments to support the recruitment process. Except in exceptional circumstances, Waverley is also committed to 'clean pay' for newly recruited staff and only pays staff an allowance where it is absolutely necessary such as for election duties or when overtime needs to be worked. The Council will pay a market supplement when salary benchmarking shows that it is needed. The budget responsibility for this lies with the Head of Service.

The role of Returning Officer is a separate responsibility and is remunerated separately after each election in accordance with the appropriate Statutory Fees and Charges Order.

The Council does not have performance related pay or bonuses. The Council does not employ any staff through personal service companies, except in exceptional circumstances agreed by the Chief Executive and Portfolio Holder for Strategic HR.

The Council has 12 grades on the pay scales, plus spot salaries for the Directors and Chief Executive. Each of the 12 grades currently has 5 salary increments which progressively go up from the lowest pay point to the highest. The Council has also approved, from November 2013, a professional planners salary scale with 5 grades and 5 salary increments. This incremental progression applies to all staff on the pay grades until they reach the top pay point. The progression is dependent on satisfactory performance and would normally be applied in April each year.

As a result of careful financial management and budgetary planning, the Council endeavours to avoid making compulsory redundancies and our policy is to minimise any job loss wherever possible. We only consider applications for early retirement and voluntary redundancy if there is a business case which can be justified under the principles of public interest and value for money. If a redundancy is necessary, the Council's policy is to pay at a rate of 1.5 weeks for each completed year of service. In accordance with this policy, in exceptional circumstances, the Council may decide to make a one-off termination payment in the interests of the efficiency of the Council's services. This will normally be no more than the person concerned would have received under the redundancy policy. Any proposal to make a termination payment of £95,000 or more would only be proposed if it complied with any Government regulations in place at that time and would need approval by full Council, with a detailed breakdown of the components of the package (for example pay in lieu of notice, redundancy, pension, outstanding holiday) provided to Councillors.

The Council's flexible retirement policy can allow a smoother transition between work and retirement and as a way of transferring skills and knowledge within the workforce and supporting succession planning. This applies where there is no financial or service detriment for Waverley. Requests for early retirement, for example in the interests of the efficiency of the service, are considered on a case by case basis by the Executive. If the request balances the needs of the service, tax payer and individual then it may be granted.

The Council's usual policy is not to re-employ staff who have left the Council's employment on the basis of redundancy or early retirement or for some other reason and receives compensation will not normally be re-engaged in any capacity, including as consultants or agency staff, for a period of **two years** from their leaving date. Any re-employment within the two year period will be determined by the Chief Executive, in partnership with the Strategic HR Manager, on an exceptional basis and will comply with all Government regulations in place at that time.

The Council continues to invest in successful apprenticeship and Graduate trainee schemes. We also invest in the learning and development identified through the appraisal process of all our managers and staff so that we can continuously improve the quality of service to Council Tax payers and customers.

Waverley has held Investors in People accreditation since 2004 and will be assessed again in 2018. Our last assessment resulted in Waverley again being awarded the Investors in People standard following a rigorous assessment. Waverley demonstrated key features of a "High Performing Workplace" such as the development of a high performing, highly engaged staff team, a clear appraisal system linked to structured service plans and a measurement and celebration of individual and service success.

Investors in People is a national award which recognises organisations that improve performance through the effective management and development of their people.

The Council considers that everyone should be able to understand how this Pay Policy applies in practice and therefore the salary and staff information will be updated when changes occur and at the start of each financial year following approval by full Council.

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Organisation	Current Funding		Proposed Allocations Per Year (for the 3 year period of the SLAs 2018-2021)			
	Current SLA Funding Levels (the amount shown is the funding per year for the 3 year period of the Agreements 2015-2018) (£)	2017/18 Waverley Voluntary Commissioning Partnership Funding Awarded (WVCP) Pooled funds with Surrey CC (50:50 contribution of £42,770) (£)	Notes on the Executive Panel's Comments	Proposed total SLA funding per year for the 3 year period of the Agreements 2018-2021 (£)	Difference in funding compared to total annual funding last year (£)	Notes on the Overview & Scrutiny Community Wellbeing Sub-group's Comments
Age UK Surrey	15,000	11,105	Allocate £11,105 from the WVCP pot to the SLA in future	26,105	0	
Brightwells Gostrey	55,000	17,000	Allocate £17,000 from the WVCP pot to the SLA in future	72,000	0	
Citizens Advice Waverley	210,000	n/a	Require Citizens Advice to look at their business model and work collaboratively with other bureaux to strengthen its partnership working. Require Citizens Advice to explore alternative, more cost effective venues for client meetings. Review funding levels if requirements are not met.	210,000	0	The Sub-Group felt it important that the organisation continued to be supported. They agreed that funding levels should be reviewed if requirements were not met. Members also requested to see the results of customer satisfaction surveys.
Farncombe Day Centre	54,000	9,405	Allocate £9,405 from the WVCP pot to the SLA in future, plus an additional £2,595 = £12,000 in recognition of the more frail older people that the Care Assistants support & pressure on those staff costs.	66,000	2,595	
Cranleigh Arts Centre	19,500	n/a	Proposed an increase to support the Arts Centre's drive to expand services	22,000	2,500	The Sub-Group agreed with the proposed increase in funding and also felt that communications from the Arts Centre should reach and attract an audience across the whole borough.
Farnham Assist	8,000	n/a		8,000	0	
Farnham Maltings	32,490	n/a	Proposed a small increase	33,000	510	The Sub-Group agreed with the proposed increase in funding.
Hoppa	108,000	n/a		108,000	0	
Rowleys Centre for the Community	55,000	n/a		55,000	0	
The Clockhouse	43,200	0	The Panel proposed to maintain the existing SLA funding level of £43,200 and ring-fence a further £9,800 per year, which would be reviewed annually. Release of this additional amount would depend upon outcomes achieved by the Clockhouse to develop the partnership with the Council to meet its objectives.	53,000	9,800	The Sub-Group noted the proposed increased in funding, which would be reviewed annually. They also felt that more meaningful activities should be provided at the Centre, particularly for people living with the onset of dementia.
Services for older people in the Haslemere area (currently provided by The Orchard Club*)	36,500	n/a	The Panel suggested ring fencing £26,000 towards day centre type services for older people in the Haslemere area such as those provided by The Orchard Club. Discussions are underway to consider how day centre type services/meaningful activities for older people may be delivered in the Haslemere area to meet the Council's objectives.	26,000	-10,500	
Voluntary Action South West Surrey	7,600	11,805**	Proposed a small increase	8,000	400	The Sub-Group understood that the organisation provides a valuable service that supports the work of the Council and agreed with the proposed increase.
Haslemere Macular Support Group	n/a	505	n/a	n/a	n/a	
Oakleaf Enterprise	n/a	5,805	n/a	n/a	n/a	
Prosper Communities	n/a	3,005	n/a	n/a	n/a	
SW Surrey Cruse Bereavement Care	n/a	6,000	n/a	n/a	n/a	
The Cellar	n/a	2,505	n/a	n/a	n/a	
Crossways Counselling Service	n/a	6,000	n/a	n/a	n/a	
Challengers	n/a	12,405	n/a	n/a	n/a	
Total	644,290	85,540		687,105	5,305	

The Orchard Club* - note that £20,000 was identified as a saving for 2017/18, which is now built into the base budget for 2018/19 onwards.
 Voluntary Action South West Surrey** - a 5 year Big Lottery grant was secured during the year for the service funding by the WVCP. Therefore some of the WVCP funding will not be claimed in 2017/18.

Existing SLA Funding Levels - The amount shown for each of the organisations is the level of funding for one year only. The organisations received the amounts shown annually over the three year period of their Agreements, 2015-2021.

Proposed SLA Funding Levels - The proposed allocations are the annual amounts over the three year period of the Agreements, 2018-2021. The SLA funding is subject to annual review and Council approval in February each year as part of its budget setting process. Regular monitoring meetings are held with the individual SLA organisations and continued funding levels are dependent upon outcomes delivered by the organisations and performance against the monitoring information required by the Council.

Waverley Voluntary Commissioning Partnership - At its meeting on 5 September 2017, the Executive agreed to utilise the SLA process to assess how best to allocate the Council's remaining Waverley Voluntary Commissioning Partnership Funding of £42,770 with the currently funded organisations following Surrey County Council's withdrawal from the scheme.

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Estimated Overall Discretionary Financial Assistance Provided to Voluntary Organisations During 2017/18

September 2017

Organisation Name	SLA Funding (£)	Waverley Voluntary Commissioning Partnership Funding* (£)	Other ongoing funding			Other One-Off Funding		Notes	Total Estimated Support for 2017/18 (£)
			Discretionary Rate Relief (Value £)	Estimated/Anticipated Other Ongoing Funding (£)	Details of Other Ongoing Funding	Estimated Other One-off funding (£)	Details of Other One-Off Funding		
Organisations funded by a Service Level Agreement arrangement									
Citizens Advice Waverley	210,000		3,117		Discretionary rate relief is for all sites				213,117
Hoppa	108,000					5,000	contribution from Emergency Funding Provision towards new Farnham bus		113,000
The Orchard Club	36,500							The three year SLA Agreement was for £56,500 pa, however this has to date been reduced by £20,000 for 2017/18 as a result of their new model of delivery.	36,500
The Clockhouse	43,200		1,245						44,445
Age Concern Farncombe	54,000	9,405	709	13,815 (actual building costs 2016/17)	Building costs/repairs - the building is owned and maintained by the Council. A total of £10,000 is allocated in the annual budget towards building maintenance for 'day centres' = Age Concern Farncombe and Brightwells Gostrey together. The exact amount awarded to each centre may vary year on year therefore the amount shown in the previous column is for 2016/17 as a guide.			The day centre currently pays an annual service charge of £1,300. Discussions are ongoing with the day centre to draw up a lease so that the centre becomes responsible for more of its costs to operate out of the building. The centre will pay rent, for its gas and electricity and some maintenance costs.	83,016
				4,300 (gas & electricity approx costs)	The figure shown is the approximate amount incurred by the day centre. The day centre's services are intrinsically linked to Bowring House sheltered scheme and the bills received are for the entire building. Therefore the figure shown is calculated using the day centre's square footage occupancy.				
				787	insurance				
Cranleigh Arts Centre	19,500					85,000	Officers are working on an application for S106 funding from two developments, one for £40,000 and one for £45,000 to go to phase 1 of their refurbishment works.		104,500
Farnham Maltings - Outreach	32,490		10,180			541	Towards Craft Town project	The SLA funding contributes specifically towards the Maltings outreach work	56,061
						1,500	Towards Celebrating Age project		
						1,000	towards Spark festival		
						350	funding towards a theatre project but the final figure is yet to be agreed		
						10,000	Contribution from Emergency Funding towards new cinema screen		
Rowleys Centre for the Community	55,000		1,102			4,966	S106 funding towards hairdressing suite		116,068
						50,000	capital funding towards the old Rowland House part of the building, which will be a community hub.		
						5,000	Revenue funding towards the new Meals Service for April to September (may be awarded more during the year)		
Brightwells Gostrey	55,000	17,000	297	10,879 (actual building costs 2016/17)	Building costs - the building is owned and maintained by the Council. A total of £10,000 is allocated in the annual budget towards building maintenance for 'day centres' = Age Concern Farncombe and Brightwells Gostrey together. The exact amount awarded to each centre may vary year on year therefore the amount shown in the previous column is for 2016/17 as a guide.	5,000	Revenue funding towards the new Meals Service for April to September (may be awarded more during the year)	The day centre currently pays an annual service charge of £1,670. The centre will be moving to the new Memorial Hall under a different financial arrangement overall.	108,604
				10,567 (actual gas costs 2016/17)	Gas - a total of £13,720 is allocated in the annual budget towards gas for 'day centres' = Age Concern Farncombe and Brightwells Gostrey together. The bills are charged directly to the Council. The amount paid varies year on year.				
				6,717 (actual electricity costs 2016/17)	Electricity - a total of £9,000 is allocated in the annual budget towards electricity for 'day centres' = Age Concern Farncombe and Brightwells Gostrey together. The bills are charged directly to the Council. The amount paid varies year on year.				
				1,080	legionella control				
				2,064	insurance				

Organisation Name	SLA Funding (£)	Waverley Voluntary Commissioning Partnership Funding*(£)	Other ongoing funding			Other One-Off Funding		Notes	Total Estimated Support for 2017/18
			Discretionary Rate Relief (Value £)	Estimated/Anticipated Other Ongoing Funding (£)	Details of Other Ongoing Funding	Estimated Other One-off funding (£)	Details of Other One-Off Funding		
Organisations funded by a Service Level Agreement arrangement									
Voluntary Action SW Surrey	7,600	11,805							19,405
Age UK Surrey	15,000	11,105							26,105
Farnham Assist	8,000								8,000
Other voluntary organisations funded by the Waverley Voluntary Commissioning Partnership									
Challengers		12,405							12,405
Crossways Counselling		6,000							6,000
Cruse Bereavement Care		6,000							6,000
Haslemere Macular Support Group		505							505
Oakleaf Enterprise		5,805							5,805
Prosper Communities		3,005							3,005
The Cellar		2,505							2,505
Total	644,290	85,540	16,650	50,209			168,357		965,046

* Waverley Voluntary Commissioning Partnership - The amount shown is the funding from the pooled arrangement with Surrey County Council (£42,770 each). Funding is for specific services or activities that meet the health and wellbeing needs of the community. For the SLA organisations, these services and activities are currently outside of the SLA funding service expectations

Other possible sources of funding to voluntary organisations

Arts Partnership Surrey - Waverley contributes £4,000 towards the Partnership and both Cranleigh Arts Centre and Farnham Maltings could benefit from this but as a contractor or venue. Arts Partnership Surrey agrees all funding for this pot.

S106, Planning Infrastructure Contributions - some of the organisations above will have and could benefit from funding towards capital projects using developers contributions.

Direct budgets - some additional voluntary organisations may be funded by direct budgets on an annual basis such as sports organisations through the leisure budgets.

Waverley Borough Council

'PREVENT' Policy

'Working together to prevent extremism'

DRAFT

Contents

To be completed once content agreed and finalised

How to make a referral relating to a vulnerable person at risk of radicalisation

Officers and Members need to refer to Waverley Borough Council's Safeguarding Policy and consult with Prevent/Safeguarding Officers if they have any concerns that someone is vulnerable to radicalisation or being influenced by extremist views.

Referrals should be made without delay where there are concerns about significant harm, to the Police via 101 or the anti-terrorist hotline on 0800 789 321. Prevent/Safeguarding Officers will help you talk to the Police about your concerns. This is about preventing tragedies and not about criminalising people. The most important thing is that help is sought at an early stage.

If there is an imminent risk of harm call 999.

Waverley Borough Council Safeguarding/Prevent officers

Name	Role	Team	Contact details
Andrew Smith (Safeguarding Lead)	Head of Strategic Housing and Delivery	Housing	01483 523096 asmith@waverley.gcsx.gov.uk
Katie Webb	Community Services Manager	Community Services	01483 523340 kwebb@waverley.gcsx.gov.uk
Julie Shaw	Family Support Team Manager	Housing	01483 523245 jshaw@waverley.gcsx.gov.uk
Katrina Burns	Community Safety Officer	Community Services	01483 523156 kburns@waverley.gcsx.gov.uk
Eve Bartlett	Community Safety Officer	Community Services	01483 523513 ebartlett@waverley.gcsx.gov.uk

1. Overview – the national picture

The 'PREVENT' Strategy is one part of the UK counter terrorism strategy, known as 'CONTEST', with the other objectives being **Pursue**, **Protect**, and **Prepare**.

Pursue: to stop terrorist attacks.

Prevent: to stop people becoming terrorists or supporting terrorism.

Protect: to strengthen our protection against a terrorist attack.

Prepare: to mitigate the impact of a terrorist attack.

The Prevent Strategy focuses on early intervention and aims to reduce the likelihood of individuals supporting violent or extremist ideology, or becoming a terrorist. 'Prevent' applies to all forms of extremism, including far right extremism.

The government's Prevent Strategy published in 2011 has three key objectives:

- To respond to the ideological challenge of terrorism and the threat we face from those who promote it.
- To prevent people from being drawn into terrorism, and ensure that they are given appropriate advice and support.
- To work with sectors and institutions where there are risks of radicalisation that we need to address.

Terrorism is not a new phenomenon, with atrocities carried out or planned in the United Kingdom by radicalised groups and individuals for many decades. However, there are two distinct reasons for the establishment of the Prevent Duty, which is becoming an increasingly vital aspect of the National Counter Terrorism Strategy. The threat from international terrorism has increased in recent years, upgraded in August 2014 from 'Substantial' to 'Severe' (meaning that an attack is highly likely), and has been raised 'Critical' (meaning an attack is expected imminently), twice to date during 2017. Furthermore, the threat to Great Britain from Northern Ireland-related terrorism was raised from 'Moderate' to 'Substantial' in May 2016, meaning that an attack is a strong possibility.

The second reason is that the nature of terror related activities, planning and attacks have changed. Terrorists are a product of extremist views, which in modern technological times are more easily disseminated to and accessed by the public than ever before. At present, some of the most prominent sources of extremist view points are from the following:

- Extreme religious fundamentalism
- Northern Ireland-related extremism
- Far-right extremism
- Radical environmentalism
- Violent animal rights activism and extremism

The Prevent Strategy is intended to address the ever evolving threat of radicalisation posed by all types of extremist views. Extreme religious fundamentalism has in particular seen a

recent shift away from the traditional highly organised, large scale attacks in high profile locations, often carried out by large (often overseas) terror organisations. Examples of these include the September 11 2001 attacks in America, and the July 7 2005 attacks in London. Attacks are now more likely to manifest as 'lone-wolf' actions, carried out in isolation by UK residents, often in a location or against a group with which the individual associates, making the attacks much more difficult to anticipate and prevent. Examples of these include the murder of Fusilier Lee Rigby, and marauding terrorist firearms attacks, such as those by Anders Breivik in Norway, and Omar Mateen in the Pulse nightclub in Orlando.

In such 'lone-wolf' attacks, it is often possible for the individual to self-radicalise, and carry the attacks out entirely on their own being merely inspired by larger terror organisations rather than directly involved in them.

This evolved threat brings more focus to the areas of the UK that would traditionally be viewed as 'low risk', requiring a more formal and systematic approach to preventing and preparing for terrorism.

This policy is written according to the stated key elements of the Prevent duty, and the expectations set out to Waverley Borough Council by the Home Office with regards to the duty, in order to ensure that all are being sufficiently addressed.

2. Prevent Duty Legislation

The Counter Terrorism and Security Act (2015), applies the Prevent duty to local authorities, and other agencies working with vulnerable adults, children and young people, where the work is being carried out on behalf of a Local Authority, NHS trusts and NHS Foundation Trusts, Higher and Further Education Establishments, Schools, Prisons and Probation, and the Police.

The Counter Terrorism and Security Act 2015 states that local authorities must, in the exercise of their functions, have 'due regard to the need to prevent people from being drawn into terrorism'.

The statutory guidance (July 2015) identifies two key elements to meeting the Prevent duty:

- An assessment of the risk that goes beyond the Counter Terrorism Local Profiles (CTLP) produced by the police, so that there is demonstrable engagement with partners and those to whom the duty applies. Prevent action plans will need to be developed to address any risks identified for an area.

- The establishment of a Channel Panel so that individuals of potential concern can be referred for appropriate interventions.

Further to the aforementioned key elements, all specified authorities, including Waverley Borough Council, are expected to:

- Provide appropriate training for staff involved in the implementation of this duty, including frontline staff who will need to understand what radicalisation means, how and why individuals may be vulnerable to radicalisation, how to recognise signs of radicalisation, and how to report a potential referral to the Channel Panel.
- Not provide a platform for extremism, through allowing their use of publically owned venues or public resources to disseminate extremist material and views (including via use of the Council's IT resources). Also not to work with organisations who are engaged in any extremist activity or espouse extremist views.
- Maintain appropriate records to demonstrate compliance with their responsibilities and provide reports when requested, as well as having effective information sharing procedures in place that are proportionate and comply with the Data Protection Act 1998.

3. Local Context

3.1 Surrey

Prior to the Counter Terrorism and Security Act 2015, responsibility for Prevent and its delivery largely sat with Surrey Police. In line with the requirements of the 2015 Act, the lead responsibility for Prevent shifted from Surrey Police to Surrey County Council.

As the lead agency for Prevent in Surrey, Surrey County Council is responsible for proposing procedures and governance for Surrey's Prevent Strategy. This includes the Channel process, and using multi-agency structures to co-ordinate Prevent activity across Surrey to develop a joint understanding of threats, vulnerabilities and risks outlined in the Counter Terrorism Local Plan (CTLP).

In July 2017 Surrey's Prevent processes and procedures were reviewed due to increasing referral numbers to Channel, recent terrorist incidents and concerns raised by the South East Counter Terrorism Unit (SECTU). From 6 July 2017 a single Surrey Channel Panel meeting is held monthly on the last Tuesday of each month, consisting of fixed membership from key agencies such as; Children's Services, Adult Social Care, Schools/ Further Education, Public Health, Mental Health Trust, Surrey Police (Prevent lead), Surrey County

Council (Prevent lead), and other professionals will be invited who are or have been in contact with the referred individual.

The CTLP has proposed a number of recommendations which will be managed by the multi-agency Surrey Prevent Executive Board. These are aimed at supporting statutory agencies in meeting the requirements under the Prevent duty. This will ensure that partner agencies and communities across the County are better placed to tackle the threat from extremism and terrorism in all its forms. These include recommendations relating to the identification of vulnerable people and seeking new programmes to support them, a focus on mental health and core statutory services, and a renewed need to consider community tension monitoring and response. Further detail on these can be provided by the Surrey Prevent Executive Board upon request.

3.2 Waverley

The Prevent duty applies to Waverley Borough Council and other agencies working with vulnerable adults, children and young people, where the work is being carried out on behalf of the Council.

2011 census figures show that the population of Waverley is approximately 121,572. Whilst there is diversity present in the Borough (4% non-white), the borough is less diverse than the national picture (14.6% non-white). Among the non-white population, the largest ethnic group is mixed/multiple ethnicities (1.3%), followed by black/African/Caribbean/black British and Indians, both at 0.4%.

The Borough is relatively close to both Heathrow and Gatwick international airports, is intersected by major road infrastructure such as the A3, and has access to rail infrastructure vital for connecting London to the South West of the country. Despite the Borough of Waverley being viewed as a safe place in which to live, work and visit, near universal access to the internet and other technology has made it possible for any individual to be radicalised in any place at any time. It is no longer necessary to travel to a specific location to be exposed to such views and material, therefore a Waverley resident, particularly if already vulnerable, now has a much higher chance than ever to develop extremist views, and indeed act upon them.

The Chief Executive at the Council receives a Waverley CTLP annually. This along with the Surrey CTLP recommendations will be considered annually and incorporated into the Council's Prevent Action and Implementation Plan. This Plan (attached as Annex 1) outlines

the Council's Prevent duties and lead officers responsible for ensuring these actions are carried out.

4. Links to other relevant policies and strategies

4.1 Safeguarding

It is already the safeguarding responsibility (see WBC Safeguarding Policy for Children and Adults at Risk, July 2017) of Waverley Borough Council and Surrey County Council to protect young people and adults at risk from harm, abuse, or exploitation. The Prevent duty extends this responsibility to protect against harm from extremism and radicalisation. The safeguarding emphasis is on supporting vulnerable people, rather than reporting in an investigative sense on those who may have been radicalised. This emphasis on safeguarding the individual at risk should be reflected in all aspects of the Council's Prevent activities.

There is no obvious profile or single indicator of a person likely to become involved in extremism. The process of radicalisation is different for every individual, and the time taken can vary substantially from one case to another. Some instances of radicalisation can take a number of years, whereas others may adopt an extremist ideology in a very short space of time. Vulnerable people can be exposed to the messages of extremist groups by many different means and mediums. These can include (but are not limited to):

- The influence of family members and friends.
- Direct contact with extremist groups and organisations.
- Through the internet and social media – (extremist groups have frequently and very effectively made use of galvanising extremist sympathies through the use of social networking and media sites).

The following are factors to consider when working in a safeguarding environment, particularly in relation to extremism:

- Sense of alienation from wider society
- Lack of engagement with mainstream politics
- Lack of social skills to be able to mix with unfamiliar communities
- Lack of critical thinking to be able to challenge propaganda

Individuals can be drawn towards the process of radicalisation in a number of ways, many of which may overlap. Council staff, volunteers and contractors employed by the Council may

be in a position to identify someone who may be vulnerable to becoming involved in extremism or terrorism. Waverley Borough Council's Prevent Policy will ensure that all staff, volunteers and Councillors are trained to identify a vulnerable person and know how to refer that person for support. A list of potential vulnerabilities is attached as Annex 2.

The **Channel process** is essentially a safeguarding programme aimed at supporting individuals identified as vulnerable to being drawn into violent extremism or terrorist related activity. As with other Safeguarding practices, Channel is reliant on a multi-agency response and multi disciplinary work to minimise and manage the risk to the individual and develop the most appropriate support plan for the individual concerned.

The **Channel Panel** is over seen by the Surrey Prevent Executive Group, with Surrey Police continuing to assess and identify cases which meet the Channel threshold. When a case meets the threshold for Channel, it is referred to the Multi-Agency Safeguarding Hub (MASH) for checks against their records. Annex 3 outlines the basis stages of the Channel process.

If an individual from Waverley is referred to the Surrey Channel Panel, the Prevent Lead for Waverley Borough Council (contacted via the Community Safety Officer) will be invited to provide information on local context and advise on appropriate attendees. Annex 4 shows a table of proposed Channel Panel Members.

4.2 Other CONTEST objectives

The Prepare and Protect strategy aims to mitigate the impact of a terrorist attack that cannot be stopped. This work includes bringing a terrorist attack to an end and increasing resilience and security in order to recover after an attack. Additionally where reasonably practicable Waverley Borough Council through services and partnership bodies will look to advise and/or manage the risks to crowded places and the safeguarding of hazardous materials.

Waverley Borough Council will ensure it has in place Emergency and Business Continuity Plans and that these are exercised to ensure adequate response measures are in place. It will also engage with the Surrey and Sussex Local Resilience Forums to ensure there are partnership plans in place to either prevent or mitigate the impact of any incident on local communities.

4.3 Surrey Multi Agency Information Sharing Protocol

All information sharing should be in line with the agreed set of principles about sharing personal or confidential information through the Surrey Multi-Agency Information Sharing

Protocol (MAISP). The MAISP enables each organisation signed up to the protocol to understand the circumstances in which it should share information and what its responsibilities are. The MAISP has been developed in partnership with Surrey County Council, the Borough and District Councils as well as the Health Services and Surrey Police.

5. Training

It is the responsibility of Waverley Borough Council to ensure that Officers and Members are aware of the Prevent duties upon the Council, know how to recognise indications of vulnerability and radicalisation, and are fully aware of how to refer a potential individual if necessary. This requirement for training is particularly focused upon frontline staff. Within Waverley Borough Council all staff are provided with an E-learning package aimed at general awareness and reporting concerns at work and in their personal lives, known as 'Citizenship' Level and includes a number of Safeguarding topics including Prevent. It is recognised that there are key frontline roles within the Council where a higher level of Safeguarding/ Prevent training is required. This is identified and delivered through the annual Prevent Implementation Plan (Annex 1).

6. Avoiding affiliation with extremist organisations

6.1 WBC owned property

It is possible for members of the public to hire out WBC owned rooms/buildings. All bookings should be subject to the signing of a hire agreement, which includes the provision of the hirer's name, permanent address, and photographic ID.

The following terms and conditions will be imposed on hirers of Council facilities:

- 'The Hirer must not use the premises for any other purposes than the one stated in the booking.'
- 'No internal or external decorations, flags, emblems, or notices shall be displayed without the consent of the Council.'
- 'The hirer must not do or permit any act, matter or thing which would, or might, constitute an illegal or immoral activity whilst on the Borough Council premises.'

6.2 Web Content Filtering

To protect users (both staff and public) of Waverley Borough Council's IT facilities, from terrorist related content, WBC uses filtering products to prohibit access to a number of website types and categories. These include:

- Explicit Violence.

- Extremist Groups.
- Illegal or unethical.
- Malicious websites.
- Weapons (sales).

See <http://www.fortiguard.com/webfilter> for more information about categorisation criteria.

WBC has an Acceptable Use of ICT Policy which protects Waverley ICT services and systems from misuse. Misuse of the e-mail system or internet system (by users working at the Council's offices or designated sites/their home/other off-site locations) constitutes gross misconduct and the Council will take disciplinary action which may result in the offender's dismissal, including summary dismissal in sufficiently serious cases.

The policy applies to all users of Waverley Information and Communication Technology (ICT) equipment and systems and is an addendum to the Staff Code of Conduct. This includes all employees, contractors, IT Software engineers, agency workers, work experience students, volunteers and anyone else accessing Waverley systems.

