

To: All Members of the Council

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Manager

Policy and Governance

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Calls may be recorded for training or monitoring

Date: 28 November 2014

Dear Councillor

COUNCIL MEETING - TUESDAY, 9 DECEMBER 2014

A MEETING of the WAVERLEY BOROUGH COUNCIL will be held in the COUNCIL CHAMBER, COUNCIL OFFICES, THE BURYS, GODALMING on **TUESDAY, 9 DECEMBER 2014 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

This meeting will be webcast from the conclusion of Informal Question Time and can be viewed by visiting www.waverley.gov.uk

AGENDA

1. **MINUTES** (Pages 5 - 8)

To confirm the Minutes of the Council Meeting held on 14 October 2014 (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 questions from members of the public, received in accordance with Procedure Rule 10:-

i. from Mr Ken Reed of Cranleigh

The Head of Planning, Matthew Evans, was reported in an article on the front page of the Cranleigh edition of the Surrey Advertiser, 21st November, as saying, "There is justification for applying the area of search for the sequential test across Cranleigh only. This is on the grounds that the draft Waverley Strategic Housing Market Assessment, October 2013, should be given weight as it is evidence of housing need. This evidence identifies a need for housing in the settlement." (*Settlement meaning Cranleigh*).

Does the Portfolio Holder for Planning agree with me that the Head of Planning is wrong and that the SHMA does not identify housing need by settlement? If, however, he does not agree with me would he please quote the exact location in the SHMA by page and paragraph that identifies the housing need in Cranleigh?"

ii. from Mr Patrick Haveron of Godalming

"As Waverley has decided to rush straight to a draft Local Plan in March, ignoring the issues and options stage, would the Council apologise for the use of the word 'scenarios' in its consultation? As a fifth Option is likely, why was that not included as originally agreed by Council?"

[NB. Questions from members of the public express personal views of the questioners and Waverley does not endorse any statements in any way and they do not reflect the views of Waverley Borough Council].

6. QUESTION TIME

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

7. MOTIONS

To receive the following motion submitted in accordance with Procedure Rule 12.1 by Cllr David Munro:-

"In view of a recent postal survey on the desirability of pedestrianisation in Farnham Town Centre that was supported by a majority of those Farnham residents who responded, and the need to improve air quality in the centre of Farnham, this Council:

- Supports the general principle of providing more pedestrian-friendly areas in Farnham town centre.

- Urges the highways authority to work with Waverley Borough Council and others to devise and implement a financially-affordable package of measures to achieve this aim.”

In accordance with Procedure Rule 12.3, the motion upon being moved and seconded, shall stand referred without further discussion to the Executive.

8. MINUTES OF THE EXECUTIVE

To receive the minutes of the meetings of the Executive held on:-

- 8.a 4 November 2014 - (herewith - coloured grey) (Pages 9 - 24)
- 8.b 2 December 2014 (To Follow)

9. MINUTES OF THE JOINT PLANNING COMMITTEE

To receive the minutes of the meetings of the Joint Planning Committee held on:-

- 9.a 28 October 2014 - (herewith - coloured yellow) (Pages 25 - 26)
- 9.b 12 November 2014 - (herewith - coloured yellow) (Pages 27 - 32)
- 9.c 17 November 2014 - (herewith - coloured yellow) (Pages 33 - 42)

10. MINUTES OF THE AUDIT COMMITTEE (Pages 43 - 90)

To receive the minutes of the Audit Committee held on 19 November 2014 (herewith – coloured lilac)

11. APPOINTMENT TO JOINT PLANNING COMMITTEE

To confirm the appointment of Cllr Diane James as a member of the Joint Planning Committee to replace Cllr Brett Vorley who has resigned from the Committee with immediate effect.

12. CONTINUING ABSENCE - CLLR LYNN GRAFFHAM

The Council to approve the extended absence of Cllr Lynn Graffham for a further six months due to her recent period of ill-health.

13. EXCLUSION OF PRESS AND PUBLIC

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

That, pursuant to Procedure Rule 20 and in accordance with Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of any matter on this agenda on the grounds that it is likely, in view of the nature of the business to be transacted or the nature of

the proceedings, that if members of the public were present during the item(s), there would be disclosure to them of exempt information (as defined by Section 100I of the Act) of the description specified in the appropriate paragraph(s) of the revised Part I of Schedule 12A of the Local Government Act 1972 (to be identified at the meeting).

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MINUTES of the MEETING of the
WAVERLEY BOROUGH COUNCIL
held in the Council Chamber,
Council Offices, Godalming on
14 October 2014 at 7.00 p.m.

* Cllr Liz Wheatley (Mayor)

* Cllr Mike Band (Deputy Mayor)

Cllr Brian Adams	* Cllr Nicky Lee
Cllr Stella Andersen-Payne	* Cllr Denis Leigh
Cllr Gillian Beel	* Cllr Peter Martin
Cllr Patrick Blagden	* Cllr Tom Martin
* Cllr Maurice Byham	Cllr Bryn Morgan
* Cllr Elizabeth Cable	Cllr Stephen Mulliner
* Cllr Carole Cockburn	Cllr David Munro
Cllr Jim Edwards	* Cllr Elliot Nichols
* Cllr Brian Ellis	Cllr Jennifer O'Grady
* Cllr Patricia Ellis	Cllr Stephen O'Grady
* Cllr Jenny Else	* Cllr Donal O'Neill
* Cllr Mary Forszowski	* Cllr Julia Potts
Cllr Pat Frost	* Cllr Wyatt Ramsdale
* Cllr Richard Gates	* Cllr Stefan Reynolds
* Cllr Michael Goodridge	Cllr Ian Sampson
* Cllr Tony Gordon-Smith	Cllr Janet Somerville
Cllr Lynn Graffham	Cllr Roger Steel
* Cllr Jill Hargreaves	Cllr Stewart Stennett
Cllr Christiaan Hesse	Cllr Christopher Storey
Cllr Stephen Hill	Cllr Adam Taylor-Smith
Cllr Nicholas Holder	* Cllr Jane Thomson
* Cllr Simon Inchbald	* Cllr Simon Thornton
Cllr Peter Isherwood	Cllr Brett Vorley
* Cllr Diane James	* Cllr John Ward
Cllr Carole King	* Cllr Keith Webster
* Cllr Robert Knowles	Cllr Ross Welland
* Cllr Martin Lear	Cllr Nick Williams

* Cllr Andrew Wilson

* Present

Prior to the commencement of the meeting, prayers were led by the
Reverend Canon Mervyn Roberts.