6.3 Affiliations with contractors and voluntary organisations

Contractors and voluntary organisations who affiliate with WBC must complete a Cabinet Office Standard Supplier questionnaire. Failure to meet set criteria through this questionnaire will result in disqualification from being considered for procurement.

7. Monitoring and Review

The WBC Chief Executive will meet annually with the WBC Prevent Lead to consider the annual CTLP and agree what actions and recommendations need to be fed into the Prevent Action and Implementation Plan. The Plan will be reviewed annually and identified lead officers in the Plan will be required to report on actions to the WBC Chief Executive and WBC Prevent Lead.

The Prevent Lead for WBC will arrange compliance audits annually to ensure that the Council is meeting its statutory Prevent duty.

The Safeguarding Group will monitor Prevent referrals in line with the Council's Safeguarding Policy.

The WBC Chief Executive and Management Board will review the Prevent Action Plan (Annexe 1) every 6 months to ensure implementation.

Annexe 1 – Prevent Implementation Plan

Waverley Borough Council- Prevent Action and Implementation Plan 2017-2018

Sector: Local authorities – Borough / District		2017 - 2018	
Action	Owner	Action implementation	Status
Partnership			
Identify and maintain a Prevent lead to act as a single point of contact on Prevent matters	Chief Executive	Chief Executive identified as overall Prevent Lead for the Council. The Head of Housing Strategy & Delivery will act as a single point of contact for Prevent and Safeguarding.	Green
Prevent to sit as a standing item on local specific community safety boards	Senior Manager, Surrey Community Safety Unit	The Prevent Executive Group reports into the Surrey Community Safety Board. Cllr Kevin Deanus represents the Council at the Community Safety Board.	Green
Attend the county wide, multi agency, Prevent partnership group meetings	Community Safety Officer	One Community Safety Officer attends the Prevent Executive Group on behalf of Waverley, Woking, Surrey Heath and Guildford Borough Councils. Waverley Community Safety Officer attended the meeting on 18/10/17.	Green
Maintain a Prevent action plan to effectively manage local risk, threat and vulnerability	Head of Housing Strategy & Delivery	Prevent included in Safer Waverley Partnership (SWP) Plan 2017-20. Annual Counter Terrorism Local Profile (CTLP) recommendations to be incorporated into this Prevent Action and Implementation plan	Green
Internal and external procedures in place to share information about vulnerable individuals including information sharing agreements.	Head of Housing Strategy & Delivery	This is done by the Surrey Information Sharing Protocol (MAISP) Procedures are outlined in the Waverley Borough Council Prevent Policy, to be agreed by Council early 2018.	Green
Support the Channel process by attending and supporting multi agency Channel panel meetings where relevant	Head of Housing Strategy & Delivery	Surrey Channel Panel meets monthly on the last Tuesday of every month. If Waverley individuals are on the Panel, WBC will be invited to provide local context information and identify attendees .	Green
Ensure involvement of local communities within Prevent and assess local impact of activity on these communities	Surrey Prevent Executive Group	Exploratory work is being carried out by the Surrey Prevent Executive Group.	Amber

Risk assessment			
Support the process of the CTLP including attending multi agency briefings and providing relevant information and input to the process	Chief Executive	Each Chief Executive in Surrey is provided with a restricted CTLP on an annual basis. Arrangements need to be put in place for the Waverley Chief Executive to ensure its contents and recommendations, and are incorporated in the Prevent Implementation and Action Plan.	Amber
Incorporate Prevent duty into local authority led safeguarding policies such as those identifying children at risk	Head of Housing Strategy & Delivery	Prevent incorporated into Waverley Borough Council Safeguarding Policy for Children and Adults at Risk (updated in August 2017). Surrey Police refer all Prevent cases to the MASH. WBC Prevent Policy due to be adopted early 2018.	Green
Staff Training			
Ensure front line staff have a good understanding of Prevent and are able to recognise vulnerabilities.	Head of Policy and Governance/ Head of Housing Strategy & Delivery	All staff to complete Safeguarding e-learning package at 'Citizenship' Level which includes a section on Prevent. Need to establish this as compulsory training (not just for new starters) and monitor as part of corporate training responsibility. All elected members to complete e-learning package and it be incorporated into the new Councillor induction programme. Key frontline staff and Safeguarding/ Prevent Officers/ champions identified in Safeguarding Policy and Prevent Policy to receive higher level training. Suitable training needs to be sourced. Link in with WBC Training and Development Officer.	Amber
Ensure front line staff understand the referral process into Channel and how it manages individuals vulnerable to being drawn into terrorism	Head of Housing Strategy & Delivery	New Safeguarding Policy and Prevent Policy needs to be cascaded to all staff once adopted. Consider all communication methods e.g. compulsory all staff briefings, Backstage etc. Link in with WBC Communications Team.	Amber

Use of Local authority premises			
Ensure publicly used premises are not used by extremist organisations	Head of Communities and Major Projects	Compliance audit to be carried out once a year. Terms and condition to be applied to WBC owned hired facilities.	Red
Ensure organisations working with the local authority are not engaged in extremist activity	Head of Finance	Compliance audit to be carried out and the following to be implemented: Procurers who affiliate with WBC must complete Cabinet Office standard supplier questionnaire. Failure to meet set criteria through this questionnaire results in disqualification from being considered for procurement.	Red
Safety Online			
IT equipment available to the general public should use filtering solutions to limit access to extremist material	Head of Customer and Corporate Services, Waverley Borough Council	Need confirmation this is in place.	Amber
IT policies in place to ensure staff are protected from terrorist related content	Head of Customer and Corporate Services, Waverley Borough Council	As above	Amber
Local authority to host Prevent related material on its public facing website	Head of Policy and Governance	Preventing terrorism page on WBC website. The Surrey Prevent Executive Board are also looking to promote standard information to be included on all organisations websites.	Green

Annex 2 - Spot the signs – taken from Let’s Talk About It (<http://www.ltai.info/>) – working together to prevent terrorism

Individuals can be drawn towards the process of radicalisation in a number of ways, many of which may overlap. When we talk about ‘vulnerability’ or ‘susceptibility’ within this context we mean individuals who, because of their circumstance, experiences or state of mind can be lead towards a terrorist ideology. The following list of potential vulnerabilities is not exhaustive and all or none may be present in individual cases of concern. It is important to stress that there may be no direct evidence of criminal behaviour. Remember that safeguarding vulnerable people from radicalisation is no different to safeguarding them from other forms of potential harm.

SUSCEPTIBILITY TO INDOCTRINATION

People can often become drawn to principles and ideologies held by others and some are particularly susceptible to this type of control.

Such individuals may be lacking moral role models in their lives or experiencing a lack of access to proper education or balanced arguments that can enhance their sensitivity to this form of manipulation.

These ideologies may be shared through local ‘teachers’, national groups and often on the Internet. Individuals are attracted to those with such perceived authority and knowledge through particular methods of indoctrination. Radicalisers use normal social processes of influence when trying to persuade vulnerable people towards their beliefs. There’s no magic formula or secret skill. The difference is they use it to potentially extreme effect.

SOCIAL NETWORKS INVOLVEMENT IN EXTREMISM

We trust those closest to us and can be influenced by those we trust. We tend to share the same beliefs as our peers and often will not question the motives of those we love and respect.

It can be easy to follow the same ideals and it’s comfortable to share the same way of thinking – even when that thinking may be misguided.

For many, friendship networks and gangs are clearly significant in certain areas and for certain groups, particularly young people. There may be reason to believe that people are associating with others known to be involved in extremism - either because they associate directly with known individuals and close friends or because they frequent key locations where these individuals are known to operate.

There may be evidence that a significant person in the individual’s life has extremist views or sympathies and they may be exposed to extremist material through these close connections.

BEING AT A TRANSITIONAL TIME OF LIFE

A transitional stage in life can be anything from moving to a new area or country, ending or starting a new relationship, starting or graduating from college or university, changing jobs, recovering from an illness or a number of other situations which can leave people questioning ‘what’s next?’

Personal crises, significant life events such as loss or bereavement or major situational changes like homelessness or poverty can leave individuals questioning their identity and seeking new meaning.

A NEED FOR IDENTITY, MEANING AND BELONGING

It may be that an individual has encountered peer, social, family or faith group rejection or isolation. They may choose to tackle feelings of resulting low self-esteem or loneliness by exploring new groups and cultures.

They may be searching for answers to questions about identity and faith and experiencing a need to belong and feel a part of something.

Individuals may be distanced from their cultural/religious heritage and feel uncomfortable with their place in the society around them. These individuals may show signs of disassociating from existing friendship group and becoming involved with a new and different group of friends.

BEING INFLUENCED OR CONTROLLED BY A GROUP

Organisations intent on radicalising others can have an incredibly powerful and dominating effect on individuals.

People may choose to follow certain groups to earn credit amongst their peers or with those they perceive to be in an authoritative position/a group leader or head. They may not initially be aware of the group's true intentions or fully understand the extent of the beliefs held.

Leaders and members that hold strong beliefs can use their power and influence to induce guilt, shame and a sense of duty in the wider group. Individuals who show allegiance can be left with feelings of obligation, a need to fit in, a duty to comply or to 'keep the peace' and may have concerns around their own self-perception, worried about what others will think of them if they disagree or fail to conform

OPPORTUNISTIC INVOLVEMENT

People may be presented unexpectedly with an opportunity to become involved with groups or individuals they may not otherwise associate with. They may be taken by surprise by 'psychological hooks' that quickly take hold.

They may see an opportunity to personally benefit from a situation and subsequently and unknowingly be lead down a path of radicalisation that they do not fully appreciate or understand.

During that process people may sometimes pass through a phase of holding extremist but not violent views, before reaching a position where they are prepared to pursue damaging actions.

FEELINGS OF GRIEVANCE AND INJUSTICE

People can often find themselves in situations they perceive as 'unfair'. It is at this point that they may become vulnerable to indoctrination and radicalisation.

Often the most vulnerable are those who perceive discrimination, experience racial or religious harassment, or distrust government. They may have experienced poverty, disadvantage or social exclusion that has left them with a distorted opinion of the world.

They may experience a sense of righteousness, thinking that they know the 'truth' and no one else does. Their truth can become contaminated and based on one-sided information, which, with certain influences can lead them towards a terrorist ideology.

FEELING UNDER THREAT

Individuals may be at risk due to general insecurities or feelings of vulnerability and alienation following recent conflict or absent family relationships.

Those intent on recruiting individuals to extremist activities may target people who have experienced a trauma, particularly any trauma associated with war or sectarian conflict.

RELEVANT MENTAL HEALTH ISSUES

Common forms of mental distress or disorders such as anxiety, depression, Post-Traumatic Stress Disorder (PTSD) and relational or personality problems can leave individuals particularly susceptible to radicalisation.

Perceived 'support' from others can offer a release from inner angst and turmoil. This is why those suffering from mental health issues can be particularly at risk of becoming the victims of radicalisers or groups supporting a terrorist ideology.

Vulnerability to radicalising influences is heightened among young people in particular who may be suffering from long-term, undiagnosed mental health problems.

A DESIRE FOR STATUS

Some individuals might desire greater power and increased standing within their communities due to a lack of identity, a feeling of being lost among the crowd or previous experiences of inadequacy.

People seeking a higher position in life have been found to be at risk of radicalisation because of their search for a more potent identity or a desire to command respect and control others. Individuals can be driven by feelings of unmet aspirations and may spot an opportunity to move up the ranks within their social groups.

A DESIRE FOR EXCITEMENT AND ADVENTURE

Individuals and young people in particular are often influenced by views and opinions provided by online propaganda and can associate opportunities for adventure with potentially dangerous situations.

This desire for risk-taking can be exploited by radicalisers who are intent on recruiting susceptible individuals open to new and exciting opportunities.

A NEED TO DOMINATE AND CONTROL OTHERS

Some individuals may have a natural tendency to want to dominate or rule over others. The process of radicalisation and the journey towards a terrorist ideology can present opportunities for individuals to control and lead others, which can be of great appeal to some.

Such individuals may command respect from others but this is often achieved through manipulation, intimidation or fear. They may attempt to enlist the attendance of others at private group meetings or events at institutions and they are often very vocal about particular ideologies.

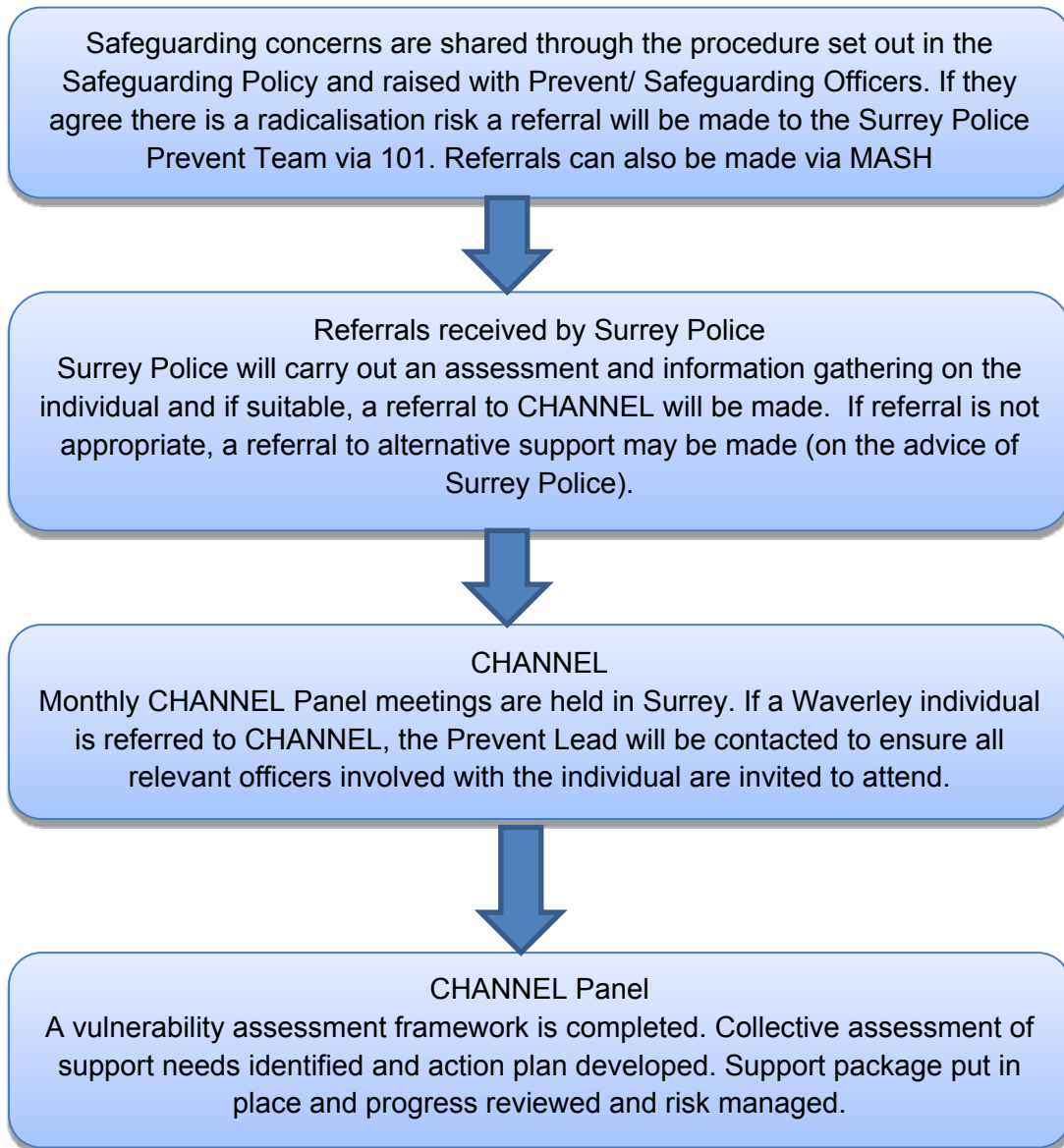
A DESIRE FOR POLITICAL OR MORAL CHANGE

Some people could react strongly to the emotive subject of extremism and terrorism, often with disgust or outrage. In some cases, this can lead to an overwhelming need for change, either political or moral.

Individuals may have been personally affected by international events in areas of conflict and civil unrest, resulting in a noticeable change in behaviour. For some, watching the suffering in places of conflict and believing that they are unable to contribute can create extreme feelings of anger and alienation.

These powerful feelings experienced can leave individuals susceptible to people or groups who may offer an 'answer', a way to step in and actively tackle the problem and a network of others in support – an attractive proposition for some.

Annex 3 – Prevent Referral Flowchart



Annex 4 – Channel Panel Members

Core Members	Attendance depending on circumstance
SCC Safeguarding Children (Partnership Support Manager)	WBC (Safeguarding/ Prevent lead)
SCC Adult Social Care (Head of Adult Safeguarding)	WBC (Housing)
SCC Children School & Families (Education Safeguarding Advisor)	
SCC Children School & Families (Area Head of Children Services)	
SCC Children School & Families (Educational Lead for Vulnerable Learners)	
SCC Children School & Families (Young People & Families Strategic Lead)	
SCC Children School & Families (Principle Manager Safeguarding Children)	
NHS Safeguarding Children (Consultant Nurse)	
Police Counter Terrorism (Prevent Supervisor)	
SCC MASH (Head of MASH)	
SCC MASH (Social Care Lead)	

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Revised Prevent Duty Guidance: for England and Wales (2015), Online resource available at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/445977/3799_Revised_Prevent_Duty_Guidance_England_Wales_V2-Interactive.pdf

<http://www.preventtragedies.co.uk/>

<http://www.ltai.info/spotting-signs/>

Cabinet Office Standard Supplier Questionnaire,

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/558531/PPN_8_16_StandardSQ_Template_v3.pdf

WBC Safeguarding policy

Surrey Multi Agency Sharing Protocol

WBC Acceptable Use IT Policy

SCHEME OF DELEGATION OF FUNCTIONS TO OFFICERS

- 1. General Principles**
- 2. Statutory Officers**
 - 2.1 Head of Paid Service
 - 2.2 Returning Officer and Electoral Registration Officer
 - 2.3 Monitoring Officer
 - 2.4 Chief Finance Officer – ‘Section 151 Officer’
- 3. Chief Executive**
- 4. Head of Community Services and Major Projects**
- 5. Head of Customer and Corporate Services**
- 6. Head of Environmental Services**
- 7. Head of Finance**
- 8. Head of Housing Operations**
- 9. Head of Planning Services**
- 10. Head of Policy and Governance**
- 11. Head of Strategic Housing and Delivery**
- 12. Borough Solicitor**

SCHEME OF DELEGATION OF FUNCTIONS TO OFFICERS

General Principles

1. Powers

- 1.1 This Scheme of Delegation is made pursuant to the Local Government Act 1972 Section 101 (and by reference to Section 100G) and the Local Government Act 2000 Section 15 and The Local Authorities (Functions and Responsibilities) (England) Regulations 2000/2853 (as amended) and all other enabling powers.
- 1.2 The powers in this Scheme of Delegation are only exercisable within the limitations in this Scheme and are subject to the provisions of the Council's Constitution, including the Financial Regulations and the Contract Procedure Rules.
- 1.3 Where the Council, a Committee, Sub-Committee, the Leader, the Executive, a Portfolio Holder or this Scheme of Delegation gives authority for any action, the officer designated shall be entitled to take all necessary steps to do so.
- 1.4 In the event that a Strategic Director or a Head of Service's post ceases to exist or his or her responsibilities are transferred to another officer (as the case may be), temporarily or permanently, then the powers given by this Scheme of Delegation shall be exercisable by the officer in whose area of responsibility the power falls to be exercised.
- 1.5 It is in the nature of any scheme of delegation that those to whom responsibility has been delegated for a particular function, action or decision may require the delegating authority to resume responsibility for that function, action or decision.
- 1.6 Any Head of Service may seek permission to submit a planning application for development to be carried out by the Council (Regulation 3) and for development to be carried out by other parties on land vested in the Council (Regulation 4).

2. Exercise of Functions

- 2.1 All decisions by officers made under this Scheme of Delegation, may only be exercised provided they are within budgetary provision and in accordance with proper authorities, in particular the Financial Regulations.
- 2.2 The Chief Executive may appoint one or more deputies to exercise his or her functions owing to his or her absence or illness.
- 2.3 The Chief Executive may exercise the powers delegated to any Strategic Director, Head of Service or the Borough Solicitor except in relation to those functions allocated to the Chief Finance Officer (within the meaning of Section 151 of the Local Government Act 1972 and Section 112-114A of the Local

Government Finance Act 1988) and to the Monitoring Officer (within the meaning of Sections 5, 5A of the Local Government and Housing Act 1989).

3. Sub-Delegation Scheme

3.1 Where the Chief Executive, Strategic Directors, ~~any~~ Heads of Service or the Borough Solicitor are authorised to take decisions, action to implement such decisions will be taken.

3.1.1 in the name of (but not necessarily personally by) the Chief Executive, Strategic Director, Head of Service or Borough Solicitor; or

3.1.2 by any other officer authorised by the Chief Executive, a Strategic Director, any Head of Service or the Borough Solicitor to take such action in their name or the sub-delegate's own name.

3.2 The Chief Executive, Strategic Directors, each Head of Service and the Borough Solicitor must prepare and maintain a Sub-Delegation Scheme setting out which officers have been authorised to make decisions under their delegated powers and subject to which terms and conditions. Sub-delegation Schemes must be lodged with the Democratic Services Manager.

3.3 Where delegations are to be exercised after consultation with the Leader, Portfolio Holder or nominated officers, the authorised officer will carry out the consultation and ensure that a record is made.

3.4 Where delegations are to be exercised after consultation with a Portfolio Holder and that Portfolio Holder is unavailable, consultation shall take place with the Leader.

3.5 Where delegations are to be exercised after consultation with other officers, if agreement between officers cannot be reached, the matter must be referred to the Chief Executive for consideration.

4. Chief Executive's Urgent Action

4.1 The Chief Executive is authorised to determine matters of an urgent nature within the remit of the Executive and which cannot wait for the next meeting of the Executive, which are not key decisions and which do not contravene established policies or budgets, after consultation with the Leader and relevant Portfolio Holder.

4.2 Any matters determined by the Chief Executive under 4.1 above will be reported to the next meeting of the Executive.

5. Schedule of Authorisations

5.1 A Schedule of Authorisations is attached at Appendix 1.

6. Amendments

6.1 Amendments to this Scheme will be approved by the Council with the following exceptions:

6.1.1 in respect of the officers designated to exercise delegated authorities where changes in the management structure and post titles have resulted from organisational restructures – by the Monitoring Officer.

6.1.2 updates to reflect new legislation where there is no extension to the limit of the existing delegation – by the Monitoring Officer.

7. Interpretation

7.1 Any reference to a statute or statutory instrument should be taken to include any subsequent statute or statutory instrument that replaces, amends or extends it, or contains related provisions.

7.2 The terms “officer”, “staff” or “employee” include any person employed by the Council irrespective of the particular terms and conditions under which they are employed.

7.3 Where a delegation is shown as being both an Executive and Non-Executive Function, advice should be sought from the Monitoring Officer regarding the individual circumstances.

Schedule of Authorisations

1. Legal Proceedings

- 1.1 In accordance with Article 14 of the Constitution the Borough Solicitor is authorised to institute, defend or participate in legal proceedings in respect of all functions of the Council.

2. Representing the Council in Legal Proceedings

- 2.1 The Borough Solicitor is authorised to appoint any appropriate officer to appear on behalf of the Council and to conduct legal proceedings or complete formal proof in court or tribunal. A record of those officers so appointed will be kept by the Borough Solicitor in accordance with the Sub-Delegation Scheme.

3. Land, premises, samples, records, articles, equipment or information

- 3.1 The Chief Executive, Strategic Directors, Heads of Service, and any other officer authorised by those officers, are authorised to

3.1.1 enter, visit or inspect premises,

3.1.2 procure samples,

3.1.3 inspect, seize, detain or destroy any goods, articles or equipment;

3.1.4 inspect, seize and detain any records, including records held in electronic form;

3.1.5 demand or require information in accordance with and as provided for by any legislation covering any Council function.

- 3.2 The Chief Executive, Strategic Directors, Heads of Service, Borough Solicitor and any other officer authorised by those officers, may apply to the Justices of the Peace to obtain warrants to enter premises as provided for by any legislation covering any Council function.

- 3.3 A record of any other officers authorised as set out above will be kept by the Chief Executive, Strategic Directors, Heads of Service or Borough Solicitor (as appropriate) in accordance with the Sub-Delegation Scheme referred to in the General Principles.

4. Sealing of Documents

- 4.1 The Chief Executive, Strategic Directors, Borough Solicitor, Head of Policy and Governance and any lawyer employed by the Council are authorised to witness the sealing of Council documents.

5. Instruments of Appointment

- 5.1 The Chief Executive is authorised to issue Instruments of Appointment to the Head of Environmental Services as an inspector under the Health & Safety at Work Act 1974 and associated Acts together with all related Regulations and Orders specifying the powers exercisable, having regard to that inspector's qualifications and duties.
- 5.2 The Head of Environmental Services is authorised to issue Instruments of Appointment to an inspector under the Health & Safety at Work etc. Act 1974 and associated Acts together with all related Regulations and Orders specifying the powers exercisable having regard to that inspector's qualifications and duties.

6. Serving of Notices

- 6.1 The Chief Executive, Strategic Directors, Heads of Service, ~~or~~ Borough Solicitor and any other authorised officer employed by the Council are authorised to serve any statutory notices as provided for by any legislation covering any Council function. A record of any other officers so authorised will be kept by the Chief Executive, Strategic Directors, Heads of Service or Borough Solicitor (as appropriate) in accordance with the Sub-Delegation Scheme referred to in the General Principles.

7. Cautions

- 7.1 The Chief Executive, Strategic Directors, Heads of Service and any other officer authorised by those officers, are authorised to act as Cautioning Officer in order to issue cautions to persons making a clear and reliable admission of an offence, where it is considered that the use of a formal caution is appropriate. A record of any other officers so authorised will be kept by the Chief Executive, Strategic Director or Head of Service (as appropriate) in accordance with the Sub-Delegation Scheme referred to in the General Principles.

8. Appeals

- 8.1 Unless otherwise reserved to the Council, the Executive, a Committee or Sub-Committee, as set out in their Terms of Reference, the Chief Executive, Strategic Directors, Heads of Service and any other officer authorised by those officers, are authorised to hear appeals as provided for by any legislation covering any Council function and in accordance with Council Policies. A record of any other officers so authorised will be kept by the Chief Executive, Strategic Directors or Heads of Service (as appropriate) in accordance with the Sub-Delegation Scheme referred to in the General Principles.

9. Consultant in Communicable Diseases Control

9.1 The Consultant in Communicable Diseases Control is authorised by the Council to carry out the following actions:

9.1.1 To apply to Justices for orders and certificates with a view to preventing spread of disease.

9.1.2 To apply to Justices for orders and certificates for the removal of aged or infirm persons to hospital, after consultation with the patient's General Practitioner and the Head of Environmental Services.

9.1.3 To serve notices relating to infected food and control of notifiable diseases.

The Council operates an 'Executive and Leader' model. Therefore the majority of the Council's functions (decision-making) lie with the Executive. However, a range of the Council's functions are 'non-Executive' meaning that those matters are determined either by full Council or by another Committee of the Council in accordance with the Council's Constitution. Where a Function is referred to below as 'Non-Executive', that function cannot be determined by the Executive and would, in the absence of delegation to an officer(s), be decided by full Council or the relevant Committee.

This Scheme of Delegation to Officers must therefore be read in conjunction with the Council's Constitution.

STATUTORY OFFICERS

HEAD OF PAID SERVICE

	Authority	Function
1.	<p>To make all decisions in relation to Human Resources functions in accordance with the Council's Policies and within budgetary provision, except (a), (b), (c), <u>and</u> (d), and (e) below which are reserved to Full Council:</p> <p>(a) the appointment of the Chief Executive or Strategic Directors and the statutory posts;</p> <p>(b) amendments to Terms and Conditions of Employment for Staff and Human Resources Policies where there are additional budget implications;</p> <p>(e) the adoption of the annual Pay Policy Statement;</p> <p>(e) the approval of and amendments to the Pension Policy Statement;</p>	Non-executive

	(de) the settlement of any staff pay award.	
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THE RETURNING OFFICER AND ELECTORAL REGISTRATION OFFICER

	Authority	After Consultation with	Function
2.	Within the approved budget, to approve scales of remuneration of persons employed on Borough and Parish Council elections.	Other local authorities in Surrey.	Non-executive
3.	To amend the designation of a Polling Place, where within six months of an election, (a) a designated polling place unexpectedly becomes unavailable; and (b) it is impractical to report to Council.	Ward councillors, local party agents and, if applicable, official candidates	Non-executive

THE MONITORING OFFICER

	Authority	Function
4.	The general delegations and authorisations for the Monitoring Officer are as set out in the Constitution at Article 12, the Members’ Code of Conduct Part 5 Section A, and the Monitoring Officer Protocol at Part 5, Section J.	Non-executive
5.	To appoint members to the Hearing Sub-Committee from the membership of the Standards Panel.	Non-executive
6.	<u>To amend any names and job titles within the Constitution and other constitutional documents resulting from reorganisation or changes in structure/position.</u>	<u>Non-executive</u>

THE SECTION 151 OFFICER

	Authority	Function
<u>7.</u> <u>6.</u>	The delegations and authorisations for the Section 151 Officer are as set out in the Constitution at Article 12, and the Financial Regulations	Executive

8. 7.	To include properties in the List of Assets of Community Value, and make decisions in relation to claims for compensation.	Executive
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CHIEF EXECUTIVE

Meetings, Members and the Constitution

	Authority	After Consultation with	Function
7.9.	LEFT BLANK^[c1] (UNUSED)To appoint members to the Independent Remuneration Panel.	Party Group Leaders. All decisions to be reported to all Members by email.	Non-executive
8.	In respect of ad hoc appointments during the year, to appoint or nominate members and representatives on outside bodies; to appoint trustees; and to identify the meetings of outside bodies which are an approved duty for paying allowances.	The party group leaders. All decisions to be reported to all Members by email.	Non-executive
9.	To make changes to the membership of any of the Council's Committees as necessary during the Council year in accordance with the wishes of the respective group leaders. Any changes made to be reported to the next meeting of the Council.	The party group leaders.	Non-executive

	Authority	Function
10.	To include <u>hear and determine appeals relating to applications to include</u> properties in the List of Assets of Community Value, and make decisions in relation to claims for compensation.	Executive

HEAD OF COMMUNITY SERVICES AND MAJOR PROJECTS

11.	To make all day-to-day management decisions relating to the Council's Leisure and Green Space functions.	Executive
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Community Safety

	Authority	Function
12.	To carry out the Council's functions and any actions authorised by the Community Incident Action Group, relating to anti-social behaviour, in accordance with the Anti-Social Behaviour Crime and Policing Act or subsequent legislation	Executive

Voluntary Organisations and Community Grants

	Authority	After Consultation with	Function
13.	To agree Service Level Agreements with voluntary organisations	The relevant Portfolio Holder	Executive

HEAD OF CUSTOMER AND CORPORATE SERVICES

	Authority	Function
14.	To make all day-to-day management decisions relating to the Council's functions as they relate to customer services.	Executive

Estate Management

	Authority	After Consultation with	Function
15.	To agree, with Laser , or any other supplier as agreed by the Council, changes to the cost of supplying gas and electricity services at different times within the contract period in accordance with the terms of the contract	The relevant Portfolio Holder	Executive
16.	To approve expenditure from the Repairs and Maintenance Fund on individual or related items up to £20,000.	The Leader or the appropriate Portfolio Holder	Non-executive or Executive as appropriate to the function being exercised

	Authority	Function
17.	To undertake all actions in relation to the administration of the Council's estate and property portfolio, and its interests in land or property, except the following matters which are reserved to the Executive: (a) Acquisitions or disposal of land or property, and interests in land or property, with a value in excess of £ 100 <u>250</u> ,000; (b) the grant or renewal of all leases in excess of 4 <u>25</u> years.	Executive

HEAD OF ENVIRONMENTAL SERVICES

Licensing

	Authority	Function
18.	<p>To make all decisions, take all actions and exercise all powers in respect of the Council's licensing functions in accordance with any one or number of the following legislation and/or any adopted policy(ies) of the Council and/or any other subsequent new or replacing legislation relating to the Council's licensing functions:</p> <p>(i) the Public Health Acts 1875, 1936 and 1961 (as amended) (ii) the Pet Animals Act 1951 (as amended) (iii) Public Health (Control of Disease) Act 1984 (iv) Animal Boarding Establishments Act 1963 (v) Riding Establishments Acts 1964 and 1970 (vi) Dangerous Wild Animals Act 1976 (vii) the Local Government (Miscellaneous Provisions) Acts 1976 and 1982 (as amended), (viii) Breeding and Sale of Dogs (Welfare) Act 1990, Breeding of Dogs Act 1991 and Breeding of Dogs Act 1973 (ix) Prevention of Damage by Pests Act 1949 (x) the Scrap Metal Dealers Act 2013 (xi) Sunday Trading Act 1994 (xii) Town Police Clauses Act 1847 and 1889 (xiii) Guard Dogs Act 1975 (xiv) Animal Health Act 1981 (xv) Animal Health and Welfare Act 1984 (xvi) Control of Dogs Order 1992</p> <p>including but not limited to the following:</p> <p><i>A. Street trading</i> <i>B. Scrap metal dealers</i> <i>C. Animal boarding establishments, riding establishments, dog breeders, pet shops and dangerous wild animals</i> <i>D. Game dealers</i> <i>E. Tattooing, acupuncture, ear piercing, cosmetic piercing and electrolysis</i> <i>F. Sunday trading</i></p> <p>except for</p> <p>approval and amendments to policies relating to functions under the above legislation which is</p>	Non-executive

	reserved to the Licensing Committee;	
19.	On behalf of the Council as the Responsible Authority for Environmental Health and/or the Responsible Authority for Health and Safety, under the Licensing Act 2003, subsequent amendments and all relevant legislation and regulations: (a) to make a relevant representation (b) to apply for a review of a premises licence (c) to apply for a review of a club premises certificate	Non-executive
20.	On behalf of the Council as the Responsible Authority for Licensing under the Licensing Act 2003, subsequent amendments and all relevant legislation and regulations: (a) to make a relevant representation (b) to apply for a review of a premises licence (c) to apply for a review of a club premises certificate	Non-executive

Environmental Protection

	Authority	Function
21.	To make all decisions, take all actions and exercise all powers in respect of the Council's environmental protection functions in accordance with any one or number of the following legislation and/or any adopted policy(ies) of the Council and/or any other subsequent new or replacing legislation relating to the Council's environmental protection functions: (i) the Control of Pollution Act 1974 (as amended) (ii) the Environmental Protection Act 1990 (iii) Dangerous Dogs Act 1991 (iv) Noise & Statutory Nuisance Act 1993 (v) the Environment Act 1995 (vi) the Noise Act 1996 (vii) the Dog (Fouling of Land) Act 1996 (viii) The Anti-Social Behaviour Crime and Policing Act 2014 and Anti-Social Behaviour Act 2003 (ix) Clean Neighbourhoods and Environment Act 2005 (x) the Health Act 2006 (xi) the Refuse Disposal (Amenity) Act 1978 (xii) Zoo Licensing Act 1981 (xiii) Water Industry Act 1991 (xiv) Environment Act 1995 (xv) Health Act 2006	Executive

	<p>(xvi) Sunday Trading Act 1994 (xvii) Clean Air Act 1993 (xviii) Pollution Prevention and Control (England & Wales) Regulations 2000 (as amended) (xix) Pollution Prevention and Control Act 1999 (xx) Criminal Justice and Public Order Act 1994 (xxi) Criminal Justice and Police Act 2001</p> <p>including but not limited to the following:</p> <p><i>A. Pollution control</i> <i>B. Air pollution control and clean air;</i> <i>C. smoke free premises</i> <i>D. Waste collection</i> <i>E. Recycling</i> <i>F. Controlled waste</i> <i>G. Contaminated land</i> <i>H. Statutory nuisance</i> <i>I. Litter</i> <i>J. Dangerous and Out of Control dogs</i> <i>K. Dog fouling</i> <i>L. Authorisations in relation to controlled processes</i> <i>M. High Hedges complaint</i> <i>N. Graffiti removal</i> <i>O. Noise nuisance</i> <i>P. Abandoned vehicles and other refuse</i> <i>Q. Prevention of crime and disorder</i> <i>R. Drug and alcohol abuse/misuse of substances</i></p> <p>except for</p> <p>the award of the Waste Collection and Recycling Contract which is reserved to the Executive.</p>	
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Environmental Health

	Authority	Function
22.	<p>To make all decisions, take all actions and exercise all powers in respect of the Council's environmental health functions in accordance with any one or number of the following legislation and/or any adopted policy(ies) of the Council and/or any other subsequent new or replacing legislation relating to the Council's environmental health functions:</p> <p>(i) the Local Government Act 1972 (ii) the Local Government (Miscellaneous</p>	Executive

	<p>Provisions) Act 1976 (iii) the Public Health Act 1961 (iv) the Clean Neighbourhoods and Environment Act 2005 (v) the Prevention of Damage by Pests Act 1961 (vi) National Assistance Acts 1948 and 1951 (vii) Water Act 1989 (viii) Disability Discrimination Act 1995</p> <p>including but not limited to the following:</p> <p><i>(a) drains, private sewers, water closets or soil pipes</i> <i>(b) a satisfactory supply of wholesome water</i> <i>(c) the control rats and mice</i> <i>(d) filthy or verminous premises, articles or persons</i> <i>(e) the prevention and suppression of nuisances</i> <i>(f) emergency situations arising outside normal working hours.</i></p>	
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Food and Health & Safety

	Authority	Function
23.	<p>To make all decisions, take all actions and exercise all powers in respect of the Council's food safety and health & safety functions in accordance with any one or number of the following legislation and/or any adopted policy(ies) of the Council and/or any other subsequent new or replacing legislation and any associated regulations relating to the Council's food safety and health & safety and pesticides functions:</p> <p>(i) the European Communities Act 1972 (ii) the Food and Environment Protection Act 1985, (iii) the Food Safety Act 1990, (iv) the Health & Safety at Work etc. Act 1974, (v) Sunday Trading Act 1994, (v) Public health (Control of Diseases) Act 1984 (and regulations made thereunder (with the exception of those dealt with under the health protection regulations)) (vi) Game Act 1831 (vii) Sea Fisheries (Shellfish) Act 1967 (viii) Offices Shops and Railway Premises act 1963 (ix) Food and Environment Protection Act 1985</p>	Non-executive/Executive

Land Drainage

	Authority	Function
24.	To take all actions to alleviate flooding under the Water Management Acts, Water Act 1989 and Land Drainage Act 1991 relating to the Council's land drainage functions, except the following which are reserved to the Executive: (i) approval of the annual Drainage Works Programme; (ii) authority to submit funding bids for projects requiring external funding for drainage works on third party land where this would require the Council to part-fund from the Drainage Reserve	Executive

Car Parks

	Authority	Function
25.	To make all day to day management decisions relating to the management and use of the Council's car parks, except for the following which are reserved to the Council: (a) The adoption of and amendments to the Council's Car Parking Strategy; (b) The setting of off-street car parking charges.	Non-executive
26.	To make all decisions, take all actions and exercise all powers in respect of the Council's parking functions in accordance with any one or number of the following legislation and/or any adopted policy(ies) of the Council and/or any other subsequent new or replacing legislation relating to the Council's parking functions: (i) Highways Act 1980 (ii) Road Traffic Regulation Act 1984 (iii) Road Traffic Regulation Act 1991 (iv) Traffic Management Act 2004	Executive

Emergency Planning

	Authority	Function
27.	To make all decisions, take all actions and exercise all powers in respect of the Council's functions as a Category 1 Responder in accordance with any one or number of the	Non-executive

	<p>following legislation and/or any adopted policy(ies) of the Council and/or any other subsequent new or replacing legislation relating to the Council's emergency planning functions as a Category 1 Responder:</p> <p>(i) Civil Contingencies Act 2004.</p>	
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HEAD OF FINANCE

Financial Management

	Authority	After Consultation with	Function
28.	To set the Council Tax Base.	The relevant Portfolio Holder	Executive
29.	To monitor and manage the revenue reserves and provisions of the Council, including the release of such funds within agreed policy guidelines.	Chief Executive and the relevant Portfolio Holder.	Executive

	Authority	Function
30.	To determine areas and levels of cover for insurance.	Executive
31.	To approve spending from the Insurance Fund in individual projects or a group of related projects or a group of related items up to a maximum of £20,000.	Executive
32.	To determine rates of interest payable under: (a) Public Health Acts and Housing Acts (rechargeable works executed by the Council) (b) Local Government (Miscellaneous Provisions) Act 1976 (dangerous trees and restoration of supplies).	Non-executive

Council Tax and NNDR

	Authority	Function
33.	To apportion rates under Section 44A of the Local Government Finance Act 1988, and any subsequent legislation, on premises partially unoccupied for short periods.	Executive
34.	To grant <u>determine</u> applications for D iscretionary R ate r elief <u>and Discretionary Council Tax Reduction which meet in accordance with</u> the adopted <u>policy</u> criteria and <u>with discretion to grant applications which</u> can be funded <u>from</u> within the approved budget.	Executive

35.	To execute warrants of arrest for Council Tax and Non-Domestic Rate debts	Executive
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HEAD OF HOUSING OPERATIONS

Housing and Homelessness

	Authority	Function
36.	<p>To make all decisions, take all actions and exercise all powers in respect of the Council's housing and homelessness functions in accordance with any one or number of the following legislation and/or any adopted policy(ies) of the Council and/or any other subsequent new or replacing legislation relating to the Council's housing and homelessness functions:</p> <ul style="list-style-type: none"> (i) Housing Act 1985 (ii) Local Government and Housing Act 1985 (ii)(iii) <u>Local Government (Miscellaneous Provisions) Acts 1976 and 1982</u> (iii)(iv) Housing Act 1996 (iv)(v) Children Act 1989 (v)(vi) Regulation 3 of the Town and Country Planning (General) Regulations 1992 – except for the determination of planning applications which is reserved to the relevant Area or Joint Planning Committee (vi)(vii) Housing Act 2004 (vii)(viii) Anti-Social Behaviour, Crime and Policing Act 2014 (viii)(ix) Clean Neighbourhoods and Environment Act 2005 (ix)(x) Leasehold Reform, Housing and Urban Development Act 1993 (x)(xi) Leasehold Reform Act 1967 (xi)(xii) Housing and Planning Act 2016 (xii)(xiii) Homelessness Act 2002 (xiii)(xiv) Housing, Grants, Construction and Regeneration Act 1996 (xiv)(xv) Prevention of Damage by Pests Act 1949 (xv)(xvi) Public Health Acts 1936 and 1961 (xvi)(xvii) Caravan Sites and Control of Development Act 1960 (xviii) Environmental Protection Act 1990 (xix) <u>Caravan Sites Act 1968 and Mobile Homes</u> 	Non-Executive/Executive

	<u>Act 2013</u> <u>(xx) Protection from Eviction Act 1977</u> <u>(xxi) Criminal Law Act 1977</u> <u>(xxii) Building Act 1984</u> <u>(xxiii) Energy Act 2013</u> (xvii) <u>(xxiv) Energy Act 2011</u>	
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	Authority	After Consultation with	Function
37.	To review decisions taken under the Personal Files (Housing) Regulations Act 1989 concerning access to, or correction or erasure of information held in housing records of which a tenant (or member of his family) is aggrieved.	The relevant Portfolio Holder	Executive

	Authority	Function
38.	To make decisions under Access to Personal Files (Housing) Regulations 1989.	Executive
39.	To make decisions under the Rent Deposit Guarantee Scheme.	Executive

HEAD OF PLANNING

Development Control and Planning Policy

	Authority	After Consultation with	Function
40.	To determine major planning applications where these are resubmitted applications previously refused only for SPA reasons which are now resolved and where: (a) the application is not materially different from the original application; (b) the material considerations affecting the decision have not changed; (c) there is no request from a councillor to call in the application for determination by the Committee as set out in 3(b) below.	The Chairman of the Joint Planning Committee and Ward Councillors	Non-executive
41.	To agree variations to Section 106 legal agreements under the Town and Country Planning Act 1990 which relate to planning applications determined by the Area Planning Committees and Joint Planning Committee	The Chairman of the Joint Planning Committee and Ward Councillors	Non-executive

	Authority	Function
42.	To make all decisions, take all actions and exercise all powers in respect of the Council's Development Control <u>Management</u> , Planning Policy and Planning Enforcement functions in accordance with any one or number of the following legislation (and any regulations and/or statutory instruments made thereunder) and/or any adopted policy(ies) of the Council and/or any other subsequent new or replacing legislation relating to the Council's Development Control <u>Management</u> , Planning Policy and Planning Enforcement <u>and Building Control</u> functions: (i) Caravan Sites and Control of Development Act 1960 (ii) Countryside and Rights of Way Act 2000 (iii) Enterprise and Regulatory Reform Act 2013	Non-Executive/Executive

	<ul style="list-style-type: none"> (iv) Environment Act 1995 (v) Environmental Protection Act 1990 (vi) Growth and Infrastructure Act 2013 (vii) Housing Act 1996 (viii) Housing Act 2004 (ix) Human Rights Act 1998 (x) Infrastructure Act 2015 (xi) Local Democracy, Economic Development and Construction Act 2009 (xii) Local Government Act 2003 (xiii) Localism Act 2011 (xiv) Planning (Hazardous Substances) Act 1990 (xv) Planning (Listed Buildings and Conservation Areas) Act 1990 (xvi) Planning Act 2008 (xvii) Planning and Compensation Act 1991 (xviii) Planning and Compulsory Purchase Act 2004 (xix) Pollution Prevention and Control Act 1999 (xx) Town and Country Planning Act 1990 <u>(xxi) Building Act 1984</u> <u>(xxii) Self-build and Custom Housebuilding Act 2015</u> <u>(xxiii) Neighbourhood Planning Act 2017</u> <u>(xxi)(xxiv) Anti-Social Behaviour Act 2003</u> 	
43.	<p>(A) to determine planning applications, applications for advertisement consent, non-material and minor material amendments applications, details to comply with conditions, variation/removal of condition applications, prior notifications/prior approval notices and certificates of lawfulness <u>(after consultation with the Borough Solicitor for applications of certificates of lawfulness)</u>;</p> <p>(B) to determine applications for listed building consent and to take action in relation to listed buildings and Conservation Areas;</p> <p>(C) to respond to consultations and notifications from other local authorities, public bodies, etc.;</p> <p>(D) to determine the need for an <u>eEnvironmental Impact aAssessment and/or a Strategic Environmental Assessment</u>;</p> <p>(E) to take direct action/seek injunctions in relation to breaches of planning control, remove unauthorised signage/advertisements and</p>	Non-executive

remedying the condition of land;

(F) to serve, amend, vary, withdraw, revoke any notices, permissions, certificates (as appropriate) (including but not limited to: enforcement notices, breaches of condition notices, temporary stop notices, stop notices, amenity notices, planning contravention notices, community infrastructure stop notices, certificates of lawfulness);

(G) the making and/or adoption of any plan for the purposes of neighbourhood planning

except:

(a) planning applications that must be referred to the Joint Planning Committee in accordance with Part 3 of the Constitution and as set out below:-

(a.1) To review all housing schemes which propose a net increase of more than 25 dwellings, where the recommendation is for permission to be granted;

(a.2) To consider applications defined as major, as defined by the Government (10 or more units of residential accommodation, more than 1,000 sqm commercial floorspace and site area of more than 1 hectare)

and which, in the judgement of the Chief Executive, after consultation with the Head of Planning and the appropriate Area Planning Committee Chairman, meet the following criteria

- i. have a significant planning impact beyond the Area in which they are situated, and/or
- ii. are of strategic importance, and/or
- iii. involve new planning issues for the Borough; or

(a.3) where within three weeks of the application appearing on the Waverley weekly list of planning applications, the Chairman and Vice-Chairman of the relevant Area Planning Committee and the ward member request that it be referred to the Joint Planning Committee and put forward relevant

grounds as set out in c (i) to (iii) above, the Chief Executive and Head of Planning will normally submit the application to the Joint Planning Committee;

(b) any planning application where, within three weeks of the publication of the weekly list of planning applications, any councillor from the relevant Area Committee (for the Committee including all or part of the planning application site concerned) makes a request to the Head of Planning (or any officer(s) nominated by them), which may or may not be supported in writing by the relevant Town or Parish Council, putting forward matters that are relevant planning grounds, to refer an application to the next appropriate meeting of the Area or Joint Planning Committee for determination;

~~(c) any planning application where, within three weeks of the publication of the weekly list of planning applications, any councillor from the relevant Area Committee (for the Committee including all or part of the planning application site concerned) makes a request to the Head of Planning (or any officer(s) nominated by them), putting forward matters that are relevant planning grounds, to refer an application to the next appropriate meeting of the Area or Joint Planning Committee for determination.~~

(For (b) ~~and (c)~~ above) Where the three-week call-in period has expired, but the Head of Planning is satisfied that ~~the circumstances are so exceptional~~ there is sufficient justification on planning grounds and the application has not been determined, they may, after consultation with the Chairman of the relevant Committee, arrange for that application to be referred to the Committee;

~~(d)~~ (c) any planning application submitted by or on behalf of a serving Councillor or employee of the Council, or the spouse or partner of any of the above persons;

(e ~~d~~) any planning application where an objection from a statutory consultee remains unresolved and the officer's recommendation is to approve the application;

	<p>(fe) any planning application where the Council is the applicant;</p> <p>(gf) any planning application which is required to be referred to the Secretary of State;</p> <p><u>(g) planning applications, where by the time of the expiry of the 21 day consultation period, have received 5 or more letters of objection or 5 or more letters of support (but not a combination of both) shall only be determined under delegated powers after the Head of Planning (or any officer nominated by them) has received written confirmation from the relevant ward members(s) that they do not wish the matter to be determined by the relevant Planning Committee.-</u></p>	
44.	<p>To take action, make decisions <u>(including determining applications for works to protected trees and prior notifications of the intention to carry out works to trees in conservation areas)</u>, serve notices and carry out works relating to trees pursuant to the Town and Country Planning Act 1990, the Hedgerow Regulations 1997 and Section 23 of the Local Government (Miscellaneous Provisions) Act 1976, and any Regulations made in relation to this legislation or any amendments,</p> <p>except</p> <p>the confirmation or revocation of a tree preservation order where objections have been received which is reserved for decision by the Area Planning Committee.</p>	Non-executive
45.	<p>To agree the terms of, and variations to, Section 106 Legal Agreements under the Town and Country Planning Act 1990 in connection with the grant of planning permission under delegated powers and Section 106 agreements following a refusal on appeal.</p>	Non-executive

Licensing

	Authority	Function
46.	<p>Under the Licensing Act 2003:</p> <p>(a) to respond to the Licensing Authority in connection with consultations on applications on</p>	Non-executive

	behalf of the local planning authority; (b) to apply for a review of a premises licence or a club premises certificate.	
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Street Naming and Numbering

	Authority	After Consultation with	Function
47.	To determine the names of highways under the Public Health Act 1925 <u>(including subsequently amending and replacement legislation)</u> .	The appropriate Portfolio Holder and appropriate ward councillors	Executive

	Authority	Function
48.	To exercise the street numbering function under the Public Health Act 1925 <u>(including any subsequent amending and replacement legislation)</u> .	Executive

Building Control

	Authority	After Consultation with	Function
49.	To adjust Building Control charges appropriately to ensure income will cover the cost of the chargeable service	The relevant Portfolio Holder	Executive

	Authority	Function
50.	To exercise the Council's powers in relation to Building Control legislation, including, but without prejudice to the generality of the foregoing, the determination of applications for the approval of plans and specifications, applications for relaxations, the issue and service of all Notices, the making of requirements and the decision to carry out works in default.	Executive
51.	To exercise the powers and duties of the Council, including the recovery of costs, relating to dangerous, dilapidated or defective buildings or structures, hoardings, scaffolding and the demolition of buildings	Executive

HEAD OF POLICY AND GOVERNANCE

Members Meetings and the Constitution

	Authority	After Consultation with	Function
52.	To approve the annual timetable of meetings of the Council and Standing Committees.	The Leader	Non-executive
<u>52A7.</u>	<u>To appoint members to the Independent Remuneration Panel.</u>	<u>Party Group Leaders.</u> <u>All decisions to be reported to all Members by email.</u>	<u>Non-executive</u>
<u>52B8.</u>	<u>In respect of ad hoc appointments during the year, to appoint or nominate members and representatives on outside bodies; to appoint trustees; and to identify the meetings of outside bodies which are an approved duty for paying allowances.</u>	<u>The party group leaders.</u> <u>All decisions to be reported to all Members by email.</u>	<u>Non-executive</u>
<u>52C_[c2].</u>	<u>To make changes to the membership of any of the Council's Committees as necessary during the Council year, in accordance with the wishes of the respective group leaders. Any changes made to be reported to the next meeting of the Council.</u>	<u>The party group leaders</u>	<u>Non-executive</u>
53.	The determination of applications for street collections to provide funding to meet a major local, national, or international disaster.	The Chairman of the Licensing and Regulatory Committee.	Non-executive
54.	On behalf of the Council, to submit objections, and pursue such objections at a public inquiry if needed, to: (a) applications for operators licences (including variations) made under the Goods Vehicles (Licensing of	The appropriate ward councillors.	Non-executive

	Operators) Act 1995; and (b) reviews undertaken of existing licences.		
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Communications and PR

	<u>Authority</u>	<u>Function</u>
<u>556.</u>	<u>To make all day to day management decisions relating to the Council's functions as they relate to communications and public relations.</u>	<u>Executive</u>

Licensing

	<u>Authority</u>	<u>Function</u>
<u>565.</u>	<p>To make all decisions, take all actions and exercise all powers in respect of the Council's licensing functions in accordance with any one or number of the following legislation and/or any adopted policy(ies) of the Council and/or any other subsequent new or replacing legislation relating to the Council's licensing functions:</p> <ul style="list-style-type: none"> (i) the Local Government (Miscellaneous Provisions) Act 1976; (ii) the Town Police Clauses Act 1847; (iii) the Local Government (Miscellaneous Provisions) Act 1982; (iv) The Regulatory Reform Act 2001 (v) Licensing Act 2003; (vi) the Gambling Act 2005 <p>and any subsequent legislation to take all actions relating to the Council's licensing functions, including but not limited to the following:</p> <p><i>A. Personal, premises, club premises licences and Temporary Event Notices</i></p> <p><i>B. Hackney carriage drivers and vehicles, and private hire drivers, vehicles and operators (except any applications that reveal convictions for offences that might affect the suitability of a person to hold a licence)</i></p> <p><i>C. House to house and street collections</i></p> <p><i>D. Club gaming/club machine permits and small society lotteries</i></p> <p><i>E. Sexual Entertainment Venues</i></p> <p>except for</p>	Non-Executive

	<p>(a) approval of and amendments to the Statement of Licensing Policy and the Gambling Policy which are reserved to Council;</p> <p>(b) approval and amendments to policies relating to functions under the Acts set out above which is reserved to the Licensing <u>and Regulatory</u> Committee;</p> <p>(c) approval of increases in the hackney carriage fare scale and amendments to the scale of charges for hackney carriage and private hire licence fees, which is reserved to the Licensing and Regulatory Committee;</p> <p>(d) the designation of and amendments to hackney carriage vehicle ranks which is reserved to the Licensing and Regulatory Committee;</p> <p>(e) the power to make an Order identifying a place as a designated public place for the purposes of police powers in relation to alcohol consumption which is reserved to the Licensing and Regulatory Committee;</p> <p>(f) all applications and appeals reserved to the Licensing Sub Committee as set out in its Terms of Reference at Part 3, Section E of the Constitution.</p>	
56.	To make all day to day management decisions relating to the Council's functions as they relate to communications and public relations.	Executive

Closure of Streets

	Authority	Function
57.	To make and issue temporary street closures orders in connection with special events in accordance with Section 21 of the Town Police Clauses Act 1847.	Executive

HEAD OF STRATEGIC HOUSING AND DELIVERY

	Authority	Function
58.	<p>To make all decisions, take all actions and exercise all powers in respect of the Council's housing and homelessness functions in accordance with any one or number of the following legislation and/or any adopted policy(ies) of the Council and/or any other subsequent new or replacing legislation relating to the Council's housing and homelessness functions:</p> <ul style="list-style-type: none"> (i) <u>(i) Housing Act 1985</u> (i) <u>(ii) Local Government (Miscellaneous Provisions) Acts 1976 and 1982</u> (ii) <u>(iii) Local Government and Housing Act 1985</u> (iii) <u>(iv) Housing Act 1996</u> (iv) <u>(v) Children Act 1989</u> (v) <u>(vi) Regulation 3 of the Town and Country Planning (General) Regulations 1992 – except for the determination of planning applications which is reserved to the relevant Area or Joint Planning Committee</u> (vi) <u>(vii) Housing Act 2004</u> (vii) <u>(viii) Anti-Social Behaviour, Crime and Policing Act 2014</u> (viii) <u>(ix) Clean Neighbourhoods and Environment Act 2005</u> (ix) <u>(x) Leasehold Reform, Housing and Urban Development Act 1993</u> (x) <u>(xi) Leasehold Reform Act 1967</u> (xi) <u>(xii) Housing and Planning Act 2016</u> (xii) <u>(xiii) Homelessness Act 2002</u> (xiii) <u>(xiv) Housing, Grants, Construction and Regeneration Act 1996</u> (xiv) <u>(xv) Prevention of Damage by Pests Act 1949</u> (xv) <u>(xvi) Public Health Acts 1936 and 1961</u> (xvi) <u>(xvii) Caravan Sites and Control of Development Act 1960</u> (xvii) <u>(xviii) Environmental Protection Health Act 1990</u> (xviii) <u>(xix) Public Health (Control of Disease) Act 1984</u> (xix) <u>(xx) Caravan Sites Act 1968 and Mobile Homes Act 2013</u> (xx) <u>(xxi) Protection from Eviction Act 1977</u> (xxi) <u>(xxii) Criminal Law Act 1977</u> (xxii) <u>(xxiii) Building Act 1984</u> 	Non-Executive/Executive