25. MINUTES

The Minutes of the Meeting of the Council held on 15 July 2014 and of the Extraordinary Council Meeting held on 12 August 2014 were confirmed and signed.

26. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Brian Adams, Stella Andersen-Payne, Gillian Beel, Jim Edwards, Lynn Graffham, Stephen Hill, Nicholas Holder, Peter Isherwood, Carole King, Bryn Morgan, Stephen Mulliner, Jennifer O'Grady, Stephen O'Grady, Janet Somerville, Roger Steel,

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Stewart Stennett, Chris Storey, Adam Taylor-Smith, Brett Vorley and Nick Williams.

27. DECLARATIONS OF INTEREST

There were no interests raised under this heading.

28. MAYOR'S ANNOUNCEMENTS

The Mayor reported on the events she had attended, which included a vigil for commemorating the start of World War One at Guildford Cathedral in the presence of the Count and Countess of Wessex, taking the salute from the parachute team of the Princess of Wales's Royal Regiment at Wings and Wheels at Dunsfold, giving an address at the Ahmadiyya Muslim Association's Annual Convention and being presented to HRH The Princess Royal at the Royal School's Prize Day in Haslemere.

The Mayor encouraged members of the Council to attend her fundraising concert which was taking place on 18 October 2014 at Charterhouse School and announced that a Telegraph survey had ranked Waverley 7th among Britain's best Councils and number one in the South.

Finally the Mayor reported that Cllr Gillian Beel was still not well enough to return to Council meetings and the Council agreed to extend her period of absence for a further six months.

29. QUESTIONS FROM MEMBERS OF THE PUBLIC

The following questions were received from members of the public in accordance with Procedure Rule 10:-

i. from Mr David Wylde of Farnham

"In January 2013, Waverley promised the East Street Scheme was 'shovel ready', at the insistence of the inspectors at the public enquiry. Last month, 19 months later, we were told the scheme will 'soon be shovel ready'. How soon is soon, or will the date continue to recede as the months pass, and could both councillors and the people of Farnham be given a clear factual picture, shorn of softly worded euphemistic wishful thinking; both of this situation and of how the search for funding is going?"

The Leader of the Council responded as follows:-

"To make the project shovel ready it is imperative that certain enabling works are completed including the new and improved Brightwells Tennis Club. This is important to allow the Club to move seamlessly to its new home. The works to construct the tennis club are nearing completion after delays as a result of the wettest winter in 250 years. This will produce fantastic tennis facilities for the Brightwells Club in addition to a court for public use.

Funding for a major mixed use site such as Brightwells is not a simple process, particularly following a long and deep recession. It is our role as the Council to ensure that Waverley gets the best possible deal for its residents which is something we are committed to doing and we hope to be able to consider final proposals in the coming weeks.”

ii. from Mr Jerry Hyman of Farnham

“Housing development within the visitor catchment areas of the local heathland SPAs is subject to the requirements of the 'Habitats' Directive and the 'Waddenzee judgement', through paragraphs 113, 118 and 119 of the NPPF. Together these demand either (i) an Appropriate Assessment providing "convincing" objective scientific evidence that the habitat and endangered bird population objectives will not be negatively impacted, or (ii) that a strict limitation on housebuilding will be applied through Article 6(4).

Natural England's stated position was that the test of the lawfulness of the current SANG and Delivery Framework approach would be in achieving no net increase in visitor numbers to the TBHSPA, but that test was failed when their recently-published 2012/2013 Visitor Survey of the Thames Basin Heaths showed that visitor numbers had increased by 10% since their 2005 survey. In short, the evidence shows that the SANG and Delivery Framework approach is ineffective.

So in the light of the results of the recent SPA and SANG Visitor Surveys, is Waverley able to provide Councillors and the public with the necessary Assessment containing convincing objective evidence that Natural England's controversial approach (i.e. the Delivery Framework and the arbitrary designation of existing open space as SANGs) is sufficient to satisfy the tests of the *Waddenzee* judgment and Article 6(3) of the Directive - and if not, will WBC now apply the Art.6(4) limitation when determining relevant plans and projects?”

The Leader of the Council informed Mr Hyman that due to the complexity of the answer, he would receive a written response to his question.

30. MINUTES OF THE EXECUTIVE

30.1 Meeting of 2 September 2014

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

RESOLVED that the Minutes of the Meeting of the Executive held on 2 September 2014 be approved and the recommendations contained therein adopted.

30.2 Meeting of 30 September 2014

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

RESOLVED that the Minutes of the Meeting of the Executive held on 30 September 2014 be approved and the recommendations contained therein adopted.

31. MINUTES OF THE AUDIT COMMITTEE

With the Council's agreement, this item was taken out of order.

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 17 September 2014 be approved.

32. MINUTES OF THE JOINT PLANNING COMMITTEE

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

RESOLVED that the Minutes of the Meetings of the Joint Planning Committee held on 27 August, 22 September and 24 September 2014 be approved.

33. MINUTES OF THE LICENSING AND REGULATORY COMMITTEE

33.1 Meeting of 24 July 2014

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

RESOLVED that the Minutes of the Meeting of the Licensing and Regulatory Committee held on 24 July 2014 be approved.

33.2 Meeting of 18 September 2014

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

RESOLVED that the Minutes of the Meeting of the Licensing and Regulatory Committee held on 18 September 2014 be approved and the recommendations contained therein adopted.

34. APPOINTMENT TO THE AUDIT COMMITTEE

RESOLVED that Cllr Jenny Else be appointed to the Audit Committee for the remainder of the current Council year.

The meeting concluded at 7.50 p.m.