	<u>(xxiv) Energy Act 2013</u> <u>(xxv) Energy Act 2011</u>	
59.	To evaluate opportunities to buy back all or part of a former Council property (to include determining right of first refusal and percentage of ownership).	Executive
60.	To proceed to initial assessment of buy back or open market purchase if the opportunity meets the Council's criteria/policy.	Executive
61.	To proceed to initial assessment for a land purchase if the opportunity meets the Council's criteria/policy	Executive

	Authority	After Consultation with	Function
62.	To proceed to initial assessment of buy back or open market purchase if the opportunity does not meet the Council's criteria/policy	Portfolio Holders on the Housing Delivery Board	Executive
63.	To proceed to initial assessment for a land purchase if the opportunity does not meet the Council's criteria/policy	Portfolio Holders on the Housing Delivery Board	Executive
64.	To proceed to negotiation stage of buy back or open market purchase if the purchase price falls within overall budget	Portfolio Holders on the Housing Delivery Board	Executive
65.	To negotiate on price of buy back or open market purchase	Strategic Director and Estates and Valuation Manager	Executive
66.	To proceed with buy back or open market purchase if within budget or purchase price and works are needed	Portfolio Holders on the Housing Delivery Board	Executive
67.	To negotiate on land purchases	Strategic Director and Estates and Valuation Manager	Executive
68.	To proceed with land purchase if within agreed financial limits	Portfolio Holders on the Housing Delivery Board	Executive

Private Sector Housing

	Authority	After Consultation with	Function
69.	To determine the charges for default works undertaken pursuant to the Public Health and Housing Acts and the clearance of private drains and private sewers, all in respect of Environmental Protection legislation.	The relevant Portfolio Holder	Executive

	Authority	Function
70.	To undertake all actions relating to the Council's functions under the Housing Grants, Regeneration and Construction Act 1996 and any subsequent legislation, including but not limited to the following: (a) Disabled facilities grants (b) Renovation grants (c) common parts grants, (d) house in multiple occupation grants (e) major repair grants	Executive
71.	To undertake all actions relating to the Council's functions under the Regulatory Reform (Housing Assistance) (England & Wales) Order 2002 for the securing of loans given for the improvement or repair of dwellings as a formal Land Charge.	Executive
72.	To undertake all actions relating to the Council's functions under the Housing Acts and any subsequent legislation regard to unfit housing and houses in multiple occupation.	Executive
73.	To administer and approve loans under the Flexible Improvement Loans Scheme.	Executive

Housing and Homelessness

	Authority	Function
74.	To make decisions to depart from the Council's Allocations Policy in special needs circumstances.	Executive
75.	To review decisions under the Allocation of Housing and Homelessness (Review Procedures) Regulations 1999.	Executive

Burial or Cremation

	Authority	Function
76.	To arrange the burial or cremation of persons for whom no other suitable arrangements for the disposal of their remains have been made (under Section 46 of the Public Health (Control of Disease) Act 1984) and any necessary administration of the deceased's estate in liaison with the Treasury Solicitor.	Executive

BOROUGH SOLICITOR

Data Protection Act 1998

	Authority	Function
77.	To waive in cases of hardship the subject access fee allowed for under the Data Protection Act 1998.	Executive
78.	To evaluate opportunities to buy back all or part of a former Council property (to include determining right of first refusal and percentage of ownership).	Executive

Regulation of Investigatory Powers Act 2000

	Authority	After Consultation with	Function
79.	To amend the Council's Regulation of Investigatory Powers Act 2000 Policy and Procedure, to reflect changes to the legislation or for better performance of the Policy.	The relevant Portfolio Holder and the Leader	Executive
80.	To add to, or delete from, the list of authorised officers in the Council's Policy and Procedure pursuant to the Regulation of Investigatory Powers Act 2000.	The relevant Portfolio Holder and the Leader	Executive

WAVERLEY BOROUGH COUNCIL

MINUTES OF THE LICENSING AND REGULATORY COMMITTEE - 19 DECEMBER
2017

SUBMITTED TO THE COUNCIL MEETING – 20 FEBRUARY 2018

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

Present

Cllr Patricia Ellis (Chairman)	Cllr Peter Isherwood
Cllr Bob Upton (Vice-Chairman)	Cllr Anna James
Cllr Maurice Byham	Cllr Carole King
Cllr Patricia Ellis	Cllr Robert Knowles
Cllr Michael Goodridge	Cllr Libby Piper
Cllr Simon Inchbald	Cllr Bob Upton
Cllr Peter Isherwood	

Apologies

Cllr John Fraser and Cllr Tony Gordon-Smith

16. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS (Agenda item 1.)

Apologies for absence were received from Councillors Tony Gordon-Smith and John Fraser.

17. DECLARATIONS OF INTEREST (Agenda item 2.)

There were no declarations of interest received.

18. APPLICATION FOR STREET TRADING CONSENT - HIGH STREET, CRANLEIGH
(Agenda item 3.)

The Committee considered an application from Mr Andrey Andreev, who was present at the meeting, to continue to trade as a 'Kebab Burger Van'. The applicant wanted to continue to operate in Cranleigh High Street (outside 41 High Street - The Post Office) with trading 7 days a week between 1730hrs and 2300hrs at this location. The Committee was reminded that an application for a street trading licence from Mr Andreev had been considered and agreed on 19 June 2017 subject to it being on a temporary basis for a period of 6months. His consent would expire on 30 December 2017.

The Committee was advised that officers had consulted with Cranleigh Parish Council, Cranleigh Borough Councillors, Cranleigh Chamber of Commerce, Waverley Borough Council's Planning Department, Surrey Police, Surrey Fire and Rescue Service, Surrey County Council Highways Authority and other relevant consultees as part of the consultation period. As a result one objection had been received to the application at the time of writing the report and a further objection had been submitted by Cranleigh Parish Council since the agenda was published, the details of which were read out at the meeting.

The Committee noted that matters which had been highlighted as concerns included increased littering, concerns of anti-social behaviour and noise nuisance

(Public Order and Public Nuisance), it was not in-keeping with the local area and that there was sufficient current provision within the local area already.

The Committee had some concerns regarding this application. They asked Mr Andreev about litter that had allegedly been found around the van. He confirmed that before he left in the evening he always checked around the van for rubbish. Most people did not stay to eat but took their food away with them. Some photographs were shared with the Committee showing evidence of takeaway litter in the High Street location, however councillors did not feel that they could attribute that rubbish to the kebab van because of its location in the High Street, particularly because there were other takeaway providers in the area.

The Committee asked about the opening times for the kebab van because he had not always been in operation at the times his licence allowed for and members sought reasons for why the hours should be extended, as per the application. Mr Andreev advised that he wanted to extend his time to 11pm because a lot of his business came around this time on some evenings and he wanted the flexibility to be able to serve them.

The Committee withdrew to consider the application. Following the Committee's deliberation the meeting resumed. During the deliberations, the Council's legal advisor was asked to advise the Sub-Committee on legislation regarding Street Trading and application of Conditions.

The Committee resolved to GRANT the application in principle, as although complaints had been received, it was difficult to substantiate these without direct evidence. Therefore, there were standard conditions to be applied to the licence and the hours requested were to be amended because of the reasons noted below.

The Committee considered the hours requested by the applicant of 5.30pm-11pm. It was noted at the meeting that the applicant would amend this to start at 6pm so as to run in parallel with the potential new opening and closing hours of the Post Office.

However, the Committee unanimously agreed that considering the concerns raised and the Post Office hours not being confirmed, the hours as they currently stood should remain. In addition, with regard to the proposed extension of hours of operation to 11pm, this aspect of the application was rejected on the basis that it was felt that there was a substantial risk of nuisance to the public from noise in what was a predominantly residential area, in line with the Street Trading Policy. Therefore, to confirm, the hours of operation agreed were 7-10pm Monday to Friday and Saturday and Sunday 5.30-10pm as was currently in place.

Mr Andrey had answered the Committee's questions and although he did not have complaints against his kebab van, it was noted that at this location there had been complaints, specifically regarding litter. However, it was difficult to attribute this directly to the applicant's establishment. The Committee though would like to have received assurance from the applicant that he would have picked up any if not all litter in a 10 metre vicinity of the van, therefore, Condition 11 was amended to include the word "all" in front of the word Litter in the last line. Members requested the applicant to adhere strictly to this condition in future.

The meeting commenced at 1.30pm and concluded at 3.19pm

Chairman

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WAVERLEY BOROUGH COUNCIL

MINUTES OF THE LICENSING AND REGULATORY COMMITTEE - 15 JANUARY 2018

SUBMITTED TO THE COUNCIL MEETING – 20 FEBRUARY 2018

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

Present

Cllr Maurice Byham	Cllr Peter Isherwood
Cllr Patricia Ellis	Cllr Carole King
Cllr Michael Goodridge	Cllr Robert Knowles
Cllr Tony Gordon-Smith	Cllr Libby Piper
Cllr Simon Inchbald	Cllr Bob Upton

Apologies

Cllr John Fraser and Cllr Anna James

19. MINUTES (Agenda item 1.)

The minutes of the meetings held on 25 September and 19 December 2017 were confirmed and signed.

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

Apologies for absence were received from Councillors Anna James, Simon Inchbald and John Fraser.

21. DECLARATIONS OF INTEREST (Agenda item 3.)

There were no declarations of interest received.

LICENSING ACT 2003 ITEMS

PART I - RECOMMENDATIONS TO THE COUNCIL

22. HACKNEY CARRIAGE AND PRIVATE HIRE POLICY REVIEW - SURREY WIDE AND WAVERLEY CONSULTATIONS (Agenda item 6.)

The Committee received two consultation reports. The first was in relation to a Surrey wide consultation on proposed changes to the Taxi and Private Hire Policy to help prevent the sexual exploitation of vulnerable children and adults by introducing consistent standards across Surrey. The second was a Waverley only consultation looking at changes to the window tinting consideration and using a mobile phone whilst driving.

The Committee was advised that the Surrey Safeguarding Children Board (SSCB) and its partners, including all 11 Surrey local authorities, had agreed a Child Sexual Exploitation Strategy and action plan. The aims of the strategy were to develop a coordinated response to child sexual exploitation (CSE) across the county. Within the action plan there were two actions identified in relation to CSE. There were:

- Adopting a consistent taxi and private hire convictions policy across Surrey; and
- Mandatory CSE training for all taxi and private hire drivers in Surrey.

Reigate and Banstead BC had coordinated a six week consultation on behalf of all 11 Surrey Local Authorities and 396 responses were received, 7 of which were from Waverley. Members noted that the consultation results showed support across Surrey for the introduction of the convictions policy. 73% (69% of the taxi and private hire trade and 76% of those who live and work in the county) agreed with the relevant convictions and free from conviction timescales being included in the new policy and used when determining if a person is 'fit and proper'. There was also strong support that people banned from working with children or vulnerable adults should not normally be granted a taxi or private hire licence. 87% (93% of those who live or work in Surrey and 78% of the Surrey taxi and private hire trade) were in agreement that it should be included in the policy.

The Committee asked why there was so few responses from Waverley Licensees on the Surrey wide consultation. Officers advised that it was administered by Reigate and Banstead but they had notified all licensees about it. It may have been because one of the responses was from a Farnham driver and had responded on behalf of a group.

In relation to the Waverley consultation, 5 representations were made on the issue of tinting. There was concern expressed about how they would know what percentage of tinting they had on their car and some new cars fitted these as standard. The Committee asked what other Councils did and the officers advised that they had revised the wording to make it clearer and they were inline with other local authorities on this matter. Private Hire could also apply for an exemption as in some circumstances a higher level of tinting was required.

The Committee noted that the other significant change was in relation to using a mobile phone whilst driving and it was agreed that if this was the case then the maximum amount of points should apply.

Accordingly the Committee

RECOMMENDS that

- 1. the revised version of the Hackney Carriage and Private Hire Licensing Policy for Waverley, as set out at Annexe 1, be adopted; and**
- 2. the Head of Policy and Governance be authorised, in consultation with the Chairman and Vice-Chairman of the Licensing and Regulatory Committee, to make such minor amendments to the Hackney Carriage and Private Hire Policy as may be required from time to time.**

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.

23. MINUTES OF THE MEETINGS OF THE LICENSING ACT 2003 SUB-COMMITTEES (Agenda item 8.)

The minutes of the meetings of Licensing Sub-Committee B held on 11 December 2017 and Licencing Sub-Committee A held on both 20 November 2017 and 3 January 2018 were confirmed.

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

The minutes of the meetings of the Licensing (General Purposes) Sub-Committee held on 16 October and 20 November 2017 were confirmed.

The meeting commenced at 10.04 am and concluded at 10.25 am

Chairman

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Hackney Carriage and Private Hire Licensing
Policy and Application Process



01 MARCH 2016

Effect Period

01 MARCH 2018 to 01 MARCH 2023

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PART 1

INTRODUCTION AND GENERAL INFORMATION

Hackney carriages (often called taxis) and private hire vehicles, and their drivers and private hire operators, must hold the appropriate licences to work. Waverley Borough Council licenses these activities for its own area. This licensing is covered principally by two acts of parliament and licences have been the norm for hackney carriages, which are now usually called taxis, since early in the 19th century.

There is a great deal of legal history to the licensing of taxis. The current licensing system uses mainly the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976. The 1976 Act introduced private hire licensing and amended and updated parts of the 1847 Act. Other legislation also comes into play from time to time in licensing these activities, for example, the Transport Acts, the Human Rights Act 1998, Disability Discrimination Act 1995, to name a few.

This policy gives information about hackney carriage (taxi) and private hire licensing. The policies for licensing vehicles, drivers and private hire operators in the Waverley area have been agreed by Waverley Borough Council. The policies guide those within the Council responsible for taxi and private hire licensing and enforcement in the discharge of their functions, and guide applicants/licensees. These policies and the conditions of licences are individually set by Waverley to reflect circumstances in the Borough and may be different from the policies of other district or borough councils in the surrounding area.

Sometimes extra conditions may be added to licences where there are specific reasons for them (on disabled adapted vehicles, seating layout, drivers' medical conditions, etc). Personal or vehicle-specific conditions will be discussed with the person concerned before being added to the licence. These are not covered in this booklet.

Licences for drivers, vehicles and private hire operators may be issued provided all of the relevant criteria laid down by the Council have been met. Each licence will be subject to conditions, which the licence holder must understand and abide by, unless a special exemption has been formally issued.

Every vehicle and every driver must hold separate licences from the Council.

The Council's licensing section may be contacted by telephone on 01483 523219 or by email taxi@waverley.gov.uk.

Passengers have the right to know what fares may be charged for their journey. This is managed by private hire operators making an agreement with hirers at the time of booking. For taxis, the fare chart (the tariff) shows the way that fares are assessed, giving the maximum amount that may be charged for a journey. Passengers are entitled to see the tariff on display in any taxi and the taxi meter will always be visible to the passenger. The driver's details (photo card badge and licence number) must be worn by the driver and be visible. Passengers are advised to make a note of them, and the vehicle licence number.

What is the difference between a Hackney Carriage and a Private Hire vehicle?

Hackney carriages (commonly known as 'taxis')

Hackney carriages are public transport vehicles which are licensed to 'ply for hire'.

They can:

- carry passengers for hire or reward
- be hailed by prospective passengers in the street
- park on a rank to await the approach of passengers

Hackney carriage vehicles can be found at the ranks and they can be hailed in the street. These vehicles have a roof light with the word TAXI on them. They have a blue/white plate affixed to the rear and a smaller version affixed to the windscreen which carry details of the expiry date, licence number and vehicle registration.

Private hire vehicles (commonly known as 'minicabs')

Private hire vehicles (or minicabs) are public transport vehicles. However, a private hire vehicle cannot ply for hire or stand in a rank. It must be pre-

booked with a private hire operator e.g. through the operator, usually by telephone.

They have a red/white plate affixed to the rear and a smaller version affixed to the windscreen which carry details of the expiry date, licence number and vehicle registration.

Both taxis and private hire vehicles have a maximum of eight passenger seats and must be driven by a licensed driver from the same licensing authority as the vehicle.

Waverley Borough Council issues licences for both Hackney Carriage and Private Hire Vehicles.

The table below highlights some of the key differences between the two types of vehicle

	Hackney Carriage Vehicle	Private Hire Vehicle
Can be hailed in the street	✓	✗
Can stand and be hired at a taxi rank	✓	✗
Can be pre-booked	✓	✓
Must display a fare meter in the vehicle	✓	✗
Must display a 'taxi' top light on the vehicle	✓	✗
Must work for a Private Hire Operator	✗	✓

1. Information sharing

Information which is given or obtained by the Council in processing a licence may be shared with certain other authorities, including the Police, Revenue and Customs, Benefits authorities and other departments of the Council, among others. All applicants for licences will sign a declaration which includes acceptance of information sharing.

2. Hackney carriage and private hire drivers

People wishing to drive licensed hackney carriages (taxis) or private hire vehicles must themselves be licensed by the Council. Applicants for drivers' licences must undergo background checks which are designed to ensure the applicant is 'a fit and proper person' to hold a licence, as stated in legislation. The Council's primary interest is to ensure the safety of the public.

Background driver checks include;

- a criminal records check through the Disclosure and Barring Service (DBS) and/or certificate of good conduct if the applicant has lived abroad during the past five years
- Previous convictions - your application may be referred to the Council's Licensing (General Purposes) Sub-Committee for determination if you have previous convictions. Please contact the Licensing Office if you have any doubt about the relevance of convictions before applying for a licence.
- a medical to Group 2 standards, applied by the DVLA with your own GP (at your own expense)
- Blue Lamp Trust(or equivalent AA DriveTech) pass certificate for hackney carriage and private hire drivers,
- ~~a Driving Standards Agency pass certificate for hackney carriage and private hire drivers, or Blue Lamp Trust (BLT) equivalent~~
- a DVLA data subject enquiry report
- a check on the DVLA driving licence
- right to work in the UK check
- a knowledge test for journeys
- CSE Training

The applicant will have a meeting/interview with the officers to clarify and advise on how a licensed driver should act and what the licences involve. At this meeting there is a local knowledge test of roads and landmark places in the Waverley area, which will also include some longer journeys. The knowledge test is more detailed for taxi applicants, who must be able to carry their passengers via the shortest route to their destination. The knowledge test for private hire drivers is more basic, as there is an opportunity to check the route that is to be used before picking up the passengers.

Applicants with criminal or certain other records may also have to be interviewed by the appropriate Licensing Sub-Committee before a decision is made on the application. When there is sufficient reason, it is the Council's right to refuse the

grant of a licence. In such cases, the applicant has the right to appeal to the magistrates' court, where the application may be considered afresh.

How long do I have to complete my application?

It can take up to 12 weeks from submitting your application to being granted a licence providing there are no delays with your DBS form, you do not have to attend a Committee hearing and you pass the knowledge test first time. However your application will remain open providing there is regular activity happening.

Your application will be cancelled and destroyed approximately 6 months from the date of submission if within the last 3 months you have not been in contact with Taxi Licensing, not completed the relevant modules or passed the knowledge test. This is because your documentation will be out of date or expired.

A refund of outstanding fees is only available upon written request. Documents provided during the application process will remain valid for 6 months during initial application otherwise you will need to reapply.

More detail on drivers' licences is shown in Part 2.

3. Taxis (hackney carriages) and Private Hire Vehicles

Taxis (hackney carriages) are operated by people who run them as a business and they may make their own business decisions within the licences granted by the Council. Taxis may charge the fares shown on the valid Waverley-approved fare chart as a maximum, but the proprietor of the vehicle or the driver, depending on their own arrangements, can choose to make lower charges. The fitted taxi meter (the meter) is tested for accuracy at each Council inspection. The driver must never charge more than the fares shown on the valid chart. All Waverley licensed vehicles must hold 'hire and reward' insurance, and they may be driven only by a Waverley licensed driver. Most vehicle proprietors set a fixed fee for longer journeys, such as to airports and ports for example.

Private hire vehicles (PHVs) are booked and operated under a private hire operator licence. The operator may set his/her own fares for journeys, and the car does not need to have a meter fitted. If a meter is fitted in a private hire vehicle, the current fare/tariff chart used for this meter must be submitted in advance to the Council, and the meter will be tested as part of the Council's vehicle inspection.

Both taxis and PHVs may be licensed if they are suitable, fit for purpose and within the Council's policy for licensing. Any changes/modifications to the manufacturers original construction of the vehicle including modification, adaption, fixtures, fittings, stickers, decals or decorative painting must be applied

for and authorised by the Council. Tariff meters, Waverley Licensed plates, and correct taxi roof signs are exempt and do not apply ..

More detail on vehicle licences is shown at Part 3.

4. Private Hire Operators' licences

Any person wishing to run a business taking bookings for one or more private hire vehicles must hold a Waverley Private Hire Operator (PHO) licence.

A private hire vehicle may only be dispatched to a customer by a private hire operator who holds a private hire operator's licence. Such a licence permits the operator to make provision for the invitation or acceptance of bookings for a private hire vehicle.

All three licences:

private hire operator's licence;

private hire driver's licence; and

private hire vehicle licence;

must be issued by the same Licensing Authority.

-Applicants for a PHO licence are subject to a 'fit and proper' test, so will need to have a criminal record check in the same way as a licensed driver would, unless they hold both licences, in which case one check might serve for both licences.

A private hire operator is a person, partnership or company licensed to take bookings and send licensed vehicles and drivers to undertake the prebooked work. He or she must have an office in the Waverley area and will keep detailed records of all bookings, including information on the licensed private hire vehicle and driver who took the passengers to their destination.

Private hire operator records are subject to occasional unannounced visits and checks by officers of the Council. More detail on operators' licences is shown in Part 4.

It is considered appropriate for the Council to check that the relevant public liability insurance has been taken out for premises that are open to the public.

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Operators application fees are dependant on the number of vehicles being operated. New application fees will also be dependant on whether the applicant is already a licensed driver, having undertaken the 'fit and proper criteria.'

5. Fees are Payable for the Various Elements of All Licences

The Council usually sets its own fees and charges. This includes the fees for licences and any associated administration. The Council must advertise certain licence fees, as required by the 1976 Act. Representations may be made to the advertisement of the proposed fees, and these must then be considered by the Licensing and Regulatory Committee and Council. Licensees are notified of changes to fees once they have been confirmed.

Waverley has a scale of fees for all of the following:

- all driver licences
- all vehicle licences
- 6-monthly vehicle tests for 5-year-old vehicles (as a second instalment)
- Surrender & replacement of licence to a new vehicle
- missed appointments at the test centre
- retests if a vehicle fails its test
- private hire operator licences
- Disclosure and Barring Service application (collected by the Council for the DBS)
- Vehicle plate bracket etc
- Knowledge test and failure to attend for knowledge test

Other costs for applicants, paid direct, are:

- the medical fee, payable to the applicant's own GP surgery
- [Blue Lamp Trust DSA](#) (or equivalent [AA DriveTech BLT](#)) test fee, paid to the [Driving Standards Agency](#) or [Blue Lamp Trust](#) or [AA](#) on booking the test
- Fitting and maintenance of the taximeter if applicable
- The taxi roof sign

6. Hackney Carriage Fares (Tariff)

The Hackney Carriage fares are reviewed by the Licensing (General Purposes) Sub-Committee, usually upon request from licensees for an increase or other amendment. The process involves all licensees having the opportunity to comment on the proposed changes (a consultation with them) and a report to the Committee including comments made and a comparison with neighbouring councils' fares. Any increase approved by the Committee is then advertised in the public notices section of the local press. Any representations made are brought back to the Committee to consider. The finally agreed increase is then put into place on a set date. The current fares approved are shown in every taxi and in some private hire vehicles if they have a taxi meter allied to the same fare chart or any other set tariff.

7. Byelaws for hackney carriages

Byelaws for hackney carriages were confirmed in 1980. The main body of the byelaws is set out at [Annexe 8](#). Some of the byelaws are also set out in the 'Important Notes' attached to hackney carriage licences.

8. Hackney Carriage Stands (Taxi Ranks)

Taxi ranks are provided in Waverley's main population areas, and can be located as shown below. Any licensed Waverley taxi may use any of these ranks (also known as stands). In addition, Farnham, Godalming and Haslemere stations provide ranks on their own land and will, for a set fee, give a permit to licensed vehicles to work from these ranks on the basis of one permit per vehicle. Waverley licensed vehicles may never, in any circumstances, use ranks outside the Waverley area, and vehicles licensed by other councils likewise may never use Waverley ranks. Waverley's own ranks can be found at;

- ❑ Village Way, Cranleigh
- ❑ High Street/Bank Buildings Road West, Cranleigh (by the war memorial)
- ❑ West Street, Farnham
- ❑ Castle Street Farnham
- ❑ Crown Court Car Park, Godalming
- ❑ High Street, Haslemere (by Georgian House Hotel, as part of bus stop lay-by)
- ❑ (Application in progress for Bridge Street, Godalming)

PART 2
LICENCES FOR DRIVERS

Hackney Carriage and Private Hire Drivers - Waverley's Driver Licensing Policy

Driver's licences will be issued for 3 years as standard or for a lesser period agreed by the Council for exceptional circumstances.

New applicants should make an appointment with the Licensing Section. They will be given a checklist of documents, certificates, reports, etc which must be completed or supplied for a new application to be considered. Identification documents must be brought to the first appointment so that a Criminal Records check through the Disclosure and Barring Service (DBS) can be started (see below). The list below shows what the applicant must do:

Disclosure and Barring Service (DBS) check: This must be filled in and the fee paid at first appointment, with supporting documents. This is explained to applicants, and they are reminded about what papers they will need to supply/show. [Please note that the DBS check is at the 'enhanced' level, which will disclose all criminal records. Applicants are advised that the Council may take all convictions and cautions, including those 'spent' under the Rehabilitation of Offenders legislation, into account for this type of work]. The form must be completed in black ink and the Licensing Administrator will need to see documentation, so that the Council can verify the information supplied; for example

- Passport (if you hold one)
- Driving Licence
- Marriage certificate (if married)
- Printed National Insurance number (on a P45/P60)
- Proof of address - (utility bills or statements from bank, for instance, not more than three months old)

The Licensing Administrator can advise on documentation required.

The Council's policy in respect of criminal convictions (which also explains how cautions will be considered) is set out at Annexe 6. When the personal information on the form has been completed, the Licensing Administrator will take details from the documents provided to complete and send off the DBS request. The application cannot proceed until the DBS Disclosure is issued. A copy is sent direct to the applicant. This can take several weeks. When the DBS Disclosure is received, the applicant should call the licensing office (01483 523219) to make an appointment for interview. The Council will hold a DBS disclosure for three months. After this and if no contact has been made by the

applicant, the disclosure will be destroyed. Once a driver is licensed, a DBS check is required every three years.

A Certificate of Good Conduct (*for people who have not lived in the UK for all of the past 5 years*). It will be necessary to contact the relevant home/resident country's Consulate/Embassy in Britain to obtain a certificate of good conduct. The Licensing Administrator may be able to offer a contact number, if required.

Medical Report to Group 2 standard, will be completed by the applicant's own General Practitioner surgery using the Waverley form. The doctor/surgery will make its own charge for the medical. Applicants are advised to check with the Council (tel: 01483 523219) before proceeding with the medical. The Council will provide the Group 2 form to take to the GP. Unless the result of the medical is completely satisfactory, it may have to be referred to the Council's consultant doctor for a second opinion. **The consultant doctor's fee has to be paid by the licence applicant.**

The Licensing section must receive this report within 3 months of the Doctor signing the report.

Unless there are special circumstances in an individual case, medicals for licensed drivers are required every 3 years, (prior to the renewal of their 3 year licence). up to 65 years of age and then annually. If any serious illness occurs, an extra medical may be required, on the Council's Doctor's advice.

DVLA Check or Data Subject Enquiry Report - New applicants and existing licensees, on renewal, are required to undertake a DVLA online check and share of their drivers licence or a DVLA data subject enquiry report on application, having completed a mandate form.

The mandate should be refreshed every three years as part of the renewal process.

Officers may request a further check/report at any time in between if it is felt it is required.

Any refusal to grant authorisation for such a check/report will lead to refusal to grant/renew a Hackney Carriage and/or Private Hire driver's licence.