Mayor

WAVERLEY BOROUGH COUNCIL

MINUTES OF THE EXECUTIVE - 4 NOVEMBER 2014

SUBMITTED TO THE COUNCIL MEETING – 9 DECEMBER 2014

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

Present

Cllr Robert Knowles (Chairman)
Cllr Julia Potts (Vice Chairman)
Cllr Brian Adams
Cllr Carole King
Cllr Donal O'Neill

Cllr Stefan Reynolds
Cllr Adam Taylor-Smith
Cllr Simon Thornton
Cllr Keith Webster

Apologies

Cllr Tom Martin

76. MINUTES (Agenda item 1)

The Minutes of the Meeting held on 30 September 2014 were confirmed as a correct record and signed.

77. APOLOGIES FOR ABSENCE (Agenda item 2)

Apologies for absence were received from Cllr Tom Martin.

78. DECLARATIONS OF INTEREST (Agenda item 3)

There were no declarations of interest raised under this heading.

79. QUESTIONS (Agenda item 4)

The Executive received the following questions from members of the public in accordance with Procedure Rule 10:-

i. from Patrick Haveron

“According to Cllr Paul Spooner, Executive member for Governance at Guildford Borough Council, Waverley have blocked the release of the joint SHMA report with Guildford & Woking, that has been available for several months. Why wasn't this key document used to inform the Local Plan consultation?”

The Executive Portfolio Holder for Planning replied as follows:-

“The reason it has not been published is that it is not complete. There are a number of technical areas on which Waverley has requested clarification from the consultants. Also we are still in discussion with our colleagues in Guildford and Woking and we had a meeting with them last week on this very subject.”

ii. from Stewart Edge of Farnham

“On 19 October after the closure of the consultation period on the ‘Potential Housing Scenarios for the Local Plan’ 81% of respondents had voted for ‘Scenario 4’ – Dunsfold 3400 – as their preferred option. In the light of this overwhelming preference for substantial building at Dunsfold do the Executive / Council plan immediately to establish 5 year housing plans which include building at Dunsfold Aerodrome – without which towns in Waverley will continue to be exposed to current greenfield development proposals which are unnecessary and take no account of local priorities?”

The Executive Portfolio Holder for Planning replied:-

“The Council will consider carefully all the comments which have been received as part of the consultation. This will include assessing the potential for Dunsfold Aerodrome to meet housing need. However it is important that any Plan is supported by the necessary evidence to ensure that it is sound when assessed against the National Planning Policy Framework. This includes understanding what infrastructure is required to support new development. In relation to Dunsfold, the Council will need to be convinced that the necessary improvements to the road network can be provided. For information, Dunsfold will make no or very little contribution to the first 5 years of any Plan and does nothing to address the housing need elsewhere in the Borough.”

iii. from Ken Reed of Cranleigh

“In Part 1 of the New Local Plan, WBC are expected to allocate some development to Strategic Sites throughout the Borough. As Neighbourhood Plans are not allowed to change the numbers allocated to Strategic Sites, would the Executive please advise what factors will influence the selection of Strategic Sites and the size of those developments it would consider to be Strategic?”

The Executive Portfolio Holder for Planning replied as follows:-

“There is no agreed national definition of a strategic site in terms of size. This is because this will depend on local circumstances. For the purposes of this Plan, we have estimated that a ‘strategic site’ is one with the potential to deliver at least 100 homes. This is not a fixed position but by allocating these it will help to ensure that there is sufficient certainty about the delivery of housing to meet any new housing target and that the location of new housing is consistent with the overall strategy.”

iv. from Ruth Reed of Cranleigh

“How much has been spent to date on the recent Waverley Local Plan Consultation and how much indeed do you expect to spend in total on this whole Consultation?”

The Executive Portfolio Holder for Planning responded:-

“The consultation has now been completed and the cost is £31,571.56 not including Officer time. You may recall that in 2005/06 the liberal democrats on a much more stable planning system, spent £83,274 on a similar consultation.”

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.

80. BUDGET MANAGEMENT REPORT (Agenda item 5)

[This item contains exempt information by virtue of which the public is likely to be excluded during the item to which the report relates, as specified in Paragraph 1 of the revised Part I of Schedule 12A to the Local Government Act 1972, namely:-

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

80.1 The Executive considered and noted the budget management report which provided a projection of the expenditure and income position for the 2014/15 budget compared with the approved budget for the General Fund and Housing Revenue Account. The Executive

RESOLVED that

1. the virement requests from the additional planning income be approved to cover additional legal fees of £15,000 and consultants costs of £15,000 within Development Control, as detailed in paragraph 2.4 of the Agenda report; and a dedicated Environmental Health Officer on a two-year fixed-term contract at the appropriate grade at an estimated cost of £10,000 in the current financial year;
2. approval be given to the Council Tax Support Scheme remaining unchanged for 2015/16, as detailed in paragraph 2.6 of the Agenda report;
3. the allocation of £15,000 from the Provision for Urgent Schemes be approved to provide a new heating system at the Museum of Farnham;
4. the allocation of £1,800 from the Provision for Urgent Schemes be approved to carry out a ceiling inspection at the Borough Hall; and
5. the list of additional properties for decent homes work be approved as detailed in paragraph 4.7 and (Exempt) Annexe 6 of the Agenda report.