Valid DVLA driving licence - a full driving licence, with the current home address, held for a minimum of 2 years (No photocopies are accepted).

This will be a Department of Transport or equivalent EU driving licence.. You may be required to convert your (foreign) licence to a DVLA licence.

Four passport size photos (for the driver's badge) which are deemed acceptable by officers or attend offices for a digital photograph to be taken by officers.

Waverley believes that the general role and responsibilities of a hackney carriage and/or private hire driver demands high standards in driving and customer service. It also believes that such competencies can impact on both public safety, comfort and passenger experience; particularly for the vulnerable, those with disabilities and other medical conditions. Paid/professional drivers therefore require relevant knowledge, skills and experience to safely and effectively discharge their role and responsibilities to their passengers and others.

For these reasons Waverley requires that all new driver applicants provide a Blue Lamp Trust Driving Standards Agency (DSA) pass certificate (TPH10 or AA DriveTech equivalent). For hackney carriage/private hire drivers. ~~Waverley will accept the BLUE LAMP TRUST taxi driver assessment package as a suitable alternative/equivalent.~~ No new licence application can be considered without this pass certificate. The fee will be advised by the the relevant assessment centre. The certificate will be produced to the Council to show that the driver has undertaken and passed the Blue Lamp Trust Driving Standards Agency (DSA) certificate of competence for hackney carriage and private hire vehicles or AA Drive Tech Blue Lamp Trust equivalent.

If you intend to drive a disabled accessible vehicle you would have to pass an extra part of the test specific to using a disabled accessible vehicle. (WTA10 or equivalent)
Applicants can book ~~the DSA taxi test on-line via the website booking at www.dsa.gov.uk, or contact the Agency by telephone (0870 0101 372) to arrange this.~~
Blue Lamp Trust on-line at www.bluelamptrust.org.uk, or telephone 0300 777 0157.

[AA Drive TECH on-line at tellmore@AADrivetech.com on 0345 373 1360](mailto:tellmore@AADrivetech.com)

Mandatory CSE and Safeguarding Training

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Mandatory CSE and safeguarding training for taxi and private hire drivers.

The training would include how to spot signs of child sexual exploitation and how to report concerns of children or vulnerable persons at risk using agreed Surrey processes. There will be a multiple-choice assessment to ensure understanding of the subject matter.

All new drivers are required to pass the CSE training in advance of first being licenced and all existing drivers need to pass within one year of adopting the requirement (by ???? 2018).

Right to Remain and work in the United Kingdom

Applicants for the Grant of a Licence will be required to produce documentary evidence of a right to remain and work in the UK. If an applicant has an expiry date on their right to work, any licence that may be granted will not be valid past the said expiry date unless further evidence of a right to remain or work is produced. If there is a restriction regarding the number of hours allowed to work then if a licence is granted a condition will be added to reflect said restriction.

Application Fee depending on licence (subject to increase). Methods of payment are by Credit/Debit card or cheques payable to Waverley Borough Council – (NO CASH is accepted at Council Offices). Applications paid for by cheque will not be processed until the cheque has been cleared by the bank. This will take approximately 12 working days.

PLEASE NOTE NO CASH IS ACCEPTED AT COUNCIL OFFICES

The Next Steps for New Applicants

Interview as a New Applicant, including test of knowledge The applicant will contact the Licensing Office (01483 523219) when he/she has received the DBS disclosure, (and certificate of good conduct, if required) to arrange for an interview with Council's officers. At this time the applicant will be required to produce all the above papers/certificates. He/she will be asked to explain what they understand about driving a taxi or a private hire vehicle. The officers will help with advice on this, if necessary. The applicant will take and have to pass a written and/or verbal knowledge test of the Waverley area, its boundaries and the town where you intend to work. Questions will cover landmarks, places of interest and journeys. You will be asked to clearly and understandably describe local journeys and also journeys to a wider area (other towns, ports and airports for instance). You will be told at the end of the interview whether the licence is to be granted, and if not, what you can do next.

If the applicant fails the initial knowledge test they can arrange a further test for which an additional fee will be charged.

Please note that any application may be referred to the Council's Licensing (General Purposes) Sub-Committee for consideration. This will be explained at interview, if needed. See also Part 5 of this book which deals with the Council and its Committees.

Renewals Once A Licence Has Been Granted: Vehicle Licences last for one year, **Driver Licences** last for three years & **Operator Licences** last for five years, and can only be renewed while they are still 'live'. Renewal invitations may be sent by email about 6 weeks before expiry to those who have agreed to receive correspondence by email. The responsibility to ensure that a licence is renewed rests solely with the licensee. Whilst the Council may choose to remind existing licensees

that their licence is about to expire and needs renewing, there is no duty on the Council to do so. The licence-holder must apply at least 10 days prior to the expiry of the licence. It is important to allow time for the renewal to be processed. Last minute renewal applications may result in the licensee being unable to work whilst the paperwork is processed and the new licence badge issued. If there is any difficulty with this, licensees should contact the Licensing Administrator to explain the situation, and it may be that a solution can be agreed.

If you make a late application when the licence has expired, it may not be accepted as a renewal. A complete new application may be required. This can cause a delay during which the applicant is unable to work, and involves extra costs. See also **Important Note** below.

Renewals And Subsequent Criminal Records Checks - These are dealt with at the Waverley main offices at Godalming.

The expiry date is printed on the paper licence and on the licence badge (which must be worn and visible to passengers while working). Licences must be renewed prior to expiry. If the licence is allowed to expire, you may be required to apply for a licence as though you had not been previously licensed.

Important Note: If a licence has expired, even by one day, then it is no longer valid, and therefore there is nothing to renew. The applicant may have to start the full process from the beginning, and can not work as a licensed driver while this process takes place, and there are costs for the 'start again' process. Therefore it is important to apply for renewal while the licence is still live, in order to avoid having to undergo the full 'new applicant' process as above for any further licence to be considered. There is also a higher cost to the 'start-again' process.

Hand in or return the renewal application and supporting paperwork to the Licensing Section, Waverley Borough Council, Council Offices, The Burys, Godalming, Surrey, GU7 1HR. If you have any questions, please contact the Licensing Section on **01483 523219**. Please use this number to make any appointment needed, when you are ready.

Conditions applied to drivers' licences: These are shown at Annexe 1 for hackney carriage/private hire driver licences and at Annexe 2 for private hire driver licences. Specific conditions may be applied in certain special cases. These will be discussed and explained to the individual licensee as required.

PART 3

LICENCES FOR VEHICLES

Hackney Carriage (Taxi) and Private Hire Vehicle policy

Hackney carriage licences are issued to various types of vehicles, purpose built, saloon and some MPV style vehicles and occasionally 4x4 vehicles if appropriate. provided that they are fit for purpose.

Private hire vehicle licences are issued for saloon, some MPV style vehicles and occasionally 4x4 vehicles if appropriate. Private hire vehicles must not look like taxis, therefore may not be purpose-built taxi style nor may they have a roof sign.

A vehicle may be licensed provided

- it is fit for the purpose (it must pass the licence vehicle condition test),
- it is suitable for the purpose (see licence conditions overleaf and consult the Licensing Office for advice before you purchase any vehicle)

Age of the vehicle

As from **1 March 2016**, there will be no age limit for a new vehicle submitted for a licence provided the vehicle is fit for purpose. However if at the date of first licensing or renewal date, the vehicle is 5 years or older then, it becomes subject to 6-monthly tests.

What happens next

The applicant will submit an application form and payment to the Council (Credit/Debit Card or Cheque payable to Waverley Borough Council – NO CASH is accepted at Council Offices) so that a vehicle test can be arranged. Applications paid for by cheque will not be processed until the cheque has been cleared by the bank. This will take approximately 12 working days.

A licence is issued for a vehicle after it has taken and passed a Ministry of Transport vehicle test (MOT) within 30 days of the renewal date, the Council test (vehicle external and internal suitability test) and where required a metered mile test, which shows that the vehicle is fit for the purpose intended. No licence is issued unless it is covered by full hire and reward insurance, which will give continuous cover while the licence is in force. A licensed vehicle may be driven only by a driver who holds the right matching licence. Insurance is not accepted if it includes an extra person who does not hold a licence from Waverley to drive the vehicle. The applicant for the licence will produce

- Firstly a fully completed application form, MOT certificate and payment, (and the licensing office will arrange a time and day for the vehicle test -)
- Before any licence or licence plate is issued, sight of test pass paper
- Evidence of current hire and reward insurance
- Sight of the registration document (or bill of sale, if newly bought).

Most of the information detailed below is also contained in the vehicle licence as conditions of the licence or as legislation and other information. The following is a quick check of what is expected for a licensed taxi:

- both the vehicle and the driver should be presentable and they must carry evidence of the licences (plate, window sticker, driver badge) in a visible position as defined in the licence conditions, unless they carry an authority to do otherwise;
- the vehicle licence number plate (white/blue for a taxi, white with a red/white for a private hire vehicle) is affixed to the back exterior of the vehicle and a window sticker must be displayed in the front window;
- for taxis and PHVs with a meter, the vehicle licence number is repeated on the fare chart , and the fare chart will be clearly visible to the passengers in the vehicle;
- a taxi will carry an illuminated 'taxi' roof sign;
- a private hire vehicle will not look like a taxi, nor will it have any roof sign;
- the driver of the vehicle will wear on the lapel or on a neck cord the licence badge issued by the Council, which includes his/her photograph and driver licence number. A cord is provided for this purpose, and a clip is available for those who prefer it. This licence badge must be visible to passengers.

Applying for or renewing a vehicle licence

To renew an application for a vehicle licence for a taxi or a private hire vehicle, the licence must still be 'live'. A lapsed licence of any sort may not be renewed as it will have ceased to exist. A car with a lapsed or out-of-date licence may not be used for taxi or private hire work.

The Council has set a policy as to what is required in a licensed vehicle and it is the duty of the licence holder to ensure that the vehicle is well looked after, clean and properly insured. The Council's officers are entitled to see evidence of documents as required.

Policy Requirements for the vehicle licence:

General

1. A fully completed application form must be submitted with payment of the appropriate licence fee
2. Evidence of ownership (registration document, or invoice if newly purchased, followed by the updated log book within 6 - 8 weeks)
3. Current valid MOT certificate
4. Appropriate and continuing 'Hire and Reward' type insurance for the vehicle
5. The vehicle must pass the Council's vehicle inspection test
6. All licensed vehicles must carry a first aid kit, indelibly identified to the licence plate of the vehicle, which complies with the suggested list of contents included within the Approved Code of Practice and Guidance: First Aid at Work – The Health and Safety (First-Aid) Regulation 1981 L74.
7. All licensed vehicles must carry a multi-purpose dry powder or foam (AFFF) spray extinguisher conforming to British Standard EN3, minimum weight 1kg, indelibly identified to the licence plate of the vehicle.
8. Waverley Borough Council hackney carriage plates are white/blue and displayed on the rear exterior of the vehicle, issued annually unless there are special circumstances
9. Waverley Borough Council Private Hire vehicle plates are white/red and displayed on the rear exterior of the vehicle, issued annually, unless there are special circumstances
10. All licensed vehicles, without exception, must display the internal licence (front window) sticker
11. Licensed vehicles shall have not less than four passenger doors
12. Convertible vehicles shall not be licensed, but those with not more than 50% sunroof area are permitted
13. The minimum engine capacity shall be 1575 cc. Applications to licence a hybrid/electric vehicle, or any other type of vehicle with an engine capacity of less than 1575cc shall be made to the Licensing Manager in writing. Officers shall have discretion to consider the grant of a licence, provided they are satisfied with the efficiency, size, design and safety standards of the vehicle
14. Seating Capacity is determined by Road Traffic Regulations and further defined by the seatbelt provision in the vehicle offered for licensing.
15. Subject always to the vehicle being fit for the purpose and passing its test, commencing from 1 March 2016, there will be no age limit for vehicles presented to be licensed for the first time. However if on the date of first licensing or renewal date, the vehicle is 5 years or older then it becomes subject to 6-monthly tests
16. Any replacement vehicle must meet the Council's policy.
17. Mechanical Inspections - Licences are annual and an MOT is required each year (except see 19 below)

18. Interior & exterior inspections – vehicle interior & exterior inspections will be carried out on renewal inspections and may also be carried out on an ad hoc basis by council officers.
19. When a vehicle reaches five (5) years old, it shall be required to undergo an interim vehicle test (MOT & inspection by officers) 6 months after licence renewal. Vehicles in this age bracket will be issued with six-month duration plates.
20. In the event of a space saver tyre, run flat tyre (when punctured) or puncture repair kit being used it is only to complete a fare and must comply precisely with the manufacturers' recommendations. Any such tyre should be replaced before taking another fare to ensure passenger safety. All other licensed vehicles must carry a spare wheel matching those fitted to the vehicle, and an appropriate means of changing the wheel.
21. No taxi or private hire vehicle may be dual-licensed (i.e. it shall not be accepted for licence by Waverley if it is licensed by any other licensing authority).

Vehicle Testing

There is considerable variation between local licensing authorities on vehicle testing, including the related question of age limits. The following can be regarded as best practice:

22. A meter must be fitted, tested and illuminated - taxis and specified private hire vehicles only
23. The Council may charge reasonable fees to cover the issue of licences and require the production of the licence and any other documents at any reasonable time.
24. The Licensing Officer is authorised to refuse applications to license any left-hand-drive vehicles. Any dispute may be brought to the appropriate Licensing Committee in the first instance. There may also be an option for further appeal to the Courts against the Council's decision in some cases.

25. There shall be no additional tint (darkening) of windows beyond the legal limit of light transmission to minimum 75% for front and side front windows, and light transmission of minimum 70% for all other windows, or the manufacturer's specification, whichever is the lesser. A minimum light transmission value of 70% shall be maintained in all windows except a windscreen, which shall have a minimum light transmission of 75%. Tinted films applied to the vehicle windows are not permitted.

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Taxis (hackney carriages) only

26. The TAXI roof sign must be displayed on the roof (taxis only)

Private Hire Vehicles only

27. Private Hire vehicles shall be of a suitable type, size and design. They should be safe and comfortable and must not appear in any way to look like a hackney carriage vehicle.
28. Private hire vehicles may carry no signs, illuminated or otherwise, unless approved by the Council (see the conditions to the private hire vehicle licence)
29. A meter need not be fitted in a private hire vehicle, but if a meter is fitted, it must be tested with the private hire operator's scale of charges, which must be supplied to the licensing authority with the licence application (see also 26 above).
30. Should an application be made to license a stretch limousine of less than 9 passenger seats and right hand drive, this will be referred to the appropriate Licensing Committee in the first instance, prior to arranging any other aspect of the licence, such as the vehicle test.
31. Private Hire Vehicles may be saloon cars, multi purpose vehicles (MPVs), some 4x4 vehicles such as Range Rover and similar high base vehicles. Applicants are advised to refer to the Licensing Office before committing to purchase any vehicle for licensing purposes, to ensure that no unnecessary outlay is made on a car which may not be suitable for licensing as a taxi or private hire vehicle.
32. The Council may, following written application, exempt the need for an operator to display the licence plate on the rear of the vehicle or the need for the driver to wear their personal badge. Where this exemption is granted the vehicle operator shall be issued with a letter of exemption which shall be retained with the vehicle plate inside the vehicle at all times. The driver must also have their badge on their person although not required to have it displayed. NOTE: The internal licence (front window) sticker must be displayed at all times.

Conditions applied to vehicle licences are shown at [Annexe 3](#) (hackney carriage licence) and [Annexe 4](#) (private hire licence). Vehicle specific conditions may be applied in certain special cases. These will be discussed and explained to the individual licensee as required.

PART 4

LICENCES FOR PRIVATE HIRE OPERATORS

Any person who wishes to take bookings for Waverley-licensed private hire vehicles and their drivers must hold a Waverley private hire operator's licence. The vehicles and the drivers themselves must also be licensed separately by Waverley. The Council has a duty to ensure that Private Hire Operators are fit and proper persons before considering the grant of the licence. New applicants

may be required to take a knowledge test and Criminal Records Bureau check, if not already in place. More information on this is set out in Part 2 above.

Applicants will be asked to state whether the business is to be operated by an individual, a company, or a partnership, and to answer questions about whether they have been or still are company director or Secretary.

Duty of licence holder to comply with other legislation: All applicants have a duty to comply with all other legal requirements relating to the running of a business, for example, it may be necessary to obtain planning permission for the use of the premises from which the business operates, particularly where there is an office where vehicles may gather outside. It is unlikely that planning permission would be needed for a very small operator's business when it is run from home, for instance. The Licensing Section is not able to offer advice on planning matters. Council departments and others may share the information you give, if necessary, and as the law permits.

Insurance. ~~It is considered appropriate for the Council to check that the relevant public liability insurance has been taken out for premises that are open to the public.~~

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~~**New applicants** will provide references from three persons of suitable standing for each partner named. New applicants may also~~ be required to have a Criminal Records Bureau (DBS) check, repeated every three years. If the applicant is already licensed by Waverley, the officers will advise whether these checks (the fit and proper test) will be needed, since the driver will already have provided the information.

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All applicants are reminded that the Council requires under the provisions of the Local Government (Miscellaneous Provisions) Act 1976 that Private Hire Operator licences may be granted only for businesses carried on at addresses within the Waverley boundaries. Accordingly, all records must be kept at the licensed address. Licensed operators are subject to unannounced inspections of their records at any time by an authorised officer of the Council.

Applications have to be fully and honestly completed or they may not be accepted for processing. As stated above in relation to other licences, a private hire operator's business may have to close for a period if he/she is late in renewing an existing licence.

Conditions applied to private hire operators' licences are shown at Annexe 5. Specific conditions may be applied in certain special cases. These will be discussed and explained to the individual licensee as required.

PART 5

THE COUNCIL'S LICENSING COMMITTEES

As part of the democratic process, members are elected to serve on the Council every four years. These elected councillors are appointed to committees to manage the various types of work that they handle, and they permit the officers

to have certain authority to deal with specific matters (known as delegated authority).

All meetings of the Council, and its Committees and the Executive, are open to the public. Where a matter for discussion or decision may be sensitive or affect an individual there are rules which allow the meeting to exclude the press and public while it deals with that business.

The Council and its committees have regular meetings. The **Licensing and Regulatory Committee** deals with a variety of general licensing business. This Committee will usually consider such things as changes to licensing policies, income and expenditure, and the setting of fees for licences.

Changes to taxi and private hire licensing policies will normally be subject to consultation with licensees, which is usually both face to face at a meeting, and by email, giving opportunity for all to make comment. There are twice yearly liaison meetings between the Chairman of the Committee and the licence-holders. All licence-holders are invited by email to attend these meetings.

The Council also has a **Licensing (General Purposes) Sub-Committee**, which often follows on after the meetings of the Licensing and Regulatory Committee on the same date. It will normally deal with individual applications which need a decision, where the issues involved are beyond the scope of matters which the officers are allowed to deal with. Among other things, issues such as new or existing drivers where there may be criminal or driving convictions to deal with, complaints of a serious nature and similar situations will be considered by this Sub-Committee. Such issues are not generally considered in the open meeting, so the press and public will be excluded.

The Licensing (General Purposes) Sub-Committee will also consider requests for increases in the taxi fare scale and some miscellaneous matters.

[N.B. There are also **Licensing Sub-Committees** which deal specifically with the Licensing Act 2003 and the Gambling Act 2005 and deal with pubs, clubs and gambling matters. These meetings are normally held in the morning, starting at 10.00 am.]

PART 6

COMPLAINTS, DISCUSSIONS AND INTERVIEWS

On occasions, such as when a complaint is received, officers may request a licensee to attend the Council offices for discussion. The information notes at Annexe 10 outline the nature of the discussion.

If a licensee is invited to attend a formal interview (rather than an informal discussion), the licensee will be informed of his legal rights with regard to the interview.

PART 7

PENALTY POINTS SCHEME SYSTEM

Hackney Carriage and Private Hire Operators, Drivers and vehicles are principally governed by the Local Government (Miscellaneous Provisions) Act 1976, Town Police Clauses Act 1847, Conditions and the Council's Byelaws.

The aim of a penalty point scheme is to work in conjunction with other enforcement options. It provides a formalised stepped enforcement plan. The purpose of the scheme is to record misdemeanours and to act as a record of licence holder's behaviour and conduct so as to ascertain whether they are a fit and proper person. It does not prejudice the Council's ability to take other actions.

The primary objective of the penalty points scheme is to improve the levels of compliance and help improve the standards, safety and protection of the travelling public.

Where there is good evidence that a breach covered by the scheme has occurred (usually where this has been witnessed by a Council Officer) a Penalty Points Notice will be issued to the licensee.

Penalty points may be awarded against the proprietor of a vehicle or anyone holding a Hackney Carriage driver's licence, a Private Hire driver's licence or a Private Hire Operator's licence issued by Waverley Borough Council

Penalty Points will remain current for 3 years from the date the penalty points were issued. Points issued to either the proprietor of a vehicle or a driver will be confirmed in writing within 10 working days from the discovery of the contravention.

In the event that a driver/owner/operator commits an offence or breaches a condition as listed in the penalty points table attached at Annexe 7, he/she shall be awarded the number of points applicable to the circumstances as shown in the table for the breach/offence shown in the table.

Where a licence holder accumulates 12 penalty points or more in any three year period, the matter will be referred to the Council's Licensing (General Purposes) Sub-Committee to decide whether the licence holder is a fit and proper person. The Licensing-Sub Committee may then suspend or revoke a licence, or issue a warning to the licence holder, depending on the circumstances. Periods of suspension of a licence by a Sub-Committee will be dependant on the nature of the breaches of the legislation/conditions and the compliance history of the individual.

Any disputes regarding the issuing of penalty points should be made in writing and will be referred by the Licensing Team to the Head of Policy and Governance.

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If points are issued to a proprietor/driver for a matter which is also a criminal offence, eg bald tyres, no badge, those person(s) will not then be the subject of a prosecution by the Council regarding the same matter.

Officers will not normally issue points for any offence/breach that has been dealt with or reported for prosecution etc. or any other enforcement action taken,

The system will operate without prejudice to the Council's ability to take other action that it is entitled to take under legislation, byelaws and regulations.

Following a revocation (due to accumulation of penalty points in this scheme) a new licence will not usually be granted by the Council for a minimum period of twelve (12) months.

The Council's Penalty Points Table is set out at Annexe 7

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ANNEXE 1

CONDITIONS OF LICENCE TO DRIVE A HACKNEY CARRIAGE OR PRIVATE HIRE VEHICLE (A DUAL LICENCE)

Town Police Clauses Act 1847

Local Government (Miscellaneous Provisions) Act 1976

Conditions subject to which Licence is granted:

1. The licence holder shall at all times
 - (a) Conduct himself/herself in a civil and orderly manner and comply with the reasonable requests of passengers in the vehicle.
 - (b) Take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
 - (c) Be well dressed, neat and clean.
 - (d)
 - (i) Convey a reasonable quantity of luggage if so required by the person hiring the vehicle;
 - (ii) Give reasonable assistance in loading and unloading the luggage;
 - (iii) Give reasonable assistance in removing luggage to or from the entrance of any place at which he may take up or set down a passenger.
- and
- (e) A Licensed vehicle must not carry in the vehicle more than the number of passengers, of whatever age, specified in the vehicle licence. NOTE: Every child over 3 years of age must have his/her own designated seat in the vehicle and the vehicle must accord with the seatbelt requirements set by the Road Traffic Acts in force.
- (f) Not carry any person in the vehicle during a hiring without the express permission of the person who has first hired the vehicle
2. When the vehicle has been hired to be present at an appointed time and place the driver shall, unless delayed by some sufficient cause, punctually attend with the vehicle at that time and place.
3. After every hiring the driver shall search the vehicle for any article which may have been accidentally left in the vehicle and, if any such article is

found, shall within 48 hours (unless sooner claimed by the owner) deliver the article to the nearest convenient office of the Council.

4. The licensee shall at all times comply with the instructions of the Council or of its authorised Officers concerning any matter relating to his occupation as a Hackney Carriage or Private Hire vehicle driver.
5. When operating as a Private Hire driver the licensee shall not display signs, call out, stand with the vehicle at a taxi rank or do anything else whatsoever which is likely to give any person the impression that the vehicle is available for hire as if it is a Hackney Carriage.
6. The licensee shall notify the Council in writing as soon as possible and, in any event, within fourteen days of any:
 - (a) Change of name, change of address, change of telephone number(s); N B any telephone number given to the Council for licensing purposes shall be capable of receiving withheld numbers;
 - (b) Illness or injury affecting his fitness to drive in any way;
7. The licensee shall report to the Council in writing as soon as possible, and in any event within 7 days, details of any:
 - (a) convictions or formal police cautions;
 - (b) motoring offences or endorsements of any type, including speed awareness courses;
 - (c) charges/summons/postal requisitions/fixed penalty notices in respect of any criminal offence;
 - (d) arrest or interview under caution for any alleged offence
 - (e) any communication notifying of any alleged offence.

and the licensee is advised to contact the Licensing Administrator (01483 523219) if in any doubt of his/her duties under this condition.

IMPORTANT NOTES

1. The above conditions are **additional** to the requirements of the Town Police Clauses Act 1847, the Local Government (Miscellaneous Provisions) Act 1976 and the Disability Discrimination Act 1995, the more important of which are summarised below:
 - (i) A vehicle may not be used as a private hire vehicle unless there is a vehicle licence in force for it and the person inviting or accepting hiring's has an operator's licence (1976 Act, Section 46).
 - (ii) This licence must be produced within five days at the request of an authorised Officer of the Council or a Police Officer (1976 Act, Section 53).

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- (iii) The driver must at all times when acting under this licence wear the driver's badge issued by the Council in such position and manner as to be plainly visible (1976 Act, Section 54).
 - (iv) The driver shall not without reasonable cause unnecessarily prolong, in distance or in time, any journey for which the vehicle has been hired (1976 Act, Section 69).
2. When operating as a **hackney carriage (taxi) driver** the licensee must observe the provisions of the **byelaws** and the above mentioned Acts, among the more important of which are the following:
- (i) If the hackney carriage is standing at a rank or in a street the driver must not without reasonable excuse refuse to drive to any place within the 'prescribed distance' (i.e. the Waverley Borough) (1847 Act, Section 53).
 - (ii) The authorised fare scale must be used at all times for journeys within the Borough (however the hiring is effected) and may only be dispensed with for journeys ending outside the Borough **IF** the hirer agreed **BEFORE** the journey commences (1847 Act, Section 58; Waverley Borough Council byelaws; 1976 Act, Section 66). (It is however at the discretion of the proprietor/driver to charge **less than** the metered fare in a hackney carriage.)
 - (iii) If a hackney carriage is used for a 'private hire contract' the fare is calculated from the point at which the hirer starts the journey. A 'private hire contract' for this purpose is one made either with some person other than the driver, or when the hackney carriage is not at a rank or plying for hire (1976 Act, Section 67).
 - (iv) A hackney carriage **must not be left unattended** in a street or place of public resort or entertainment; and if it is one of the first two on a rank the driver must be ready to be hired at once (1847 Act, Section 62 and Byelaws).
 - (v) The hackney carriage/private hire driver's badge provided by the Council must be worn in a plainly visible position, i.e. on the driver's lapel, at all times when plying for hire or hired (Byelaws).
 - (vi) As a hackney carriage/private hire driver, you must be civil and orderly and give reasonable assistance with passengers' luggage (Byelaws).
 - (vii) The following condition is attached to all **hackney carriage vehicle licences** and shall be complied with by the hackney carriage driver, unless he/she holds and displays an Exemption Certificate, which must be clearly exhibited, facing outwards, on the windscreen, or in a prominent place on the dashboard:

The licence holder/driver of the vehicle shall ensure that any disabled person wishing to travel as a passenger in the vehicle, and who is accompanied by an assistance dog, shall be accepted as a passenger together with the assistance dog, which shall remain with the passenger and be carried at no extra charge, in accordance with Section 37 A of the Disability Discrimination Act 1995.” (1995 Act, Section 37).

3. Children in taxis and private hire vehicles: If child restraints are not available in a licensed taxi or a licensed private hire vehicle, then:
- Children under three years old may travel unrestrained, but this must be in the rear of the vehicle only
 - Those aged three years and above **MUST** use an adult seatbelt, and in the rear seat only
 - Any child up to 135 cms in height (4 foot 4 inches approx) in the front seat of **any** vehicle must use the correct child seat or booster seat.
 - The driver of the vehicle is responsible for seat belt wearing by children under 14 years (except in taxis with fixed partitions).



ANNEXE 2

CONDITIONS OF LICENCE TO DRIVE A PRIVATE HIRE VEHICLE

Local Government (Miscellaneous Provisions) Act 1976

Conditions subject to which Licence is granted:

1. The licence holder shall at all times when acting as a driver of a Private Hire vehicle:
 - (a) Conduct himself/herself in a civil and orderly manner and comply with the reasonable requests of passengers in the vehicle.
 - (b) Take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
 - (c) Be well dressed, neat and clean.
 - (d)
 - (i) Convey a reasonable quantity of luggage if so required by the person hiring the vehicle;
 - (ii) Give reasonable assistance in loading and unloading the luggage; and
 - (iii) Give reasonable assistance in removing luggage to or from the entrance of any place at which he may take up or set down a passenger.
 - (e) Not display signs, call out, stand with the vehicle at a Hackney Carriage rank or do anything else whatsoever which is likely to give any person the impression that the vehicle is available for hire as if it were a Hackney Carriage.
 - (f) Not carry in the vehicle more than the number of passengers, of whatever age, specified in the vehicle licence. N B every child must have his/her own designated seat in the vehicle and the vehicle must accord with the seatbelt requirements set by the Road Traffic Acts in force.
 - (g) Not carry any person in the vehicle during a hiring without the express permission of the person who has first hired the vehicle

2. When the vehicle has been hired to be present at an appointed time and place the driver shall, unless delayed by some sufficient cause, punctually attend with the vehicle at that time and place.
3. After every hiring the driver shall search the vehicle for any article which may have been accidentally left in the vehicle and, if any such article is found, shall within 48 hours (unless sooner claimed by the owner) deliver the article to the nearest convenient office of the Council.
4. The licensee shall at all times comply with the instructions of the Council or of its authorised Officers concerning any matter relating to his occupation as a Hackney Carriage or Private Hire vehicle driver.
5. The licensee shall notify the Council in writing as soon as possible and, in any event, within fourteen days of any:
 - (a) Change of name, change of address, change of telephone number(s); N B any telephone number given to the Council for licensing purposes shall be capable of receiving withheld numbers;
 - (b) Illness or injury affecting his fitness to drive in any way;
6. The licensee shall report to the Council in writing as soon as possible, and in any event within 7 days, details of any:
 - (a) convictions or formal police cautions;
 - (b) motoring offences or endorsements of any type, including speed awareness courses;
 - (c) charges/summons/postal requisitions/fixed penalty notices in respect of any criminal offence;
 - (d) arrest or interview under caution for any alleged offence
 - (e) any communication notifying of any alleged offence.

and the licensee is advised to contact the Licensing Administrator (01483 523219) if in any doubt of his/her duties under this condition.

IMPORTANT NOTES

The above conditions are **additional** to the requirements of the Local Government (Miscellaneous Provisions) Act 1976, the more important of which are summarised below:

- (i) A vehicle may not be used as a private hire vehicle unless there is a vehicle licence in force for it and the person inviting or accepting hiring's has an operator's licence (Section 46).
- (ii) This licence must be produced within five days at the request of an authorised Officer of the Council or a Police Officer (Section 53).

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- (iii) The driver must at all times when acting under this licence wear the driver's badge issued by the Council in such position and manner as to be plainly visible (Section 54).
 - (iv) The driver shall not without reasonable cause unnecessarily prolong, in distance or in time, any journey for which the vehicle has been hired (Section 69).

The licence holder/driver of the vehicle shall ensure that any disabled person wishing to travel as a passenger in the vehicle, and who is accompanied by an assistance dog, shall be accepted as a passenger together with the assistance dog, which shall remain with the passenger and be carried at no extra charge, in accordance with Section 37 A of the Disability Discrimination Act 1995." (1995 Act, Section 37).

- (v) Children in taxis and private hire vehicles: If child restraints are not available in a licensed taxi or a licensed private hire vehicle, then:
 - Children under three years old may travel unrestrained, but this must be in the rear of the vehicle only
 - Those aged three years and above MUST use an adult seatbelt, and in the rear seat only
 - Any child up to 135 cms in height (4 foot 4 inches approx) in the front seat of **any** vehicle must use the correct child seat or booster seat.
 - The driver of the vehicle is responsible for seat belt wearing by children under 14 years (except in taxis with fixed partitions).



ANNEXE 3

HACKNEY CARRIAGE LICENCES - STANDARD CONDITIONS OF THE LICENCE

1. The maximum permitted number of passengers is **xxxx**
2. The vehicle shall at all times when available for hire carry a roof sign and this shall be capable of illumination and connected to the taximeter, bearing the word 'TAXI'.
3. The plate supplied by the Council shall be clearly displayed on the rearexterior of the vehicle, using the bracket fixing provided, or an acceptable substitute exterior fixing method, such substitute to be agreed with the licensing enforcement officer; and the Council's fare chart and notice of the Licence Number shall be clearly displayed inside the vehicle using the window sticker and fare chart provided.
4. The vehicle shall at all times be maintained in sound and roadworthy mechanical condition and serviced according to the manufacturer's recommendations.
5. No alteration to the manufacturer's specification for the vehicle shall be carried out except with the approval of the Council.
6. The licence holder/driver of the vehicle shall ensure that any disabled person wishing to travel as a passenger in the vehicle, and who is accompanied by an assistance dog, shall be accepted as a passenger together with the assistance dog, which shall remain with the passenger and be carried at no extra charge, in accordance with Section 37A of the Disability Discrimination Act 1995.
7. The vehicle shall be kept properly taxed and insured for the purpose for which it is used (insurance shall be continuous - without breaks during the period of the licence - and shall cover hire and reward use) and the provisions of the Road Traffic Acts and all other relevant legislation shall be observed.
8. The vehicle shall carry a first aid kit and fire extinguisher, the minimum standard for which is as follows:

First Aid Kit

The first aid kit must comply with the suggested list of contents for travelling first aid kits as included within the Approved Code of Practice and Guidance: First Aid at Work - The Health and Safety (First-Aid) Regulation 1981 L74. These contents include:

- A leaflet giving general guidance on first aid
- 20 individually wrapped sterile adhesive dressings (assorted sizes)
- 2 sterile eye pads
- 4 individually wrapped triangular bandages
- 6 safety pins

All drivers are responsible for ensuring that items within the first aid kit that are marked with 'best before dates' are replaced by the dates given. All other items should be checked regularly by the driver/operator, and any damaged items should be replaced.

Fire Extinguisher

The vehicle shall carry a multi-purpose dry powder or foam (AFFF) spray extinguisher conforming to British Standard EN3. The minimum weight should be 1kg.

All first aid kits and fire extinguishers must be marked with the current licensed vehicle plate number, to be written in indelible ink

SPARE/EMERGENCY TYRE

9. In the event of a space saver tyre, run flat tyre (when punctured) or puncture repair kit being used it is only to complete a fare and must comply precisely with the manufacturers' recommendations. Any such defective wheel should be replaced before taking another fare to ensure passenger safety.

All other licensed vehicles must carry a spare wheel matching those fitted to the vehicle, and an appropriate means of changing the wheel

10. The proprietor may advertise his taxi company by one of the following:-
- (a) the name and telephone number of the taxi company operating the vehicle, on the rear of the 'TAXI' sign on the roof of the vehicle; or
 - (b) on the rear windscreen of the vehicle using a form of sign which does not affect visibility either in or out of the vehicle; or

- (c) on the front and/or rear doors of the vehicle or,
 - (d) as authorised in writing by the Council following written application
11. No signs (including those of a campaigning nature) or advertisements whatsoever which are visible from the outside or inside of the vehicle shall be displayed other than as mentioned in (2 & 10 above), unless applied for and authorised by the Council.
 12. The interior and exterior of the vehicle shall be maintained in a clean and proper manner to the satisfaction of the Council.
 13. ~~Subject also to condition 5 above, there shall be no additional tint (darkening) of the windows of the licensed vehicle beyond the legal limit specified (to minimum 75% light transmission for front and front side windows, and minimum 70% light transmission for rear side windows and rear windows, or the manufacturer's specification, whichever is the lightest). A minimum light transmission value of 70% shall be maintained in all windows except a windscreen, which shall have a minimum light transmission of 75%. Tinted films applied to the vehicle windows are not permitted.~~
 14. The proprietor of the vehicle shall report to the Council any damage or accident affecting the safety, performance or appearance of the vehicle or the comfort or convenience of its passengers as soon as possible and, in any case, within 72 hours of the accident/damage occurring. This is in addition to any obligation to notify the Police.

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Six-monthly inspections for vehicles of 5 years and older:

Commencing on 1st March 2008, licensed vehicles of 5 years and older are subject to a six-monthly vehicle inspection. You will receive a licence plate of 6 months duration if this applies to you, and a reminder may be sent to you to arrange to have the vehicle tested in good time for issue of a plate for the further 6-month period of the licence year, once the inspection has been passed.

IMPORTANT NOTES

The above conditions are **additional** to the relevant requirements of the Town Police Clauses Act 1847 and the Local Government (Miscellaneous Provisions) Act 1976, the more important of which are summarised as follows:

1. The proprietor(s) must not employ as a driver any person who does not hold a Hackney Carriage Driver's Licence (1847 Act, Section 47).
2. If the proprietor of a hackney carriage transfers his/her interest in it to another person he/she must within fourteen days give to the Council written notice of the name and address of the new proprietor (1976 Act, Section 49).

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3. The proprietor must present the vehicle for mechanical inspection within such period and at such place as the Council by notice reasonably require (1976 Act, Section 50).
 4. The proprietor of the vehicle involved in an accident affecting the safety, performance, or appearance of the vehicle or the comfort or convenience of its passengers **shall report the accident to the Council** as soon as possible and, in any case, **within 72 hours**. This is in addition to the normal obligation to notify the Police (1976 Act, Section 50).
 5. The vehicle licence and insurance certificate must be produced to an authorised officer of the Council on request (1976 Act, Section 50).
 6. Authorised officers of the Council (or Police Officers) may carry out 'spot checks' and may require further examination of the vehicle (1976 Act, Section 68).
 7. A hackney carriage must not be left unattended in any street or place of public resort or entertainment (1847 Act, Section 62).



ANNEXE 4

PRIVATE HIRE VEHICLE LICENCES - STANDARD CONDITIONS OF THE LICENCE

Private Hire Vehicle Conditions

1. The maximum permitted number of passengers is **shown on the vehicle plate and vehicle's paper licence.**
2. The plate supplied by the Council shall be clearly displayed on the rear exterior of the vehicle, using the bracket fixing provided, or an acceptable substitute exterior fixing method, such substitute to be agreed with the licensing enforcement officer; and notice of the Licence Number shall be clearly displayed inside the vehicle using the window sticker provided.
3. The vehicle shall at all times be maintained in sound and roadworthy mechanical condition and serviced according to the manufacturer's recommendations.
4. No alteration to the manufacturer's specification for any vehicle licensed or to be licensed shall be carried out except with the approval of the Council.
5. The interior and exterior of the vehicle shall be maintained in a clean and proper manner to the satisfaction of the Council.
6. The vehicle shall be kept properly taxed and insured for the purpose for which it is used (insurance shall be continuous - without breaks during the period of the licence - and shall cover hire and reward use) and the provisions of the Road Traffic Acts and all other relevant legislation shall be observed.
7. No signs (including those of a campaigning nature) or advertisements whatsoever which are visible from the outside or inside of the private hire vehicle shall be displayed other than as mentioned in (2 above), unless applied for and authorised by the Council.
8. The Licence holder shall ensure that neither he/she nor any person employed by him/her does anything in connection with the private hire vehicle which might lead members of the public to believe that the vehicle is standing or plying for hire in a street or acting in any way as a hackney carriage might do.

9. A taximeter need not be provided on a private hire vehicle but if one is fitted:
- (a) the taximeter shall not be altered or tampered with except with the approval of the Council, and must be retested by the Council if it is altered or if the seal/s affixed by the Council are broken;
 - (b) the fare shall be recorded on the taximeter in plainly legible figures, and the word 'FARE' shall be clearly displayed so as to apply to such figures;
 - (c) the taximeter shall be kept securely fixed in such a position that the fare recorded is visible to all passengers within the vehicle at all times, and the figures shall be illuminated for this purpose whenever necessary.
10. The vehicle shall carry a first aid kit and fire extinguisher, the minimum standard for which is as follows:

First Aid Kit

The first aid kit must comply with the suggested list of contents for travelling first aid kits as included within the Approved Code of Practice and Guidance: First Aid at Work - The Health and Safety (First-Aid) Regulation 1981 L74. These contents include:

- A leaflet giving general guidance on first aid
- 20 individually wrapped sterile adhesive dressings (assorted sizes)
- 2 sterile eye pads
- 4 individually wrapped triangular bandages
- 6 safety pins

All drivers are responsible for ensuring that items within the first aid kit that are marked with 'best before dates' are replaced by the dates given. All other items should be checked regularly by the driver/operator, and any damaged items should be replaced.

Fire Extinguisher

The vehicle shall carry a multi-purpose dry powder or foam (AFFF) spray extinguisher conforming to British Standard EN3. The minimum weight should be 1kg.

All first aid kits and fire extinguishers must be marked with the current licensed vehicle plate number, to be written in indelible ink.

SPARE/EMERGENCY TYRE

11. In the event of a space saver tyre, run flat tyre (when punctured) or puncture repair kit being used it is only to complete a fare and must comply precisely with the manufacturers' recommendations. Any such defective wheel should be replaced before taking another fare to ensure passenger safety. All other licensed vehicles must carry a spare wheel matching those fitted to the vehicle, and an appropriate means of changing the wheel.
12. The licence holder/driver of the vehicle shall ensure that any disabled person wishing to travel as a passenger in the vehicle, and who is accompanied by an assistance dog, shall be accepted as a passenger together with the assistance dog, which shall remain with the passenger and be carried at no extra charge, in accordance with Section 37A of the Disability Discrimination Act 1995.
13. ~~Subject also to condition 3 above, there shall be no additional tint (darkening) of the windows of the licensed vehicle beyond the legal limit specified (to minimum 75% light transmission for front and front side windows, and minimum 70% light transmission for rear side windows and rear windows, or the manufacturer's specification, whichever is the lightest). A minimum light transmission value of 70% shall be maintained in all windows except a windscreen, which shall have a minimum light transmission of 75%. Tinted films applied to the vehicle windows are not permitted.~~
14. The proprietor of the vehicle shall report to the Council any damage or accident affecting the safety, performance or appearance of the vehicle or the comfort or convenience of its passengers as soon as possible and, in any case, within 72 hours of the accident/damage occurring. This is in addition to any obligation to notify the Police.

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Six-monthly inspections for vehicles of 5 years and older:

Licensed vehicles of 5 years and older are subject to a six-monthly vehicle inspection. A licence plate of 6 months duration will be provided in these circumstances, and a reminder will be sent to the proprietor to arrange to have the vehicle tested in good time for issue of a plate for the further 6-month period of the licence year, once the inspection has been passed

IMPORTANT NOTES

The above conditions are **additional** to the relevant requirements of the Local Government (Miscellaneous Provisions) Act 1976, the more important of which are summarised as follows:

- (i) No proprietor of a private hire vehicle may employ for the purpose of any hiring a person who does not hold a Private Hire Driver's Licence, and no bookings may be invited or accepted for a private hire vehicle in the

|

course of business unless the person inviting or accepting the bookings has an operator's licence (Section 46).

- (ii) If the proprietor of a private hire vehicle transfers his/her interest in it to another person he/she must within fourteen days give to the Council written notice of the name and address of the new proprietor (Section 49).
- (iii) The proprietor must present the vehicle for mechanical inspection within such period and at such place as the Council by notice reasonably requires (Section 50).
- (iv) The proprietor of the vehicle involved in an accident affecting the safety, performance, or appearance of the vehicle or the comfort or convenience of its passengers shall report the accident to the Council as soon as possible and, in any case, within 72 hours. This is in addition to the normal obligation to notify the Police (Section 50).
- (v) The vehicle licence and insurance certificate must be produced to an authorised officer of the Council on request (Section 50).
- (vi) Authorised officers of the Council (or Police Officers) may carry out 'spot checks' and may require further examination of the vehicle (Section 68).
- (vii) If a taximeter is fitted it must be tested by the Council (Section 71).

In addition it should be noted that it is unlawful to stand or ply for hire in any street within the Waverley Borough without a Hackney Carriage Licence.

ANNEXE 5

PRIVATE HIRE OPERATOR - STANDARD CONDITIONS OF THE LICENCE

1. The operator shall keep in a form similar to that set out in Appendix A (overleaf) a record of all the particulars prescribed therein in respect of every booking of a private hire vehicle operated by him/her, whether the booking is effected directly with the hirer or undertaken at the request of another operator.
2. The operator shall keep in a form similar to that set out in Appendix B (overleaf) a record of the particulars prescribed therein in respect of every private hire vehicle operated by him/her.
3. The operator shall notify the Council of any material change in the circumstances on the basis of which the Licence was granted, in particular the operator must inform the Council of:-
 - (a) any change of address;
 - (b) any change in the nature of the business carried on by him/her;
 - (c) any change in the composition of the firm, if a partnership;
 - (d) any convictions, formal police cautions, motoring offences or endorsements, fixed penalty notices, charge/summons/postal requisition, arrest or interview under caution and any communication notifying of any alleged offences against the operator or a partner of the operator or a company of which the operator is a director or secretary;
 - (e) any other change in the information given by the operator to the Council at the time of granting the current Licence.

Notification must be given in writing within 14 days of the event.

4. No advertising material, letter headings or other stationery, or any business name used by the operator, shall include the words 'taxi' or 'cab' whether in the singular or plural and whether they form part of another word or not, unless the proprietor is the holder of a Hackney Carriage Licence issued by the Council.
5. The operator shall ensure that neither he/she nor any person employed by him/her causes or permits anything to be done which could lead a member of the public to believe that a private hire vehicle operated by him/her is standing or plying for hire in a street.
6. When a booking is accepted for a private hire vehicle to be present at a particular time and place, the operator shall take all reasonable steps to ensure that such a vehicle is so present.

.IMPORTANT NOTE

The above conditions are **additional** to the requirements of the Local Government (Miscellaneous Provisions) Act 1976, the more important of which are summarised below:-

- (i) No operator shall operate any vehicle in a controlled district as a private hire vehicle unless both vehicle and driver are correctly licensed under the Act (Section 46).
- (ii) An operator who accepts a booking for a private hire vehicle is liable under the contract for its hire, whether or not he/she provides the vehicle (Section 56(1)).
- (iii) The particulars required to be kept under conditions (i) and (ii) must be produced to an authorised Officer of the Council or to a Police Officer when required (Section 56(2) and (3)), as must this Licence (Section 56(4)).

In addition note:-

- (a) to 'operate' a private hire vehicle is to make provision in the course of business for the invitation or acceptance of bookings for it;
- (b) this Licence is granted to a particular person and cannot be sold or transferred. Therefore, for example, a new owner of the business must apply for a new licence;
- (c) the carrying on of a business may need planning permission for the building from which the business operates, registration of a business name, etc. Operators must comply with all relevant legislation.

APPENDIX A

Date of Booking	Time of Booking	Place(s) where passengers collected from	Place or places where passengers set down	PHV licence number of vehicle	PHD licence number of driver	Fare	Meter used (Y/N)

APPENDIX B

Private Hire Vehicle licence number	Registration Number	Make and Model	Proprietor of vehicle	Council issuing the vehicle licence	Date of vehicle licence expiry	Remarks

ANNEXE 6

STATEMENT OF POLICY ABOUT RELEVANT CONVICTIONS

~~When submitting an application for a licence to drive a hackney carriage or private hire vehicle or to be a Private Hire Operator you must declare any convictions or cautions you may have, including any “spent” convictions under the Rehabilitation of Offenders Act 1974. This Act has been amended so that Local Authorities may take into account spent convictions for the purpose of considering applications for these licences. The information received will be treated in confidence and will only be taken into account in relation to your application.~~

~~The licensing authority is unable to consider applications for such licences until a check has been made with the Criminal Records Bureau (DBS) for the existence and content of any criminal record held in the name of an applicant. Information received from the DBS will be kept in strict confidence and will only be retained as long as necessary. The DBS will, upon an application, send copies of information (called ‘the Disclosure’) to the applicant. The check will take the form of an “enhanced” check and the fee should be made to Waverley Borough Council. *[For your information, the Criminal Records Bureau is a Government agency, independent from the Council, and deals with applications nationwide for a variety of purposes. It sets the fees for checks and the fees collected by Waverley are subsequently paid on to the DBS on an account basis.]*~~

~~The disclosure of a criminal record or other information does not debar an applicant from gaining a licence unless the authority considers that the conviction means that the applicant is not a fit and proper person. In making its decision, the Council will consider the nature of the offence, how long ago and what age the applicant was when it was committed and any other factors which may be relevant. Any applicant refused a licence on the ground that he/she is not a fit and proper person to hold such a licence has a right of appeal to a Magistrates’ Court.~~

~~———— Applicants who would like to discuss what effect a conviction might have on their application may telephone the Licensing Administrator on 01483 523219, in confidence, for advice.~~

~~———— Please note, however, that the officers are not authorised to approve any application which shows convictions for offences which might affect the suitability of a person to hold a licence *[Waverley Borough Council’s Scheme of Delegation of Functions]* and applications will have to be submitted to a meeting of the Licensing (General Purposes) Sub-Committee.~~

~~The Council will have regard to the following guidelines. (Please note, the offences referred to in the guidelines are not exhaustive and applicants/licensees convicted of other offences may be refused licence or~~

~~have their licence suspended or revoked if not fit and proper to hold a licence due to the nature/circumstances/number of such offences).~~

~~1. The Guidelines Traffic Offences~~

~~a. Traffic Offences, New Applicants~~

~~Convictions/fixd penalties for traffic offences should not prevent a person from proceeding with an application. However, the number, type and frequency of offences will be taken into account. In some cases it may be appropriate to issue a licence together with a strong written warning as to future driving conduct.~~

~~If a significant history of offences is disclosed, refusal of an application may result.~~

~~Any new applicant who has a total of 9 penalty points, and/or 6 or more penalty points for a single offence) on his driving licence should expect their application to be heard at a hearing of the Council's Licensing Regulatory Sub-Committee. The Sub-Committee will then decide the application on its own merits, and may:~~

- ~~_____ a) Issue the licence with or without a written warning~~
- ~~_____ b) Refuse the application.~~

~~A Licence may only be granted if the Sub-Committee are satisfied that the applicant is a fit and proper person.~~

~~For any minor offences totalling 8 or fewer points or less than 6 points for a single offence on an applicant's licence, a licence may be granted by the Licensing Manager with words of advice with regards to future conduct.~~

~~b. Traffic Offences – Existing Licence Holders~~

~~Private hire and hackney carriage drivers are professional drivers and must be aware of the safety of their passengers and the safety of their vehicles at all times.~~

~~Convictions for traffic offences should not prevent a person from proceeding with a renewal of their licence. However, the number, type and frequency of an offence will be taken into account. In some cases it may be appropriate to issue a licence together with a strong warning as to future driving requirements~~

~~Any existing licence holder who has 9 penalty points or more and/or 6 penalty points for a single offence on his driving licence will be expected to go before the Sub-Committee to explain their offences. The Licensing~~

~~(General Purposes) Sub-Committee will decide the case on its own merits, and may~~

- ~~a) Take no further action~~
- ~~b) Take informal action~~
- ~~c) Suspend the Licence for a period of time~~
- ~~d) Revoke the licence~~
- ~~e) (in the case of a renewal application) renew the licence~~
- ~~f) (in the case of a renewal application) refuse to renew the licence~~

~~Licensees who are sentenced by a court to a discretionary disqualification in place of penalty points may be referred to the Sub-Committee. Existing hackney carriage/private hire driver's licence holders at the date of implementation of this policy will not be referred to the Sub-Committee/have their licence suspended/revoked solely on the basis of convictions/cautions/endorsements existing at the date of implementation of this policy provided the same were declared on application/renewal and notified to the Council as required by condition 6 of their private hire driver's licence or condition 7 of their private hire/hackney carriage (dual) driver's licence).~~

~~C, "Traffic Offences – New Applicants and Existing Licence Holders.–~~

~~In calculating the total number of penalty points on a person's driving licence/record, any points in respect of offences committed more than three years before another will be disregarded."~~

~~2. Insurance Offences~~

~~The Council takes a serious view of convictions for using/permitting use of a vehicle without insurance. An isolated incident in the past should not necessarily debar an applicant from being issued a licence. More than one conviction for these offences should raise serious doubts as to an applicant's suitability to hold a hackney carriage or private hire licence. In this instance, at least 3 years should elapse (after restoration of the DVLA driving licence) before an applicant who has been disqualified from driving in connection with an insurance offence, is considered for a hackney carriage or private hire licence.~~

~~Existing licence holders convicted of using/permitting use of a vehicle without insurance will be referred to Committee.~~

~~3. Sexual Offences~~

~~As hackney carriage and private hire drivers often carry unaccompanied passengers, any new applicants with convictions or cautions for any sexual offence, will not be granted a licence.~~

~~A licensee should expect to have his licence revoked if convicted of any sexual offence or suspended with immediate effect if being investigated/charged etc for any sexual offence.~~

~~4. Drunkenness~~

~~This section has been divided into two separate sections: drink driving and drunkenness without a motor vehicle. Both sections apply to new applicants as well as existing licence holders~~

~~a. **With a Motor Vehicle**~~

~~The Council views driving or being in charge of a vehicle whilst under the influence of drugs or alcohol as a serious offence.~~

~~The offences that apply to this section include:~~

- ~~• Driving or attempting to drive with alcohol above the limit~~
- ~~• In charge of a vehicle, driving or attempting to drive when unfit through drink~~
- ~~• Refusal to provide a specimen of breath/blood/urine for analysis~~

~~**New Applicants**~~

~~Although an isolated incident will not necessarily debar an applicant, a single conviction for any drink driving offence will require a period of 2 years to elapse after the restoration of their DVLA licence, before being considered for a licence~~

~~More than one incident should raise grave doubts as to future behaviour and the applicant's fitness to hold a licence. At least 5 years should elapse (after restoration of the DVLA licence) before an application is considered.~~

~~**Existing Drivers**~~

~~A driver found guilty of driving passengers for hire or reward whilst under the influence of drink or of refusing to provide a specimen of breath or blood for analysis should expect to have his hackney carriage or private hire drivers licence revoked **IMMEDIATELY and a further application should not normally be considered until a period of 5 years has elapsed after restoration of the DVLA licence.**~~

~~If a driver's licence has been revoked by the DVLA for offences relating to drink driving, but not when driving for hire or reward, then any application to renew a hackney carriage or private hire vehicle licence should not be considered until a period of 2 years has elapsed after restoration of their DVLA licence.~~

~~**b. Without a Motor Vehicle**~~

~~Conviction(s)/caution(s) for drunkenness not associated with a motor vehicle may result in referral to the Sub-Committee for consideration both for new applicants and existing licence holders.~~

~~**In both cases**~~

~~More than one conviction/caution of drunkenness or refusal to provide a specimen may indicate a medical problem and the applicant may be asked to submit to a medical examination by a medical practitioner~~

~~nominated by the Council, before the application is entertained. If the results of the examination show the applicant to be an alcoholic, the applicant must undertake treatment and a period of 5 years should elapse after treatment is complete and the Sub-Committee must agree that they are a fit and proper person to hold such a licence before a further application is granted.~~

~~5. Drug Offences~~

~~A serious view is taken of any drug related offence. An applicant with a conviction/caution for a drug related offence should be required to show a period of at least 3 years free from conviction/caution before an application is entertained. If the applicant was required to undergo detoxification treatment, a period of 5 years free from conviction/caution after the end of treatment is required. In both instances, before a further application is entertained, a specialist medical examination will be required with negative urine screen for drugs or drug abuse.~~

~~An existing licensee convicted of/ cautioned for a drug offence can expect to have their licence revoked/suspended.~~

~~6. Violence~~

~~As hackney carriage and private hire drivers maintain close contact with the public, any previous convictions for violence will be treated seriously.~~

~~(a) An application/licence will normally be refused or revoked for the following offences, regardless of the period of time elapsed after the date of conviction:~~

- ~~• Murder~~
- ~~• Manslaughter~~
- ~~• Causing death by reckless/careless/dangerous driving~~

~~(b) An application/licence should be refused, revoked or suspended where the applicant has a conviction for one of the following offences and (in the case of an application) where the conviction is **less than 10 years** prior to the date of application:~~

- ~~• Arson~~
- ~~• Malicious wounding or grievous bodily harm which is racially aggravated~~
- ~~• Actual bodily harm which is racially aggravated~~

~~(c) An application/licence should be refused, revoked or suspended where the applicant has a conviction for one of the following offences and (in the case of an application) where the conviction is **less than 5 years** prior to the date of application:~~

- ~~• Grievous bodily harm with intent~~
- ~~• Unlawful wounding with intent~~

- Grievous bodily harm
- Unlawful wounding
- Robbery

(d) An application/licence should be refused, revoked or suspended where the applicant/licensee has a conviction/caution for one of the following offences and (in the case of an application) where a conviction/caution is

less than 3 years prior to the date of application:

- Assault, including common assault/battery
- Affray
- Possession of offensive weapon
- Possession of firearm
- Criminal damage
- Violent disorder
- Resisting arrest
- s.4 Public Order Act 1986 offence (fear or provocation of violence)
- s.4A Public Order Act 1986 offence (intentional harassment, alarm or distress)
- harassment

7. Dishonesty

Drivers of hackney carriage and private hire vehicles are expected to be persons of trust. It is comparatively easy for a dishonest driver to defraud the public, for example, by demanding more than the legal fare or giving incorrect change.