- 80.2 Waverley has now been notified by the Government of the reimbursement of costs resulting from the Storms during last winter. Despite previous reassurances about reimbursing all costs, there are significant costs that the Government is not covering. These mostly relate to the HRA. A further £39,000 is now required to cover the total shortfall and this is included in the table at paragraph 4.2. The net cost of the storm damage to the HRA is £89,000, after allowing for insurance settlements and receipt of the Bellwin grant. In December 2013 a supplementary estimate of £50,000 was approved to be met from the HRA working balance in anticipation of the storm costs.
- 80.3 Responsive repairs and voids and cyclical repairs budgets cover the day to day and planned maintenance of the housing stock. As the use of the interface between the Orchard system and Mears (the housing contractor) continues to bed in greater control of expenditure will be gained. It is currently projected that day to day repairs will exceed the budget provision by £100k which will be met from cyclical budget (external decorations). The apportionment of budget between responsive and cyclical will be reviewed as part of the Star chamber process.
- 80.4 The Executive therefore

RECOMMENDS that

- 43. a further supplementary estimate of £39,000 be approved to cover the balance of storm damage costs relating to the HRA, to be charged to the HRA working balance as detailed in paragraph 5 of the agenda report; and**
- 44. the virement of £100,000 from HRA cyclical maintenance budget to the HRA responsive repairs budget be approved.**

[Reason: To provide an indication of the expenditure and income position for the 2014/15 budget compared with the approved budget for the General Fund and the Housing Revenue Account]

81. **BUILDING CONTROL - CHANGE TO ESTABLISHMENT** (Agenda item 13)

- 81.1 The building control function is a statutory service that enforces minimum standards of design, construction, accessibility, safety, energy efficiency, carbon emissions and other features of buildings, particularly during the construction phase. It sits within the Planning Service.
- 81.2 Unlike other statutory services operated by local authorities, it is subject to competition from the private sector. Householders, architects and builders can choose to obtain the necessary certificates of compliance with the building regulations from a local authority or from an Approved Inspector.

- 81.3 Local authorities are required to fix their charges with the aim of covering the costs of running the trading account for the service, but are not permitted to make surpluses from the operation. In addition, local authorities have a number of statutory duties, including inspecting dangerous structures and ensuring compliance with aspects of health and safety legislation that are undertaken by building control officers on behalf of the Council and are non fee-earning.
- 81.4 The consequence of this commercial environment is a significant amount of work (of the order of 20-25%) has now moved to the private sector, affecting the Council's ability to operate a cost-effective service. In response to these changes, alongside a desire to ensure that the service is not a burden on the Council's resources, posts have been reduced. This, in turn, has resulted in other challenges, relating to the management and performance of the service.
- 81.5 In June 2014, Fortismere Associates were appointed by Waverley Borough Council to undertake a review of the building control service to address the above issues. They reported in September 2014 and set out a number of recommendations.
- 81.6 The key components of the recommendations are:
1. Create a vision for the service with a clearly articulated set of goals, objectives and service standards;
 2. Identify a champion for the service who will:
 - manage the performance of individuals;
 - gather the management information necessary to assess its current performance and the costs associated with delivering different elements;
 - make the case for investment in IT to enable enhanced efficiency and electronic working;
 - prepare a business plan that includes detailed financial forecasts;
 - promote the service to existing and potential customers;
 - develop a customer charter;
 - ensure that the service directly contributes to the delivery of corporate objectives.
 3. Use the opportunities presented by the recent office move and vacancies to restructure the team, provide much closer integration with other planning service functions and introduce new methods of working.
- 81.7 Key to the success of the team is the appointment of a Business Manager to be responsible for the operational direction of the team. This is a new post replacing the Building Control Manager post which has been vacant for two years and for which funding has been removed. The funding of the new post can be met from the deletion of a principal surveyor post which is currently vacant following the retirement in July of the previous post holder. It is not essential that the post holder is a building control professional though some

knowledge of the building industry would be preferable. The key skills needed are performance management, business planning and marketing.

Budget implications				
Job Title	Salary	NI	Pension	Total
Principal Building Control Surveyor	£ 46,890.00	£ 4,240.00	£ 7,737.00	£ 58,867.00
To be replaced by				
Business Manager	£ 44,825.00	£ 4,126.00	£ 7,396.00	£ 56,347.00

81.8 The staffing structure of the team will be finalised in consultation with the Business Manager when appointed.

81.9 The Executive now

RECOMMENDS that

45. the staffing establishment be amended to create the post of Business Manager and deletion of one Principal Surveyor post.

[Reason: To seek approval for a change in the staffing establishment to appoint a new Business Manager]

82. SALE OF PROPERTY IN FARNHAM (Agenda item 17)

[This item contains exempt information by virtue of which the public is likely to be excluded during the item to which the report relates, as specified in Paragraph 1 of the revised Part I of Schedule 12A to the Local Government Act 1972, namely:-

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

82.1 The Executive considered a report on this matter, attached as (Exempt) Annexe 1 and now

RECOMMENDS that

46. the recommendations set out in (Exempt) Annexe 1 be agreed.

[Reason: to seek approval to sell a property and use the capital receipt to purchase an alternative affordable home in the local area to meet housing need.

PART II - MATTERS OF REPORT

The background papers relating to the items in Part II of these minutes are as set out in the reports included in the agenda papers.

83. EXECUTIVE FORWARD PROGRAMME - NOVEMBER (Agenda item 5)

RESOLVED that the forward programme of key decisions for Waverley Borough Council be adopted, subject to the Review of Corporate Health and Safety Policies being reallocated to the Environment Portfolio.

84. EWHURST AND WITLEY NEIGHBOURHOOD PLAN AREA APPLICATIONS
(Agenda item 6)

RESOLVED that

1. the neighbourhood area application from Ewhurst Parish Council be approved for the purposes of the Ewhurst Neighbourhood Plan; and
2. the neighbourhood area application from Witley Parish Council be approved for the purposes of the Witley Neighbourhood Plan.

[Reason: To agree the neighbourhood area applications from Ewhurst and Witley so that they can prepare neighbourhood plans].

85. WIGGINS YARD - ENVIRONMENTAL IMPROVEMENT PROJECT (Agenda item 7)

RESOLVED that approval be given to £5,000 of Section 106 funding (from the environmental improvement budget in Godalming) to facilitate the design phase of the Wiggins Yard environmental improvement project.

[Reason: To gain authorisation to spend up to £5,000 of Section 106 funding to facilitate the initial design phase of the Wiggins Yard environmental improvement project]

86. WHARF CAR PARK, WOOLSACK WAY, GODALMING (Agenda item 8)

RESOLVED that approval be given to Waverley Borough Council submitting a planning application to extend the current planning consent on the land outlined on the plan at Annexe 1 to the agenda report for a further 3 years to permit the continued use as a contract car park.

[Reason: To seek approval to submit a planning application to extend the current planning consent on the land indicated in the agenda report]

87. WAVERLEY CARBON AND GREENHOUSE GAS EMISSIONS ANNUAL REPORT 2013/14 (Agenda item 9)

RESOLVED that the publication of the report and submission to the Department for Energy and Climate Change be approved.

[Reason: To provide a report on the greenhouse gas emissions (GHG) produced due to their operational activities across estates]

88. AIR QUALITY ANNUAL PROGRESS REPORT 2013/14 (Agenda item 10)

RESOLVED that the Detailed Assessment seeking revocation of the Hindhead AQMA be agreed and the Annual Progress Report be noted.

[Reason: To agree the revocation of the Hindhead AQMA and to note the annual progress report]

89. PROGRESS OF THE FARNHAM LOW EMISSION FEASIBILITY STUDIES (Agenda item 11)

RESOLVED that

1. the final reports be published and relevant recommendations passed to the highways authorities for consideration in future road management schemes along with the current revision of the Local Transport Plan (due in November 2014); and
2. the Automatic Number Plate Recognition (ANPR) and Low Emission Zone (LEZ) scoping report funding bids be endorsed.

[Reason: To update the Executive on the work undertaken relating to Farnham's air quality issues and to seek endorsement of the next steps identified as necessary]

90. PERFORMANCE MANAGEMENT EXCEPTION REPORT Q1 (APRIL - JUNE) 2014/15 (Agenda item 12)

The Executive thanked the Overview and Scrutiny Committees for their observations and recommendations and noted the performance figures for Quarter 1 (April – June 2014).

RESOLVED that

1. the target be increased to 400 for indicator LLe 2a – number of Access to Leisure cards issued;
2. the target be raised to less than 4% of tenants in arrears for indicator LHO2b – percentage of tenants in arrears who have been served with a Notice Seeking Possession (NoSP);
3. the target number of visits for Godalming Leisure Centre being 800 for indicator LLe3e; and
4. the Herons Leisure Centre being removed from the list for the duration of its closure due to refurbishment.

[Reason: to review performance indicators to help identify improvement priorities and progress against targets].

91. DRAFT CALENDAR OF MEETINGS 2015/16 (Agenda item 14)

The Executive approved the Calendar of Meetings for 2015/16, attached as an Annexe for information only.

92. EXCLUSION OF PRESS AND PUBLIC (Agenda item 16)

At 7.35 p.m. it was

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

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

93. STAFFING MATTER: ILL-HEALTH RETIREMENT (Agenda item 18)

RESOLVED that the recommendation set out in the (Exempt) Report be approved.

The meeting commenced at 6.45 pm and concluded at 7.43 pm

Chairman

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

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CALENDAR OF MEETINGS 2015/2016

	<u>MAY 2015</u>	16 W							
4 M	MAY BANK HOLIDAY	17 TH							<u>FEBRUARY 2016</u>
5 T		21 M	Member training		1 M	Member training			
6 W		22 T	CORPORATE O & S		2 T	EXECUTIVE			
7 TH	Elections	23 W	JPC (if required)		3 W	AREA PLANNING (S&W)			
11 M	Induction training (licensing)	24 TH	LICENSING		4 TH				
12 T	Induction training (Code of Conduct)	28 M			8 M				
13 W	Induction training (planning)	29 T			9 T				
14 TH	Induction training (Code of Conduct) (repeat)	30 W	AREA PLANNING (S&W)		10 W	AREA PLANNING (E&C)			
		1 TH			11 TH				
			<u>OCTOBER 2015</u>						
18 M	Induction training (planning) (repeat)	5 M			15 M				
19 T	ANNUAL COUNCIL, JPC & LICENSING	6 T	EXECUTIVE		16 T	COUNCIL			
20 W	AREA PLANNING (S&W)	7 W	AREA PLANNING (E&C)		17 W	JPC (if required)			
21 TH	Induction training (licensing) (repeat)	8 TH			18 TH				
25 M	SPRING BANK HOLIDAY	12 M	(O AND S RESERVE)		22 M	(O AND S RESERVE)			
26 T		13 T	FINANCE SEMINAR (tbc)		23 T				
27 W	AREA PLANNING (E&C)	14 W	Member training		24 W				
28 TH	LICENSING	15 TH			25 TH				
		19 M			29 M				
		20 T	COUNCIL (& Trustees Meeting)						<u>MARCH 2016</u>
1 M		21 W	JPC (if required)		1 T	EXECUTIVE			
2 T	Member training/late induction	22 TH			2 W	AREA PLANNING (S&W)			
3 W	JPC (if required)	26 M			3 TH				
4 TH		27 T			7 M	O&S Housing Improvement Sub-Cttee			
8 M	O&S Housing Improvement Sub-Cttee	28 W	AREA PLANNING (S&W)		8 T	COMMUNITY O & S			
9 T	EXECUTIVE	29 TH			9 W	AREA PLANNING (E&C)			
10 W	AREA PLANNING (S&W)		<u>NOVEMBER 2015</u>		10 TH				
11 TH		2 M			14 M				
15 M	STANDARDS	3 T	EXECUTIVE		15 T	AUDIT			
16 T	COMMUNITY O & S	4 W	AREA PLANNING (E&C)		16 W	JPC (if required)			
17 W	AREA PLANNING (E&C)	5 TH			17 TH	LICENSING			
18 TH		9 M	O&S Housing Improvement Sub-Cttee		21 M	CORPORATE O&S			
22 M	CORPORATE O & S	10 T	Member training		22 T				
23 T	AUDIT	11 W	JPC (if required)		23 W	(O AND S RESERVE)			
24 W	(O AND S RESERVE)	12 TH			24 TH				
25 TH		16 M	COMMUNITY O & S		25 F	GOOD FRIDAY			
29 M		17 T	AUDIT		28 M	EASTER MONDAY			
30 T	Member training	18 W			29 T				
		19 TH			30 W				
		23 M			31 TH				<u>APRIL 2016</u>
		24 T	CORPORATE O & S		4 M				
6 M	JOINT TOWNS AND PARISHES	25 W	AREA PLANNING (S&W)		5 T	EXECUTIVE			
7 T	EXECUTIVE	26 TH	LICENSING		6 W	JPC (if required)			
8 W	AREA PLANNING (S&W)	30 M	JOINT TOWNS AND PARISHES		7 TH				
9 TH			<u>DECEMBER 2015</u>		11 M				
13 M		1 T	EXECUTIVE		12 T	Member training			
14 T		2 W	AREA PLANNING (E&C)		13 W	AREA PLANNING (S&W)			
15 W	AREA PLANNING (E&C)	3 TH			14 TH				
16 TH		7 M			18 M				
20 M		8 T			19 T	COUNCIL			
21 T	COUNCIL	9 W	JPC (if required)		20 W	AREA PLANNING (E&C)			
22 W		10 TH			21 TH				
23 TH	LICENSING	14 M			25 M	(O AND S RESERVE)			
27 M	(O AND S RESERVE)	15 T	COUNCIL		26 T				
28 T	Member training	16 W	(O AND S RESERVE)		27 W				
29 W	JPC (if required)	17 TH			28 TH				<u>MAY 2016</u>
30 TH		21 M			2 M	MAY BANK HOLIDAY			
		22 T							
		23 W							
		24 TH							
		25 F	CHRISTMAS DAY						
10 M		28 M							
11 T		29 T							
12 W	AREA PLANNING (E&C)	30 W							
13 TH		31 T							
17 M			<u>JANUARY 2016</u>						
18 T		4 M							
19 W		5 T	EXECUTIVE						
20 TH		6 W	AREA PLANNING (S&W)						
24 M	SUMMER BANK HOLIDAY	7 TH							
25 T		11 M	O&S Housing Improvement Sub-Cttee						
26 W	JPC (if required)	12 T							
27 TH		13 W	AREA PLANNING (E&C)						
31 M		14 TH							
		18 M	JOINT O AND S						
		19 T	COMMUNITY O & S						
		20 W							
		21 TH							
		25 M	STANDARDS						
		26 T	CORPORATE O & S						
1 T	EXECUTIVE	27 W	JPC (if required)						
2 W	AREA PLANNING (S&W)	28 TH	LICENSING						
3 TH									
7 M	O&S Housing Improvement Sub-Cttee								
8 T									
9 W	AREA PLANNING (E&C)								
10 TH									
14 M	COMMUNITY O & S								
15 T	AUDIT								