Overseas visitors can be confused by the change in currency and become "fairgame" for an unscrupulous driver. Similarly, any customer can be defrauded by a driver taking them by any other than the shortest route or by them retaining any lost property left in their vehicle.

Members of the public entrust themselves to the care of drivers both for their own safety and for fair dealing. The Council also expects licensees to be open and honest in their dealings with the Council. For these reasons a serious view is taken of any convictions involving dishonesty.

An application/licence should be refused/revoked/suspended where the applicant /licensee has a conviction/caution for one of the following offences and (in the case of an application) where a conviction/caution is less than 3 years prior to the date of application:

- Theft
- Burglary
- Fraud
- Benefit fraud
- Handling or receiving stolen goods
- Forgery
- Conspiracy to defraud
- Obtaining money or property by deception
- Other deception

- Making off without payment

8.Cautions

~~An applicant/ licensee who has/receives a caution for any offence may be referred to the Sub-Committee, who will consider the nature and circumstances of the offence in determining its relevance to an applicant's/licensee's fitness and propriety to hold a licence.~~

~~**Existing hackney carriage/private hire driver's licence holders at the date of implementation of this policy** will not be referred to the Sub-Committee/have their licence suspended/revoked solely on the basis of convictions/cautions/endorsements existing at the date of implementation of this policy provided the same were declared on application/renewal and notified to the Council as required by condition 6 of their private hire driver's licence or condition 7 of their private hire/hackney carriage (dual) driver's licence.~~

Hackney Carriage & Private Hire Licensing

Policy regarding the relevance of convictions and other related information

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1. Introduction

1.1 This policy sets out the criteria to be taken into account by the Council when determining whether or not an applicant or an existing licence holder is a fit and proper person to be granted, have renewed or continue to hold a Hackney Carriage and/or Private Hire Driver Licence. In addition to criminal convictions the Council will also take into account other factors such as demeanour, attitude, general character, non-criminal behaviour and police or other relevant records or information from a reliable source.

1.2 Whilst this policy primarily applies to the determination of driver licences, where a conviction (as defined below) is considered relevant to the fitness and propriety/suitability of an individual to hold or be granted a Private Hire Operator Licence or vehicle licence, then this policy must be referred to in the determination of that licence/application.

1.3 The Council is mindful that each case must be considered on its merits and where exceptional circumstances demand, the Council may depart from this policy.

1.4 This policy provides guidance to any person with an interest in taxi and private hire licensing. In particular, but not exclusively:

- Applicants for a driver's, vehicle or private hire operator licence
- Existing licensees whose licences are being reviewed or renewed
- Licensing officers
- Members of the licensing committee/sub-committee
- Magistrates and Judges hearing appeals against local authority decisions

1.5 For renewal applications and current licence holders the policy will not be applied retrospectively. However the policy will be applied if any additional convictions are incurred or brought to the attention of the Council that would call into question a person's suitability to hold a licence.

1.6 It is the responsibility of Waverley Borough Council (referred to as the Council) to issue Hackney Carriage and Private Hire licences under the Local Government (Miscellaneous Provisions) Act 1976, the Town Police Clauses Act 1847 and the Hackney Carriage Byelaws. In exercising this duty the Council must consider the need to ensure the safety of the public its primary consideration. Licences cannot be issued unless the person is considered to be 'fit and proper'.

1.7 In seeking to safeguard the safety of the public. The council will be concerned to ensure:

- That a person/applicant is fit and proper in accordance with Sections 51, 55 and 59 of the Local Government (Miscellaneous Provisions) Act 1976 (Part II)
- That the person does not pose a threat to the public
- That the public are safeguarded from dishonest persons
- The safety of children, young persons and vulnerable adults

1.8 There is no judicially approved test of fitness and propriety and, accordingly, a number of local tests have developed. These tend to be based on a test similar to the following:

'Would you (as a member of the licensing committee or other person charged with the ability to grant a hackney carriage driver's licence) allow your son or daughter, spouse or partner, mother or father, grandson or granddaughter or any other person for whom you care, to get in to a vehicle with this person alone?'

If the answer to this question (or a similar test) is an unqualified 'Yes' then the test is probably satisfied. If there are any doubts in the minds of those who make the decision, then further consideration should be given as to whether this person is a fit and proper person to hold a hackney carriage driver's licence.

1.9 The Council will undertake whatever checks it considers necessary to ensure that licences are not issued to unsuitable people. In assessing the suitability of an applicant or licence holder, the council will take into consideration the following factors:

- Criminality
- Number of endorsed DVLA driving licence penalty points
- The conduct of the applicant in making the application (e.g. whether they have acted with integrity during the application process).
- The previous licensing history of existing / former licence holders.

In addition, the Council will also consider further information from sources such as, but not limited to, the Police (including abduction notices), Children and Adult Safeguarding Boards, Multi Agency Safeguarding Hub, Social Services other licensing authorities, other departments within the Council, and statutory agencies.

1.10 In this policy, the word "applicant" refers to either new applicants, existing licence holders who are seeking renewal and existing licence holders who are being considered by the Council by virtue of offending activity having recently come to light.

1.11 In this policy, the word "conviction" is to be defined as including convictions, cautions, warnings, reprimands and other relevant information.

1.12 The Council reserves the right to overturn or annul a decision that has previously been made, or refuse a renewal of a licence, where clear errors are discovered.

1.13 As licensed drivers often carry unaccompanied and vulnerable passengers, the council will take a strong line in relation to applicants or existing licence holders with convictions for sexual offences. A licensed PHV or taxi driver is expected to be trustworthy. In the course of their working duties drivers will deal with cash transactions and valuable property may be left in their vehicles. Drivers may well deal with customers who are vulnerable or intoxicated and potentially easily confused. Taking drugs and driving poses an obvious risk to public safety, whilst applicants who have convictions for the supply of drugs should also be treated with considerable concern. The nature and quantity of the drugs, whether for personal use or supply are issues which will be considered carefully. As licensees are professional vocational drivers, a serious view is taken of convictions for driving, or being in charge of a vehicle while under the influence of drink or drugs. More than one conviction for these offences raises significant doubts as to the applicant's fitness to drive the public.

2 General Policy

2.1 Whilst the Council may consider that an applicant with a conviction for a serious offence may not need to be automatically barred from obtaining a licence, it is however to be normally expected that the applicant would be required to:

- a. Remain free of conviction for an appropriate period as detailed below; and
- b. Show adequate evidence that they are a fit and proper person to hold a licence (the onus will be on the applicant to produce such evidence). Simply remaining free of conviction may not generally be regarded as adequate evidence that an applicant is a fit and proper person to hold a licence.

2.2 The standards and criteria set out in paragraphs 4 to 18 below are those that would normally be applied to applications and licences. The Council may depart from these criteria, however it will only do so in exceptional circumstances. The otherwise good character and driving record of the applicant or licence holder will not ordinarily be considered as exceptional circumstances.

3 Powers

3.1 Section 61 of the Local Government Miscellaneous Provisions Act 1976 allow the council to suspend, revoke or refuse to renew a licence if the application/licence holder has been convicted of an offence involving dishonesty, indecency, violence, of failure to comply with the provisions of the Town Police Clauses Act 1847 or of failure to comply with the

provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976, or if he/she has since the grant of the licence been convicted of an immigration offence or required to pay an immigration penalty, or for any other reasonable cause.

3.2 The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975, allows the council to take into account all convictions recorded against an applicant or the holder of a Private Hire or Hackney Carriage driver's licence, whether spent or not. Therefore the council will have regard to all relevant convictions, particularly where there is a long history of offending or a recent pattern of repeat offending. Applicants need to be aware that, in accordance with this Act, all convictions, cautions, warnings and reprimands must be declared.

4 Consideration of disclosed criminal history

4.1 Under the provisions of Sections 51, 55 and 59, Local Government (Miscellaneous Provisions) Act 1976, the council is required to ensure that an applicant for the grant or renewal of a Hackney Carriage and/or a Private Hire Operator or Vehicle driver's licence is a "fit and proper" person to hold such a licence. However, if an applicant has any convictions, warnings, cautions or charges awaiting trial, the council will look at:

- How relevant the offence(s) are to the licence being applied for
- How serious the offence(s) were
- When the offence(s) were committed
- The date of the conviction, warning, caution etc.
- Circumstances of the individual concerned
- Any sentence imposed by the court
- The applicant's age at the time of offence / incident leading to the conviction, warning, caution etc.
- Whether they form part of a pattern of offending
- The applicant's attitude
- Any other character check considered reasonable (e.g. personal references if requested by the Council)
- Any other factors that might be relevant, for example:
 - The previous conduct of an existing or former licence holder,
 - Whether the applicant has intentionally misled the council or lied as part of the application process,
 - Information provided by other agencies/council departments.

Where an applicant has been convicted of a criminal offence, the licensing authority cannot review the merits of the conviction [Nottingham City Council v. Mohammed Farooq (1998)].

4.2 In this policy 'from date sentence has ended' is taken to be the date which is reached once the whole of the period as sentenced by the court has elapsed and not necessarily the length of time served by the applicant. For example, if a sentence is five years imprisonment then the date that

the sentence ends will be five years from the date of sentencing – regardless of the amount of time actually served by the applicant. If the sentence is amended by a court at a later date then this new sentence becomes relevant for the purposes of this policy. The term ‘since completion of sentence’ is to be construed in a similar way.

4.3 Existing holders of driver’s licences are required to notify the council in writing within five working days of receiving a driving licence endorsement, fixed penalty notice, warning, reprimand, police caution, criminal conviction or other criminal proceedings (including their acquittal as part of a criminal case). In addition, licence holders must inform the council within 3 working days of their arrest for any matter (whether subsequently charged or not). To fail to do so, will raise serious questions for the Council as to the honesty of the licence holder and will be taken into account as part of any subsequent renewal applications.

4.4 It is an offence for any person knowingly or recklessly to make a false declaration or to omit any material particular in giving information required by the application for a licence (s57 Local Government (Miscellaneous Provisions) Act 1976). Where an applicant has made a false statement or a false declaration on their application for the grant or renewal of a licence, the licence will normally be refused.

4.5 Any offences or behaviour not expressly covered by this Policy may still be taken into account.

5 Options when determining an application/licence

5.1 When determining an application or reviewing an existing licence in relation to convictions or other relevant information the Council have the following options:

- grant the licence or take no further action
- grant the licence with additional conditions
- refuse, revoke, or suspend the licence
- issue a warning which may include the use of enforcement penalty points

5.2 If a licence holder’s conduct is such that, were they to be applying for a new licence their application would normally be refused, they should expect consideration to be given as to the suspension or revocation of their licence.

6. Offences involving violence

6.1 Licensed drivers have close regular contact with the public. A licence will not normally be granted if the applicant has a conviction for an offence that involved the loss of life such as:

- Murder
- Manslaughter
- Manslaughter or culpable homicide while driving

- Terrorism offences
- Any offences (including attempted or conspiracy to commit offences) that are similar to those above.

6.2 A licence will not normally be granted until at least 10 years have passed since the completion of any sentence and / or licence period following conviction for an offence shown below:

- Arson
- Malicious wounding or grievous bodily harm which is racially aggravated
- Actual bodily harm
- Assault occasioning actual bodily harm
- Grievous bodily harm
- Robbery
- Possession of firearm
- Riot
- Assault Police
- Violent disorder
- Common assault
- Resisting arrest
- Any racially-aggravated offence against a person or property
- Affray
- Any offence that may be categorised as domestic violence
- Harassment, alarm or distress, intentional harassment or fear of provocation of violence
- Any offence (including attempted or conspiracy to commit offences) similar to those above.

6.3 A licence will not normally be granted until at least 5 years have passed since the completion of any sentence and / or licence period following conviction for an offence shown below:

- Obstruction
- Criminal damage
- Any offences (including attempted or conspiracy to commit offences) that are similar to those above.

6.4 A licence will not normally be granted if an applicant has more than one conviction for an offence of a violent nature.

7. Offences involving a weapon (not a firearm)

7.1 If an applicant has been convicted of possession of a weapon or any other weapon related offence, this will give serious concern as to whether the person is fit to carry the public. For firearms offences see 6.2.

7.2 Depending on the circumstances of the offence, an applicant should be free of conviction for 5 years (or at least 5 years must have passed since the completion of the sentence, whichever is longer), before a licence is granted.

7.3 2 or more convictions for a violent offence will normally result in an application being refused.

8. Sexual and indecency offences

8.1 All sexual and indecency offences will be considered as serious. Applicants with convictions for sexual or indecency offences that involve a third party will normally be refused. Such offences include:

- Rape
- Assault by penetration
- Offences involving children or vulnerable adults
- Trafficking, sexual abuse against children and / or vulnerable adults and preparatory offences (as defined within the Sexual Offences Act 2003).
- Making or distributing obscene material
- Possession of indecent photographs depicting child pornography.
- Sexual assault
- Indecent assault
- Exploitation of prostitution
- Soliciting (kerb crawling)
- Any sex or indecency offence that was committed in the course of employment as a taxi or PHV driver
- Making obscene / indecent telephone calls
- Indecent exposure
- Any similar offences (including attempted or conspiracy to commit) or offences which replace the above

8.2 In addition to the above the council will not normally grant a licence to any applicant who is or has ever been on the Sex Offenders Register or similar register.

9. Dishonesty

9.1 A serious view is taken of any conviction involving dishonesty.

9.2 A minimum period of 5 years free of conviction or at least 5 years since the completion of sentence (whichever is longer) is required to have passed before a licence is granted. Offences involving dishonesty include:

- theft
- burglary
- fraud
- benefit fraud
- handling or receiving stolen goods
- forgery
- conspiracy to defraud
- false representation
- obtaining money or property by deception

- other deception
- taking a vehicle without consent
- fare overcharging
- or any similar offences (including attempted or conspiracy to commit) or offences which replace the above

9.3 A licence will not normally be granted if an applicant has more than one conviction for a dishonesty offence.

9.4 Applicants or existing licence holders that are found to have intentionally misled the council, or lied as part of the application process, will normally be rejected or refused.

10. Alcohol and Drugs

10.1 A serious view is taken of convictions for driving, or being in charge of a vehicle while under the influence of drink or drugs or where the driver has been found to be under the influence of psychoactive substances.

10.2 At least 5 years, after the restoration of the DVLA driving licence following a drink drive or driving when under the influence of drugs conviction should elapse before an application will be granted.

10.3 A licence will not normally be granted where the applicant has more than one conviction for offences related to the possession of drugs and has not been free of conviction for 10 years or at least 10 years have passed since the completion of any sentence and/or licence period, whichever is the greater. There will then be full consideration of the nature of the offence and the quantity /type of drugs involved.

10.4 A licence will not normally be granted where the applicant has a conviction for an offence related to the supply of drugs.

10.5 If there is evidence of persistent drugs or alcohol use, misuse or dependency a specialist medical examination (in accordance with DVLA Group 2 medical standards) and a satisfactory medical report may be required before the licence is granted. If the applicant was an addict (drug or alcohol) then they would be required to show evidence of 8 years free from drug taking after detoxification treatment.

10.6 A licence will not normally be granted for drunkenness offences not involving a motor vehicle for a period of one year after a single conviction and 2 years after 2 or more convictions within 2 years of each other.

11. Driving offences involving the loss of life

11.1 A very serious view is to be taken of any applicant who has been convicted of a driving offence that resulted in the loss of life.

11.2 A licence will not normally be granted if an applicant has a conviction for:

- Causing death by dangerous driving
- Causing death by careless driving whilst under the influence of drink or drugs
- Causing death by careless driving
- Causing death by driving: unlicensed, disqualified or uninsured drivers
- Or any similar offences (including attempted or conspiracy to commit) offences which replace the above

12 Other traffic offences

12.1 Traffic offences such as driving without due care and attention, reckless driving, more serious speeding offences (usually dealt with by a court), or offences of a similar nature will give rise to serious doubts about the applicant's suitability to be a driving professional. An applicant with any such convictions will be required to show a period of at least 1 year free of such convictions. For applicants with more than one offence this should normally be increased to 2 years.

12.2 At least three years should elapse (after the restoration of the DVLA driving licence), before a licence would be granted for a Hackney Carriage or Private Hire drivers licence.

12.3 Traffic offences such as obstruction, some speeding offences (usually dealt with by means of a fixed penalty), pedestrian crossing offences, traffic light offences waiting in a restricted area, or offences of a similar nature may not ordinarily merit refusal. However, with existing licensees they may be subject to separate consideration as part of the Penalty Points Enforcement Policy.

12.4 In cases where the courts have imposed a disqualification in respect of the DVLA driving licence, the periods stated above should normally commence from the date of the restoration of the licence.

12.5 In this policy, the term "disqualification" refers to the period served, in order to take account of the fact that a court may reduce the period of disqualification from driving. An applicant must provide evidence in advance to prove that the court agreed a reduction in the period of disqualification.

12.6 In "totting up" cases where disqualification is considered by the Court, even if the court does not disqualify (e.g. because of exceptional circumstances) a driver, the licensing authority is likely to refuse a hackney carriage or private hire driver's licence because different criteria apply. An applicant will normally be expected to show a period of 12 months free from conviction from the date the court made its finding of exceptional circumstances justifying the non-disqualification.

13 Outstanding Charges or Summonses

13.1 If the individual is the subject of an outstanding charge or summons their application can continue to be processed, but the application will need to be reviewed at the conclusion of proceedings.

13.2 If the outstanding charge or summons involves a serious offence and the individual's conviction history indicates a possible pattern of unlawful behaviour or character trait, then in the interests of public safety the application may be put on hold until proceedings are concluded or the licence may be refused.

14 People banned from working with children and vulnerable adults

14.1 A serious view is to be taken of any applicant or licence holder who has been banned from working with children or vulnerable adults. A licence will not be normally be granted if an applicant has been found unfit to work with children or vulnerable adults.

15 Non-conviction information

15.1 The Council will take into account intelligence which has not led to a conviction. This may include but not be limited to information regarding acquittals, circumstances in which convictions were quashed due to misdirection to the jury, circumstances where the decision was taken not to prosecute, situations where the person has been arrested and bailed but not yet charged, civil penalties and complaints from the public. In considering the most appropriate action to take following the receipt of information), the credibility of both the witness / complainant and the licence holder will be taken into account.

15.2 If an applicant has been arrested or charged, but not convicted, for a serious offence which suggests he could be a danger to the public, consideration should be given to refusing the application or revoking an existing licence.

15.3 In assessing the action to take, public safety will be the paramount concern. Decisions will be taken on balance of probability.

15.4 A licence will not normally be granted until at least 1 year has elapsed since a Criminal Behaviour Order.

16 Licensing Offences

16.1 Offences under taxi and private hire and associated legislation such as plying for hire without a licence, overcharging and refusing to carry disabled persons will prevent a licence being granted or renewed until a period of 3 years has passed since conviction.

17 Insurance Offences

17.1 A serious view will be taken of convictions for driving, being in charge of a vehicle without insurance, or allowing person to drive whilst uninsured. A previous isolated incident will not necessarily stop a licence being granted provided an individual has been free of conviction for 3 years. However strict warning should be given as to future behaviour. More than one conviction for these offences will prevent a licence being granted or renewed.

17.2 An operator found guilty of aiding and abetting the driving of passengers for hire and reward without insurance will have his Operator's Licence reviewed with a view to revocation and will not be permitted to hold a licence for a period of at least 3 years from the date of any revocation.

17.3 Where a specific offence is not mentioned, a suitable period of time will be determined by reference to offences described. The Council reserves the right to refuse a licence where there are aggravating circumstances, even where these guidelines would otherwise indicate that a licence might be granted.

18 Applicants with periods of residency outside the UK

18.1 Because of the potential lifetime relevance for some of the most serious offences mentioned in this policy, the Council will need to ensure that sufficient background checks are conducted for those applicants who have lived overseas. For EU nationals a disclosure that is similar to the UK DBS will be required, for those countries for which checks are not available, the council will require a certificate of good conduct authenticated by the relevant embassy.

18.2 If an applicant has spent six continuous months or more overseas (since the age of 16) the council will expect to see evidence of a criminal record check from the country / countries visited covering the period.

19 Summary

19.1 Whilst a criminal history in itself may not automatically result in refusal and a current conviction for a serious crime need not bar an applicant permanently from becoming licensed, in most cases, an applicant would be expected to have remained free from conviction for 3 to 10 years (detailed above), before an application is likely to be successful. If there is any doubt about the suitability of an individual to be licensed, the Council will be mindful of the need to protect the public and caution will be exercised.

19.2 While it is possible that an applicant may have a number of convictions that, individually, do not prevent a licence from being granted, the overall offending history will be considered when assessing an applicant's suitability to be licensed. A series of offences over a period of time is more likely to give cause for concern than an isolated minor conviction. Some discretion may be afforded if an offence is isolated and there are

mitigating circumstances, but the overriding consideration is the protection of the public.

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ANNEXE 7

<u>PENALTY POINTS SCHEME</u>	<u>Offence/Breach of Condition</u>	<u>Maximum Points Applicable</u>	<u>Driver</u>	<u>Vehicle Owner or Operator</u>
1	Providing false or misleading information on licence application form/failing to provide relevant information or the relevant fee (including dishonoured cheques)	6	✓	✓
2	Failure to produce relevant documents within timescale when requested by an authorised officer	4	✓	✓
3	Failure to notify, in writing, the Council of change of address within 14 calendar days	3	✓	✓
4	Failure to report, in writing, within 72 hours accident or damage to licensed vehicle, in accordance with licence condition	4	✓	✓
5	Failure to notify the Council, in writing, of any motoring offences/endorsements or criminal convictions/cautions or charges brought against them within 7 days	4	✓	✓
6	Failure to submit renewal application at least 10 days before expiry	4	✓	✓
7	Littering	3	✓	✓
8	Failure to provide proof of insurance cover when requested	4	✓	✓
9	Failure to notify, in writing, within fourteen days a change in medical circumstances	4	✓	
10	Failure to notify transfer of licence Private Hire or Hackney Carriage vehicle	4		✓
11	Failure to carry an assistance dog without requisite exemption	12	✓	
12	Failure to wear driver's badge or have prominently displayed so a customer can see it	4	✓	
13	Driver not holding a current/valid DVLA Licence	12	✓	

<u>PENALTY POINTS SCHEME</u>	<u>Offence/Breach of Condition</u>	<u>Maximum Points Applicable</u>	<u>Driver</u>	<u>Vehicle Owner or Operator</u>
14	Unsatisfactory appearance of driver	3	✓	
15	Refusal to accept hiring without reasonable cause eg drunk or rude customer	6	✓	
16	Using a non approved or non-calibrated taximeter	4		✓
17	Failure to display fare card	3	✓	
18	Hackney Carriage vehicle unattended on a rank not available for immediate hire	4	✓	
19	Failure to observe rank discipline. (Hackney Carriage)	3	✓	
20	Unreasonable prolongation of journeys or any misconduct regarding the charging of fares	6	✓	
21	Using unlicensed vehicle or vehicle without insurance	12	✓	✓
22	Using a vehicle subject to a suspension order issued by an authorised officer or a police officer	12	✓	
23	Using a vehicle for which the licence has been suspended or revoked	12	✓	
24	Unsatisfactory condition of vehicle, interior or exterior	4	✓	✓
25	Failure to display external/internal licence plate or signs in accordance with Policy	4	✓	✓
26	Carrying more passengers than stated on the vehicle licence	6	✓	
27	Failure to return vehicle licence plate within 7 days after due notice following revocation or suspension of such licence	6		✓
28	Dashboard warning light illuminated	4	✓	
29	Failure to carry fire extinguisher in accordance with Policy	3	✓	✓
30	Failure to carry first aid kit in accordance with Policy	3	✓	✓

<u>PENALTY POINTS SCHEME</u>	<u>Offence/Breach of Condition</u>	<u>Maximum Points Applicable</u>	<u>Driver</u>	<u>Vehicle Owner or Operator</u>
31	Displaying unsuitable, unauthorised or inappropriately sited signs or advertisements in or on the vehicle	6		✓
32	Obstruction of an authorised officer or police officer wishing to examine a licensed vehicle	8	✓	✓
33	Smoking, using e-cigarettes and/or vape sticks or strong evidence of any of these smoking in the vehicle	6	✓	
34	Illegally Pplying for hire in a Private Hire vehicle	129	✓	
35	Parking/Stopping a Private Hire Vehicle on a rank	9	✓	
36	Parking/Stopping a Private Hire Vehicle within 100 meters of a rank without a booked fare	6	✓	
37	Displaying any feature on private hire vehicle that may suggest that it is a taxi	6	✓	✓
38	Misleading use of the words 'Taxi' or 'Cab' on advertising materials	6	✓	✓
39	Failure to produce on request records of drivers work activity	4		✓
40	Failure to keep or produce records of Private Hire bookings or other documents required to be kept or produced	6		✓
41	Abusive behaviour to Council Officer	5	✓	✓
42	Unsatisfactory behaviour or conduct of driver	1-12	✓	✓
43	Failure to give assistance with loading/unloading when requested	3	✓	
44	Failure to carry legal spare wheel or repair kit and tools if run flat tyres are not fitted	3	✓	✓
45	Minor vehicle defects e.g. blown exhaust, ineffective/broken windscreen wiper/washer	3	✓	
46	Urinating or defecating in a public place	5	✓	
47	Failure to comply with any other licensed conditions	3	✓	✓

<u>PENALTY POINTS SCHEME</u>	<u>Offence/Breach of Condition</u>	<u>Maximum Points Applicable</u>	<u>Driver</u>	<u>Vehicle Owner or Operator</u>
48	A licensed vehicle with a bald tyre or other major defect	5 per tyre	✓	✓
49	Minor contravention of a section of the Road Traffic Act or other legislation relating to vehicle, driver or operator licensing	3	✓	
50	Parking in contravention of public highway parking restrictions	3	✓	
51	Parking/stopping or picking up or dropping passengers on zigzags of a pedestrian crossing or school entrance	3	✓	
52	Waiting or stopping on a double yellow line area, bus stop or private land (without the owner's permission) unless requested by a paying customer present in the vehicle	3	✓	
53	Use of hand held mobile device (eg mobile phone) whilst driving licensed vehicle	12 6	✓	
54	Eating or drinking whilst driving a licensed vehicle	3	✓	
55	Points awarded by Licensing Sub-Committee where matters referred to them for decision	1-12	✓	✓

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ANNEXE 8

NOTE: By virtue of a Charter, Waverley District Council was granted Borough status from 21st February 1984 and these Byelaws remain in force in respect of the area now known as Waverley Borough.

BYELAW NO 17 - STANDS FOR HACKNEY CARRIAGES

Pursuant to Section 63 of the Local Government (Miscellaneous Provisions) Act 1976, the Waverley District Council has appointed each of the several places specified in the following list as a stand for such number of Hackney Carriages as is specified in the list (*the latest list of hackney carriage stands is set out at page 6? of this booklet*)

WAVERLEY DISTRICT COUNCIL

BYE-LAWS

made under Section 68 of the Town Police Clauses Act 1847, and Section 171 of the Public Health Act 1875 by the Waverley District Council with respect to Hackney Carriages in the Waverley District.

Interpretation

1. Throughout these bye-laws "the Council" means the Waverley District Council and "the district" means the whole Waverley District.

Provisions regulating the manner in which the number of each Hackney Carriage corresponding with the number of its licence, shall be displayed

2. (a) The proprietor of a Hackney Carriage shall cause the number of the licence granted to him in respect of the carriage to be legibly painted or marked on the outside and inside of the carriage, or on plates affixed thereto:
- (b) A proprietor or driver of a Hackney Carriage shall:
 - (i) not wilfully or negligently cause or suffer any such number to be concealed from public view while the carriage is standing or plying for hire;
 - (ii) not cause or permit the carriage to stand or ply for hire with any such painting, marking or plate so defaced that any figure or material particular is illegible.