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WAVERLEY BOROUGH COUNCIL

MINUTES OF THE JOINT PLANNING COMMITTEE - 28 OCTOBER 2014

SUBMITTED TO THE COUNCIL MEETING – 9 DECEMBER 2014

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

Present

Cllr Brian Ellis (Chairman)	Cllr Peter Isherwood
Cllr Maurice Byham (Vice Chairman)	Cllr Stefan Reynolds
Cllr Elizabeth Cable	Cllr Stewart Stennett
Cllr Mary Forszewski	Cllr Chris Storey
Cllr Richard Gates	Cllr Jane Thomson
Cllr Stephen Hill	Cllr John Ward
Cllr Simon Inchbald	

Apologies

Cllr Michael Goodridge, Cllr Bryn Morgan, Cllr Stephen O'Grady, Cllr Julia Potts and Cllr Brett Vorley

24. MINUTES (Agenda item 1)

The minutes of the Meeting held on 24 September 2014 were confirmed and signed.

25. APOLOGIES FOR ABSENCE (Agenda item 2)

Apologies for Absence were received from Councillors Stephen O'Grady, Brett Vorley, Michael Goodridge, Bryn Morgan and Julia Potts.

26. DISCLOSURE OF INTERESTS (Agenda item 3)

There were no Declarations of Interest.

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

There were no declarations of interest.

PART I – RECOMMENDATIONS TO THE COUNCIL

There were no matters raised under this heading.

Background Papers

The background papers relating to the following item in Part II are specified in the agenda for the meeting of the Joint Planning Committee.

PART II – Brief summaries of other matters dealt with

28. APPLICATIONS FOR PLANNING PERMISSION (Agenda item 5)
29. WA/2014/0912 - LAND SOUTH OF HIGH STREET BETWEEN ALFOLD ROAD AND KNOWLE LANE, CRANLEIGH (Agenda item 5.1)

WA/2014/0912 - Land South Of High Street Between Alfold Road And Knowle Lane, Cranleigh

Outline Planning Application with the reservation for subsequent approval of appearance, landscaping, layout and scale (reserved matters) for the erection of up to 425 dwellings including affordable homes and associated works, and new access points onto Alfold Road and Knowle Lane.

The Chairman introduced the officers present and referred Members to the additional update sheet circulated at the meeting.

The Chairman advised that since the production of the agenda, Planning Officers had received that afternoon, very belatedly in the consultation process, a response from the Flood and Water Services Manager in the County Council's Highways Team. This expressed concerns regarding surface water flooding issues in relation to the access from the site onto Alfold Road. It indicated the need for further information and clarification in order to overcome these concerns.

Consequently, the officers recommended that the application was deferred to enable the receipt of this further information and clarifications from the applicants on these matters. An updated report would be brought back to the Joint Planning Committee in due course when those matters had been fully resolved.

The Committee RESOLVED that the application be DEFERRED for further consideration.

The meeting commended at 7.00pm and concluded at 7.10pm.

Chairman

WAVERLEY BOROUGH COUNCIL

MINUTES OF THE JOINT PLANNING COMMITTEE - 12 NOVEMBER 2014

SUBMITTED TO THE COUNCIL MEETING – 9 DECEMBER 2014

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

Present

Cllr Maurice Byham (Vice Chairman)	Cllr Simon Inchbald
Cllr Brian Adams	Cllr Peter Isherwood
Cllr Paddy Blagden	Cllr Bryn Morgan
Cllr Elizabeth Cable	Cllr Stephen Mulliner
Cllr Mary Forszyszewski	Cllr Julia Potts
Cllr Richard Gates	Cllr Stefan Reynolds
Cllr Michael Goodridge	Cllr Chris Storey
Cllr Stephen Hill	Cllr Jane Thomson

Apologies

Cllr Brian Ellis, Cllr Christiaan Hesse, Cllr Stephen O'Grady, Cllr Stewart Stennett, Cllr John Ward and Cllr Nick Williams

30. MINUTES (Agenda item 1.)

The Minutes of the Meeting held on 28 October 2014 were confirmed and signed.

31. APOLOGIES FOR ABSENCE (Agenda item 2.)

Apologies for absence were received from Councillors Brian Ellis, Christiaan Hesse, Stephen O'Grady, Stewart Stennett and John Ward.

32. DISCLOSURE OF INTERESTS (Agenda item 3.)

Councillor Julia Potts declared a non-pecuniary interest in the application for consideration because she was a member of Farnham Town Council. However, she had not taken part in any discussion at Farnham Town Council on this matter.

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

There were no questions from members of the public.

PART I – RECOMMENDATIONS TO THE COUNCIL

There were no matters raised under this heading.

Background Papers

The background papers relating to the following item in Part II are specified in the agenda for the meeting of the Joint Planning Committee.

PART II – Brief summaries of other matters dealt with

34. APPLICATIONS FOR PLANNING PERMISSION (Agenda item 5.)
35. WA/2014/1603 - LAND AT RIVERSIDE, FARNHAM (Agenda item 5.1)

Application under Regulation 3 for the construction of an additional car park for a temporary period together with associated works (as amended by addendum to Flood Risk Assessment dated 06/10/2014) This application is accompanied by an Environmental Statement.

The Chairman introduced the Officers present and referred Members to the proposed order of business for the meeting. With reference to the report circulated with the agenda, Officers presented a summary of the planning history of the site, outlining the detail of the previous permission WA/2007/1967, and the current plans and proposals. Officers showed pictures of the application site and indicated to Members indicative locations of proposed lighting columns.

Officers outlined the matters of principle/technical judgement and those matters of judgement and advised members of information received following the agenda being published and detailed in the update sheet. This included a further 40 representations but these did not raise any additional material considerations.

Following the officers presentation and before the Committee debated the application, in accordance with the guidance for public participation at meetings, each party was given the opportunity to speak for up to 5 minutes. The following people spoke to the application:

Objectors

Mr Jerry Hyman

Farnham Town Council

Cllr David Beaman

Having heard the Officers' presentation and specific details on the layout of the car park as well as the representations from the objectors and the Town Council, Members were invited to ask any further questions or to seek clarification on areas of concern from the officers.

The Committee raised concern about whether or not work on the site had already commenced and also expressed concern about the possibility of flooding on the site and whether it was lawful. Members were advised that the Environmental Statement satisfactorily addresses the potential cumulative effects of both the proposal and the implementation of the Brightwells scheme. Certain elements (tennis courts, pavilion and footpath/cycle path) of planning permission WA/2007/1967 had lawfully commenced on site and construction of the car park had not.

The Committee noted that the FRA July 2014 and Addendum FRA October 2014 satisfactorily addressed flood risk on the site. A Flood Compensation Scheme had also already been previously agreed for the site under planning permission WA/2007/1967 and the Environment Agency had outlined that it remained satisfied

this scheme was still appropriate for the site and that no flood modelling changes had occurred in the area since the scheme was previously agreed. Furthermore, to address a Members concerns about the loss of grassland, officers advised that an up-to-date Ecological Survey dated May 2014 provided an assessment of the site for the presence of protected species.

Having concluded its deliberations, the Joint Planning Committee **RESOLVED** that: planning permission be **APPROVED** with the following conditions and informatives:

1. The materials to be used in the construction of the external surfaces of the development hereby permitted shall be those as described in the application on drawing number 13777 TP-003 A, unless otherwise first agreed in writing by the Local Planning Authority.
2. The development hereby permitted shall be carried out in accordance with the approved Flood Risk Assessment (FRA) dated 10 July 2014 and FRA Addendum dated 6 October 2014 prepared by Peter Brett Associates and the submitted flood storage compensation scheme, drawing number 15009/001. The flood storage compensation scheme drawing number 15009/001 shall be implemented and thereafter maintained as agreed for the lifetime of the development.
3. Prior to the temporary use for the proposed development expiring on the date stated by the Local Planning Authority a scheme for the restoration and landscaping of the land shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall incorporate the approved flood storage compensation scheme and not raise land levels unless otherwise agreed in writing by the Local Planning Authority. The restoration and landscaping scheme shall subsequently be implemented and maintained as agreed.
4. No development shall take place until a scheme for the provision and management of a minimum 8 metre wide buffer zone alongside the River Wey shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the Local Planning Authority. The buffer zone scheme shall be free from built development including lighting, domestic gardens and formal landscaping and could form a vital part of green infrastructure provision. The scheme shall include:
 - plans showing the extent and layout of the buffer zone. The 8m must be measured from the edge of the development to the top of the river bank;
 - details of any proposed planting, which should be of appropriate native species of UK provenance;
 - details demonstrating how the buffer zone will be protected during development;
 - details demonstrating how the buffer zone will be managed/maintained over the longer term;
 - details of any proposed new footpaths, fencing, lighting etc.
5. The artificial lighting scheme hereby permitted should be directed away from the river corridor and buffer zone, and should be focused with shields and lighting levels shall be 2 Lux or less at ground level within the designated buffer zone.

6. Within 6 months of the public car parking on the Brightwells scheme (Land at East Street - application reference WA/2012/0912) being completed and being made available for use, or within 5 years of the date of this decision, whichever is the sooner, the car parking hereby permitted shall be removed and the land restored or landscaped in accordance with a scheme which shall have been previously submitted to and approved in writing by the Local Planning Authority. The land shall be restored or landscaped in full accordance with the agreed details.
7. Prior to first use of the car park hereby permitted a flood risk management plan shall be submitted to and approved in writing by the Local Planning Authority. The agreed management plan shall be implemented in accordance with the approved details.
8. Prior to first use of the car park, 6 disabled car parking spaces shall be provided and thereafter retained for the life of the development.
9. No development shall take place until details have been submitted to and approved in writing by the Local Planning Authority showing any proposed fencing boundary treatment. The development shall be carried out in strict accordance with the approved details.
10. Prior to the commencement of development a detailed surface water drainage scheme shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme.
11. The plan numbers to which this permission relates are 15857-TP 001, 13777 TP-003 A, ME001, ME002 P1. The development shall be carried out in accordance with the approved plans. No material variation from these plans shall take place unless otherwise first agreed in writing with the Local Planning Authority.