Provisions regulating how Hackney Carriages are to be

furnished or provided

3. The proprietor of a Hackney Carriage shall:
- (a) provide sufficient means by which any person in the carriage may communicate with the driver;
 - (b) cause the roof or covering to be kept watertight;
 - (c) provide any necessary windows and a means of opening and closing not less than one window on each side;
 - (d) cause the seats to be properly cushioned or covered;
 - (e) cause the floor to be provided with a proper carpet, mat, or other suitable covering;
 - (f) cause the fittings and furniture generally to be kept in a clean condition, well maintained and in every way fit for public service;
 - (g) provide means for securing luggage if the carriage is so constructed as to carry luggage;
 - (h) provide an efficient fire extinguisher which shall be carried in such a position as to be readily available for use;
 - (i) provide at least two doors for the use of persons conveyed in such carriage and a separate means of ingress and egress for the driver.
4. The proprietor of a Hackney Carriage shall cause the same to be provided with a taximeter so constructed, attached and maintained as to comply with the following requirements, that is to say
- (i) If the taximeter is fitted with a flag or other device bearing the words "**FOR HIRE**":
 - (a) The words "**FOR HIRE**" shall be exhibited on each side of the flag or other device in plain letters at least one inch in height and the flag or other device shall be capable of being locked in a position in which the words are horizontal and legible;
 - (b) when the flag or other device is so locked the machinery of the taximeter shall not be in action and the means of bringing it into action shall be by moving the flag or other device so that the words are not conveniently legible;
 - (c) when the flag or other device is so locked that the aforesaid words are horizontal and legible no fare shall be recorded on the face of the taximeter.
 - (ii) If the taximeter is not fitted with a flag or other device bearing the words "**FOR HIRE**":

- (a) the taximeter shall be fitted with a key or other device the turning of which will bring the machinery of the taximeter into action and cause the word “HIRED” to appear on the face of the taximeter;
- (b) such key or device shall be capable of being locked in such a position that the machinery of the taximeter is not in action and no fare is recorded on the face of the taximeter.
- (iii) When the machinery of the taximeter is in action there shall be recorded on the face of the taximeter in figures clearly legible and free from ambiguity a fare not exceeding the rate or fare which the proprietor or driver is entitled to demand and take in pursuance of the bye-law in that behalf for the hire of the carriage by distance.
- (iv) The word “FARE” shall be printed on the face of the taximeter in plain letters so as clearly to apply to the fare recorded thereon.
- (v) The taximeter shall be so placed that all letters and figures on the face thereof may be at all times plainly visible to any person being conveyed in the carriage, and for that purpose the letters and figures shall be capable of being suitably illuminated during any period of hiring.
- (vi) The taximeter and all the fittings thereof shall be so affixed to the carriage with seals or other appliances that it shall not be practicable for any person to tamper with them except by breaking, damaging or permanently displacing the seals or other appliances.
5. The proprietor of a Hackney Carriage provided with a taximeter not fitted with a flag or other device bearing the words “FOR HIRE” shall cause the carriage to be provided with a sign so constructed as to comply with the following requirements, that is to say:
- (i) The sign will bear the words “FOR HIRE” in plain letters at least one inch in height;
- (ii) The sign shall be capable of being so operated that it indicates clearly and conveniently to persons outside the carriage whether or not the carriage is for hire.
- (iii) The requirements specified in byelaws 4(i) (a) and 5(i) shall not apply to a hackney carriage provided with a taximeter which bears the sign of European Economic Community pattern approval or the mark of European Economic Community partial verification mentioned in regulation 2 of, and described in Schedule 1 to, the Measuring Instruments (European Economic Community Requirements) Regulations 1975 or any other regulations replacing those regulations or containing provision for the same purpose, and for the time being in force.

Provisions regulating the conduct of the Proprietors and Drivers of Hackney Carriages plying within the district in their employments and determine whether

such Drivers shall wear any and what badges

6. The driver of a Hackney Carriage shall
- (i) if the taximeter is fitted with a flag or other device bearing the words **"FOR HIRE"**
 - (a) when standing or plying for hire keep such flag or other device locked in the position in which the words are horizontal and legible;
 - (b) before commencing the journey, bring the machinery of the taximeter into action by moving the flag or other device so that the words are not conveniently legible and so that the word **"HIRED"** is legible on the face of the taximeter, and keep the machinery of the taximeter in action until the termination of the hiring.
 - (ii) If the taximeter is not fitted with a flag or other device bearing the words **"FOR HIRE"**
 - (a) when standing or plying for hire keep the taximeter locked in the position in which no fare is recorded on the face of the taximeter and operate the sign provided in pursuance of bye-law 5 so that the words **"FOR HIRE"** are clearly and conveniently legible by persons outside the carriage;
 - (b) as soon as the carriage is hired by distance, and before commencing the journey, bring the machinery of the taximeter into action by moving the key or other device fitted for the purpose so that the word **"HIRED"** is legible on the face of the taximeter in action until the termination of the hiring.
 - (iii) Cause the dial of the taximeter to be kept properly illuminated throughout any part of a hiring which is during the hours of darkness as defined for the purpose of the Road Traffic Act 1972 and also at any other time at the request of the hirer.
7. A proprietor or driver of a Hackney Carriage shall not tamper with or permit any person to tamper with any taximeter with which the carriage is provided, with the fittings thereof, or with the seals affixed thereto.
8. The driver of a Hackney Carriage shall, when plying for hire in any street and not actually hired:
- (a) proceed with reasonable speed to one of the stands fixed by the bye-law in that behalf;
 - (b) if a stand, at the time of his arrival, is occupied by the full number of carriages authorised to occupy it, proceed to another stand;
 - (c) on arriving at a stand not already occupied by the full number of carriages authorised to occupy it, station the carriage immediately

behind the carriage or carriages on the stand and so as to face in the same direction;

- (d) from time to time when any other carriage immediately in front is driven off or moved forward cause his carriage to be moved forward so as to fill the place previously occupied by the carriage driven off or moved forward.
9. The drivers of the first two Hackney Carriages standing upon a stand appointed by the Council shall be in constant attendance in or adjacent to their carriages or in a shelter provided at that stand ready to be hired at once.
10. A proprietor or driver of a Hackney Carriage, when standing or plying for hire, shall not, by calling out or otherwise, importune any person to hire such carriage and shall not make use of the services of any other person for the purpose.
11. The driver to a Hackney Carriage shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed in or entering or alighting from the vehicle.
12. The proprietor or driver of a Hackney Carriage who has agreed or has been hired to be in attendance with the carriage at an appointed time and place shall, unless delayed or prevented by some sufficient cause, punctually attend with such carriage at such appointed time and place.
13. The driver of a Hackney Carriage when hired to drive to any particular destination shall, subject to any directions given by the hirer, proceed to that destination by the shortest available route.
14. A proprietor or driver of a Hackney Carriage shall not convey or permit to be conveyed in such carriage any greater number of persons (excluding the driver) than the number of persons specified on the plate affixed to the outside of the carriage. Provided that for the purpose of this bye-law two children under the age of twelve years shall be regarded as one person and children under the age of three years shall not be reckoned.
15. If a badge has been provided by the Council and delivered to the driver of a Hackney Carriage he shall, when standing or plying for hire, and when hired, wear that badge in such position and manner as to be plainly visible.
16. The driver of a Hackney Carriage so constructed as to carry luggage shall, when requested by any person hiring or seeking to hire the carriage;
- (a) convey a reasonable quantity of luggage;
- (b) afford reasonable assistance in loading and unloading;
- (c) afford reasonable assistance in removing it to or from the entrance of any building, station, or place at which he may take up or set down such person.

Provision fixing the stands of Hackney Carriages

17. Each of the several places specified in the following list shall be a stand for such number of Hackney Carriages as is specified in the list:-

<u>Description of Stand</u>	<u>Number of Carriages</u>
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As designated by the Waverley Borough Council from time to time pursuant to Section 63 of the Local Government (Miscellaneous Provisions) Act 1976	
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Provisions fixing the rates or fares to be paid for Hackney Carriages within the district, and securing the due publication for such fares

18. The proprietor or driver of a Hackney Carriage shall be entitled to demand and take for the hire of the carriage the rate or fare prescribed by the following table, the rate or fare being calculated by distance unless the hirer expresses at the commencement of the hiring his desire to engage by time.

Provided always that where a Hackney Carriage furnished with a taximeter shall be hired by distance the proprietor or driver thereof shall not be entitled to demand and take a fare greater than that recorded on the face of the taximeter, save for any extra charges authorised by the following table which it may not be possible to record on the face of the taximeter.

Fares for Distance

(inclusive of V.A.T.)

As determined by Waverley Borough Council from time to time pursuant to Section 65 of the Local Government (Miscellaneous Provisions) Act 1976.

(Copy of current fare tariff available on demand and on the Council's web site)

- (b) The proprietor or driver of a Hackney Carriage bearing a statement of fares in accordance with this bye-law shall not wilfully or negligently cause or suffer the letters or figures in the statement to be concealed or rendered illegible at any time while the carriage is plying or being used for hire.

Provisions securing the safe custody and re-delivery of any property accidentally left in Hackney Carriages, and fixing the charges to be made in respect thereof

20. The proprietor or driver of a Hackney Carriage shall immediately after the termination of any hiring or as soon as practicable thereafter carefully search the carriage for any property which may have been accidentally left therein.

21. The proprietor or driver of a Hackney Carriage shall, if any property accidentally left therein by any person who may have been conveyed in the carriage-
- (a) carry it as soon as possible and in any event within 48 hours, if not sooner claimed by or on behalf of its owner, to the office of the Council, and leave it in the custody of the officer in charge of the office on his giving a receipt for it;
 - (b) be entitled to receive from any person to whom the property shall be re-delivered an amount equal to five pence in the pound of its estimated value (or the fare for the distance from the place of finding to the office of the Council, whichever be the greater) but not more than five pounds.

Penalties

22. Every person who shall offend against any of these bye-laws shall be liable on summary conviction to a fine not exceeding fifty pounds and in the case of continuing offence to a further fine not exceeding five pounds for each day during which the offence continued after conviction therefor.

Repeal of Bye-Laws

23. The bye-laws relating to Hackney Carriages which are referred to in the Schedule attached to these bye-laws are hereby repealed.

Schedule

Date of Bye-Laws	By Whom Made	Date of Confirmation	By Whom Confirmed
28.9.1964	Farnham Urban District Council	25.1.1965	Secretary of State Home Office
27.1.1972	Farnham Urban District Council	30.3.1972	Secretary of State Home Office
25.9.1972	Haslemere Urban District Council	16.4.1973	Secretary of State Home Office
15.1.1974	Haslemere Urban District Council	26.2.1974	Secretary of State Home Office

Made under the Common Seal of the Waverley District Council on the 25th day of March 1980.

The **COMMON SEAL** of the)
WAVERLEY DISTRICT COUNCIL) (Sgd) M C V ALLCHIN
was hereunto affixed in the) Member

presence of: -

)

(Sgd) E D RICHENS
Assistant Secretary

L.S.

The foregoing byelaws are hereby
confirmed by the Secretary of State
and shall come into operation on
1st day of July 1980.

L.S.

R F D SHUFFREY
An Assistant Under
Secretary of State,
Home Office

12th June 1980

DRAFT

ANNEXE 9

Hackney Carriage/Private Hire Trade Offences

Town Police Clauses Act 1847

Section	Offence	Maximum Penalty
40	Giving false information on application for HC(V) proprietor's licence	Level 1
44	Failure to notify change of address of HC(V) proprietor	Level 1
45	Plying for hire without HC(V) proprietors licence	Level 4
47	Driving a HC (V) without HC drivers' licence.	Level 3
47	Lending or parting with HC drivers' licence	Level 3
47	HC(V) proprietor employing unlicensed driver	Level 3
48	Failure of HC(V) proprietor to hold HC drivers' licence	Level 1
48	Failure of HC(V) proprietor to produce HC drivers' licence	Level 1
52	Failure to display HC(V) plate	Level 1
53	Refusal to take a fare	Level 1
54	Charging more than the agreed fare	Level 1
55	Obtaining more than the legal fare	Level 3*
56	Travelling less than the lawful distance for the agreed fare	Level 1
57	Failing to wait after a deposit to wait has been paid	Level 1
58	Charging more than the legal fare	Level 3
59	Carrying another person than the hirer without consent	Level 1
60	Driving HC(V) without proprietor's consent	Level 1
60	Allowing another to drive HC(V) without proprietors' consent	Level 1
61	Drunken driving of HC(V)	Level 1
61	Wanton / furious driving / wilful misconduct causing injury / danger	Level 1
62	Driver leaving HC(V) unattended	Level 1
64	HC driver obstructing other HC(V)'s	Level 1

- This incurs a level 3 penalty and 1 months' imprisonment until the excess is refunded.

Local Government (Miscellaneous Provisions) Act 1976

Section	Offence	Maximum Penalty
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49	Failure to notify transfer of HC(V) proprietors' licence	Level 3
50(1)	Failure to present HC(V) for inspection as required	Level 3
50(2)	Failure to inform local authority where HC(V) is stored if requested	Level 3
50(3)	Failure to report an accident to local authority	Level 3
50(4)	Failure to produce HC(V) proprietors' licence and insurance certificate	Level 3
53(3)	Failure to produce HC driver's licence	Level 3
57	Making false statement or withholding information to obtain HC drivers licence	Level 3
58(2)	Failure to return a plate after expiry of notice, revocation or suspension of HC(V) proprietor's licence	Level 3
61(2)	Failure to surrender driver's licence after suspension, revocation or refusal to renew	Level 3
64	Permitting any vehicle other than HC(V) to wait on HC stand	Level 3
66	Charging more than the meter fare for a journey ending outside the district without prior agreement	Level 3
67	Charging more than the meter fare when HC(V) used as private hire vehicle	Level 3
69	Unnecessarily prolonging a journey	Level 3
71	Interfering with a taximeter	Level 3
73(1)(a)	Obstruction of an authorised officer or constable	Level 3
73(1)(b)	Failure to comply with requirements of authorised officer or constable	Level 3
73(1)(c)	Failure to give information or assistance to authorised officer or constable	Level 3

Private Hire Trade Offences

Local Government (Miscellaneous Provisions) Act 1976

Section	Offence	Maximum Penalty
46(1)(a)	Using an unlicensed PH(V)	Level 3
46(1)(b)	Driving a PH(V) without a PH driver's licence	Level 3
46(1)(c)	Proprietor of a PH(V) using an unlicensed driver	Level 3
46(1)(d)	Operating a PH(V) without a PH operator's licence	Level 3
46(1)(e)	Operating a vehicle as a PH(V) when the vehicle is not licensed as a PH(V)	Level 3
46(1)(e)	Operating a vehicle as a PH(V) when the driver is not licensed as a PH driver	Level 3
48(6)	Failure to display PH(V) plate	Level 3
49	Failure to notify transfer of PH(V) licence	Level 3

50(1)	Failure to present PH(V) for inspection as required	Level 3
50(2)	Failure to inform local authority where PH(V) is stored if requested	Level 3
50(3)	Failure to report an accident to local authority	Level 3
50(4)	Failure to produce PH(V) licence and insurance certificate	Level 3
53(3)	Failure to produce PH drivers licence	Level 3
54(2)	Failure to wear PH driver's badge	Level 3
56(2)	Failure by PH operator to keep records of bookings	Level 3
56(3)	Failure of PH operator to keep records of vehicles operated by him	Level 3
56(4)	Failure to produce PH operator's licence on request	Level 3
57	Making false statement or withholding information to obtain PH driver's or operator's licence	Level 3
58(2)	Failure to return plate after expiry of notice, revocation or suspension of PH(V) licence	Level 3 + £10 daily fine
61(2)	Failure to surrender driver's licence after suspension, revocation or refusal to renew	Level 3
67	Charging more than the meter fare when HC used as PH vehicle	Level 3
69	Unnecessarily prolonging a journey	Level 3
71	Interfering with a taximeter	Level 3
73(1)(a)	Obstructing of authorised officer or constable	Level 3
73(1)(b)	Failure to comply with requirement of authorised officer or constable	Level 3
73(1)(c)	Failure to give information or assistance to authorised officer or constable	Level 3

Transport Act 1980

Section	Offence	Maximum Penalty
64(2)(A)	Driving a PH(V) with a roof sign which contravenes s64(1)	Level 3
64(2)(b)	Causing or permitting a PH(V) to be driven with a roof sign which contravenes s64(1)	Level 3

Disability Discrimination Act 1995

Section	Offence	Maximum Penalty
37	Refusing to carry a guide dog and hearing dogs	Level 3
37A	Refusing to carry a assistance dogs in private hire vehicle	Level 3

Standard Scale of Fines

Fine 'levels' refer to the concept of the standard scale of fines, which was introduced in 1982. The amount equating to each level may be increased from time to time, allowing fine levels to maintain a sensible level relative to inflation. The current fine levels are shown below.

Standard scale of Fines	
Level	Maximum Fine
1	£200
2	£500
3	£1,000
4	£2,500
5	£5,000

The Use of Mobile Phones and Other Devices Whilst Driving

It is a specific offence to use a hand-held phone, or similar device, when driving, incurring a ~~£200~~ fixed penalty fine or up to £1,000 on conviction in court (£2,500 for drivers of goods vehicles, buses or coaches). ~~Six~~Three penalty points will also be imposed on your licence, and while penalty points can mean higher insurance costs, if you get six points within two years of passing your test, your licence will be revoked and you will need to re-sit the test. However, drivers can still risk prosecution (for failure to have proper control) if they use hands-free phones when driving.

ANNEXE 10

**LICENSING TEAM
Discussion Format**

INFORMAL DISCUSSION

Date -----

with-----

1. Introduce staff present and job titles
2. The discussion is for the purpose of information gathering
3. Notes will be taken. The discussion will not be audio and/or video recorded. A copy of the notes will be provided on request.
4. The licensee is not under arrest and is free to leave at any time. If during this discussion an offence is admitted, officers may caution the licensee and stop the discussion so that a more formal interview may take place under caution at a later date.
5. The information gathered will be considered by the Head of Service, who may decide that the matter should be reported to the Licensing & Regulatory Committee or Sub-Committee for them to decide what action is appropriate, or the Head of Service may take action in consultation with the Chairman and Vice-Chairman without referral to Committee.
6. If the matter is reported to Committee or Sub-Committee you will be notified of the date of the meeting at least two weeks in advance. You will be asked to attend the meeting and may bring a representative with you.

Signed

Date

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WAVERLEY BOROUGH COUNCIL

MINUTES OF THE STANDARDS PANEL - 29 JANUARY 2018

SUBMITTED TO THE COUNCIL MEETING – 20 FEBRUARY 2018

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

Present

Cllr Carole Cockburn
Cllr Kevin Deanus
Cllr David Else
Cllr Pat Frost

Cllr Michael Goodridge
Cllr Stephen Hill
Cllr David Hunter
Cllr John Williamson

In Attendance

Cllr Joan Holroyd (Elstead Parish Council)

Apologies

Cllr Mike Band

9. MINUTES (Agenda item 1.)

The minutes of the meeting which took place on 3 October 2018 were confirmed and signed.

10. APOLOGIES FOR ABSENCE (Agenda item 2.)

Apologies for absence were received from Councillor Band.

11. DISCLOSURES OF INTEREST (Agenda item 3.)

There were no disclosures of interest.

PART I – RECOMMENDATIONS TO THE COUNCIL

12. AUDIT COMMITTEE TERMS OF REFERENCE (Agenda item 7.)

12.1 The Panel was advised that the Audit Committee, at its meeting on 20 November 2017, had reviewed its terms of reference and changes had been proposed to make it easier to read and that the Committee's remit clearer. The proposed changes are attached at Annexe 1.

12.2 The Panel considered the proposed changes with no comments to add and accordingly

RECOMMENDS that

8. **the highlighted changes to the Audit Committee's Terms of Reference, as attached at Annexe 1, be adopted.**

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.

13. REVIEW OF THE SCHEME OF DELEGATION (Agenda item 6.)

- 13.1 The Panel received a copy of the Scheme of Delegation and was advised that when the Scheme was adopted by Council in April 2017, this had adopted a new approach of operating as an 'exception' scheme, wherein all powers and functions were delegated down to officers with the exception of any powers and functions that either had to remain with a specific Committee, or which had previously decided had to rest with Members. Members were reminded that with this new approach they had agreed that the Scheme must be regularly reviewed and any proposed adjustments reported back.
- 13.2 Since the new Scheme had been approved the Panel considered a few initial amendments at its meeting in June 2017. Members were presented with some further amendments which reflected some areas where officers had identified issues which could now be addressed and these were shown as track changes in the report and there was an additional paper tabled with some further amendments.
- 13.3 The Panel reviewed the amendments and were in agreement with all the minor changes proposed that were in relation to changes/updates to legislations and Acts. Robin Taylor, the Head of Policy and Governance, advised that the changes proposed in the tabled paper proposed specific changes in relation to Planning. These were to give the Head of Planning general discretion to support late call ins where there were sound reasons; that applications which generated 5 or more objection letters or 5 or more support letters would not be agreed by way of delegated authority unless the Ward Member confirmed that they were happy it did not need to go to Committee; and that, the description of what should go to a JPC including applications of 1000sqm or more where the Chief Executive and Chairman agreed this was contentious, which was already in the Constitution also be included verbatim in the Scheme of delegation.
- 13.4 The Committee discussed the three additional proposed changes in particular points 43 (b) and (c) in relation to calling in a planning application. There was confusion over the wording that had been used and it was questioned whether these two paragraphs could be combined, or made clearer. Members also asked about the wording around "any Councillor from the relevant Area Committee could request to refer an application to Committee" as it was thought that any member of that Ward (or neighbouring with one Councillor Wards) regardless of whether they were on a Area Committee could call in an application. The wording also referred to the Town or Parish Council being in support of a call in but occasionally the Ward Councillor, having heard representations directly from residents, wanted something called in so might not receive the Town or Parish Councils support. Robin Taylor would liaise with the Head of Planning regarding these issues and would look at how the wording could be clarified.

- 13.5 Having discussed the changes to the Scheme of Delegation, the Panel accordingly

RESOLVED to recommend to the Executive that the revised Scheme of Delegation be approved and adopted subject to the wording of 43 (b) and (c) being clarified.

14. REVIEW OF COMPLAINTS SUBMITTED TO THE MONITORING OFFICER
(Agenda item 5.)

- 14.1 The Panel received a report of complaints submitted to the Monitoring Officer under the Member Code of Conduct. The report summarised the complaints received since July 2016 when Robin Taylor, Head of Policy and Governance, was appointed as the Monitoring Officer.

- 14.2 The Panel was advised that since the last report, himself, Emma McQuillan and Daniel Bainbridge, the Deputy Monitoring Officers, had dealt with 19 complaints. 14 of these had been about Borough Councillors and 5 about Town or Parish Councillors. A large majority of these were dealt with and resolved informally and a few were closed after investigation and it was resolved that there was no breach of the code. There were currently 4 live complaints (1 for a Town and Parish Councillor and 3 for Borough Councillors) which were at different stages in the process. There had been 1 complaint which was submitted anonymously. The identity of the complainant was requested and the complainant was given the opportunity to put forward any reasons why their identity should not be disclosed but neither request was granted by the complainant and it was not judged that there was a clear public interest in investigating it anonymously. The Monitoring Officer had provided informal advice or support on a number of occasions where there had been no complaint or where complaints had been withdrawn at the complainants request.

- 14.3 The Panel thanked the Monitoring Officer for the update and asked whether in all situations that he received an anonymous complaint these would not be investigated. He advised that it would depend on the complaint and whether there was a public interest in taking it further but assured Members that all would be taken seriously.

- 14.4 Members asked whether the procedures that were still in place were still fit for purpose. He confirmed that they were and reflected national good practice. The Monitoring Officer confirmed that he and the Deputy Monitoring Officers had visited those Town and Parishes who had requested that they come and speak to them for advise and they were always open to visit. There was a networking session being run by the new Chief Executive, Tom Horwood shortly, and he would possibly use this to do an update.

- 14.5 The Panel asked whether there needed to be more guidance, or workshops run for Members as they received a session when they started but some of the advice seemed to be forgotten at times. The Monitoring Officer advised that they did run an update annually but they would look into running a refresher session shortly.

RESOLVED that the report of the Monitoring Officer into complaints received be noted.

The meeting commenced at 4.30 pm and concluded at 5.15 pm

Chairman

Audit Committee

The Audit Committee is the means of bringing independent, effective assurance into the Council's corporate governance arrangements. This covers:-

- Risk management framework
- Control environment and arrangements
- Financial performance
- Non-financial performance (processes and controls)
- Financial reporting.

~~An Audit Committee Charter was adopted in September 2013.~~

Comment [a1]: This has now been added as a function of the Committee under heading 3.

Terms of Reference

The Terms of Reference are as follows:

1. Corporate Governance

1.1 To ~~consider~~ review the Council's arrangements for corporate governance and recommend necessary actions to ensure compliance with best practice as set out in the current CIPFA/SOLACE Framework "Delivering Good Governance in Local Government" and any revision thereof.

~~1.2 To review the Council's compliance with its own and other published regulations, standards and controls, covering both financial and general issues and, if appropriate, make recommendations to Council.~~

~~1.3.2 To maintain an overview of the Council's Constitution in respect of contract procedure rules, and financial regulations and recommend their adoption by the Council, and codes of conduct and behaviour.~~

~~1.3 To consider the Council's compliance with its own and other published regulations, standards and controls, covering both financial and general issues~~

1.4 To ~~monitor~~ review Council policies in "Whistleblowing" and the anti-fraud and anti-corruption strategy and the Council's complaints handling process and recommend any changes to Council.

1.5 To monitor the effective development and operation of internal control in the Council with particular reference to all aspects of risk management, including Waverley's Corporate Risk Registers, all aspects of risk management.

~~1.6 To approve the Council's Annual Governance Statement.~~

~~1.7 To consider any reports published by bodies, other than the external auditor, charged with inspecting the Council's performance or arrangements for corporate governance.~~

1.6.8 To review any issue referred to it by the Head of Paid Service or a director or any other Council body Committee.

~~1.9 To request a report from any Head of Service relating to an outstanding internal audit recommendation issue.~~

~~1.7.6 To approve the Council's Annual Governance Statement.~~

Comment [a2]: This is no longer relevant as it related to publications by the Audit Commission.

Comment [a3]: This has been moved to 3.5 below.

2. External scrutiny Audit

- 2.1 To consider whether appropriate accounting policies have been followed in the preparation of the annual statement of accounts and to approve any changes to these policies.
- 2.2 To ~~consider receive~~ all ~~communications reports~~ from the external auditor to the Audit Committee, ~~including:~~
- ~~2.2.1 the audit letter;~~
- ~~2.2.2 the report on issues arising from the audit of the accounts; and~~
- ~~2.2.3 any other reports requested by the Audit Committee from the external auditor.~~
- 2.3 To consider ~~whether there are any~~ concerns arising from the audit or the accounts and to agree appropriate action to be taken that need to be brought ~~including bringing the matter~~ to the attention of the Council. ~~that arise from:~~
- ~~2.3.1 the audit; or~~
- ~~2.3.2 the accounts.~~
- 2.4 To consider and, ~~if thought fit,~~ approve the annual statement of accounts.
- 2.5 To comment on the scope and depth of external audit work and to ensure that it gives value for money, especially with regard to reports dealing with risk management and performance matters.
- ~~2.6 To oversee all aspects of risk management, including Waverley's Corporate Risk Registers.~~
- ~~2.6 To make recommendations to Council regarding the appointment of the External Auditor.~~

Comment [a4]: The titles of these reports are subject to periodic changes and so have been removed.

Comment [a5]: This is now covered by 1.5 above.

3. Internal audit

- ~~3.1 To consider the Annual Review of the system of Internal Audit.~~
- ~~3.1 To approve the Internal Audit Charter.~~
- ~~3.2 To approve the Annual Internal Audit (Risk-Based) Plan.~~
- ~~3.3.2~~ To consider the Internal Audit Client Manager's Annual Report and Internal Audit Opinion.
- ~~3.3 To approve the annual Internal Audit Service Plan.~~
- 3.4 To consider the current Internal Audit Plan and summaries of internal audit activity by ~~department~~ Service Area and consider the level of assurance this can give concerning the effectiveness of the Council's corporate governance arrangements.
- 3.5 To consider internal audit reports detailing recommendations not implemented within the specified timescale and to agree appropriate action, including ~~1.9~~ To requesting a report from any Head of Service relating to an outstanding internal audit recommendation issue.
- ~~3.6 To consider proposed internal audit activity and the range of service areas to be covered and the level of assurance this can give concerning the effectiveness of the Council's corporate governance arrangements.~~
- ~~3.6.7~~ To commission work ~~or reports~~ from the Internal Audit Service.
- ~~3.8 To consider any specific internal audit reports requested by the Audit Committee.~~
- ~~3.7.9~~ To monitor the progress of any specific internal audit projects not included in the Audit Plan.
- ~~3.10.8~~ To consider reports dealing with the appointment, management and performance of the providers of internal audit services.

Comment [a6]: This is effectively the same as 3.3 above.

3.449 To comment on the scope and depth of internal audit work and to ensure that it gives value for money, especially with regard to reports dealing with risk management and performance matters.

Composition of Audit Committee

(a) Membership and Meetings

The Audit Committee will

- be composed of eight councillors, with no members from the Executive;
- meet four times per year, as set out in the Calendar of Meetings, and on an ad hoc basis when necessary.

(b) Quorum

The quorum for meetings will be three Councillors.

Revised: 0320.11.17

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