Informatives

1. "IMPORTANT" This planning permission contains certain conditions precedent that state 'before development commences' or 'prior to commencement of any development' (or similar). As a result these must be discharged prior to ANY development activity taking place on site. Commencement of development without having complied with these conditions will make any development unauthorised and possibly subject to enforcement action such as a Stop Notice. If the conditions have not been subsequently satisfactorily discharged within the time allowed to implement the permission then the development will remain unauthorised.
2. There is a fee for requests to discharge a condition on a planning consent. The fee payable is £97.00 or a reduced rate of £28.00 for household applications. The fee is charged per written request not per condition to be discharged. A Conditions Discharge form is available and can be downloaded from our web site. Please note that the fee is refundable if the Local Planning Authority concerned has failed to discharge the condition by 12 weeks after receipt of the required information.
3. The applicant is advised to include the following measures during the construction phase: Site activities:

- Minimise dust generating activities
- Use water as a dust suppressant where applicable o Keep any stockpiles for the shortest possible time

Construction traffic:

- Where possible vehicles should switch off engines - no idling vehicles
- All loads entering or leaving the site should be covered
- All non road mobile machinery (NRMM) to use ultra low sulphur tax-exempt diesel (ULSD) where available.

4. Under the terms of the Water Resources Act 1991, and the Thames Land Drainage Bylaws (1981, as amended), prior written consent of the Environment Agency is required for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of the Wey designated a 'main river'. This is a separate process from seeking planning permission.

5. The County Highway Authority advises that the existing ramp on the approach to the existing car park from Mike Hawthorn Drive should be provided with 'ramp warning' markings; with all other white lining within Mike Hawthorn Drive refreshed.

6. The County Highway Authority advises that the temporary car parking spaces should be decommissioned in a way that either retains some of the proposed parking spaces for users of the tennis courts, or provides a means of pedestrian access from the existing car park to the Tennis Courts.

7. The applicant is advised to consider the erection of additional car park directional signage on Dogflud Way and Mike Hawthorn Drive in order to maximise the use of the temporary car parking during the construction of the Brightwells development.

8. The applicant is advised that it is an offence to obstruct or divert the route of a right of way unless carried out in complete accordance with appropriate legislation.

9. Thames Water recommend that petrol/oil interceptors be fitted in all car parking/washing/repair facilities. Failure to enforce the effective use of petrol/oil interceptors could result in oil-polluted discharges entering local watercourses.

10. The applicant is reminded that it is an offence to disturb protected species under the Wildlife and Countryside Act 1981. Should a protected species be found during the course of the works, the applicant should stop work and contact Natural England for further advice on 0845 600 3078.

11. The Council confirms that in assessing this planning application it has worked with the applicant in a positive and proactive way, in line with the requirements of paragraph 186-187 of the National Planning Policy Framework 2012.

The meeting commenced at 7.00 pm and concluded at 7.45pm

Chairman

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WAVERLEY BOROUGH COUNCIL

MINUTES OF THE JOINT PLANNING COMMITTEE - 17 NOVEMBER 2014

SUBMITTED TO THE COUNCIL MEETING – 9 DECEMBER 2014

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

Present

Cllr Brian Ellis (Chairman)	Cllr Simon Inchbald
Cllr Maurice Byham (Vice Chairman)	Cllr Peter Isherwood
Cllr Brian Adams	Cllr Bryn Morgan
Cllr Paddy Blagden	Cllr Stephen Mulliner
Cllr Mary Forszewska	Cllr Jane Thomson
Cllr Richard Gates	Cllr Nick Williams
Cllr Michael Goodridge	

Apologies

Cllr Elizabeth Cable, Cllr Stephen Hill, Cllr Julia Potts, Cllr Stefan Reynolds and Cllr John Ward

38. MINUTES (Agenda item 1.)

The Minutes of the Meeting held on 12 November 2014 were confirmed and signed.

39. APOLOGIES FOR ABSENCE (Agenda item 2.)

Apologies for absence were received from Councillors Elizabeth Cable, Stephen Hill, Julia Potts, Stefan Reynolds and John Ward.

40. DISCLOSURE OF INTERESTS (Agenda item 3.)

There were no interests raised under this heading.

PART I - RECOMMENDATIONS TO THE COUNCIL

There were no matters raised under this heading.

BACKGROUND PAPERS

The background papers relating to the following item in Part II are specified in the agenda for the meeting of the Joint Planning Committee.

PART II - BRIEF SUMMARIES OF OTHER MATTERS DEALT WITH

41. APPLICATIONS FOR PLANNING PERMISSION (Agenda item 5.)

42. WA/2014/1047 - FIRST CHURCH OF CHRIST SCIENTIST, OCKFORD ROAD, GODALMING (Agenda item 5.1)

Erection of new building to provide 31 retirement apartments with communal facilities and associated parking and the erection of a replacement church building with associated parking, following demolition of existing church building (as amplified by letter dated 24/07/2014 and as amended by plans received 08/09/2014 and email dated 27/10/2014).

- 42.1 The Committee received an introduction from officers setting out the planning history and differences with a previous proposal. The Committee was advised that an identical scheme had been dismissed at appeal and the decision was therefore a material consideration in the current determination of the planning application.
- 42.2 The appeal was made against non-determination of the application and the Council's appeal statement had set out that had the application been determined, it would have been refused on four grounds relating to the loss of employment land, the proposal being detrimental to the area, failing to comply with infrastructure contributions and not making provision for affordable housing.
- 42.3 The Inspector had dismissed the appeal because the application did not contribute sufficiently towards affordable housing or infrastructure provision however the Inspector did accept all other aspects of the proposed development indicating that an identical scheme, with a greater commuted sum for affordable housing and infrastructure would be acceptable.
- 42.4 The Committee expressed concern that the design of the proposals were not adequate for the area and that the input from local members could not be taken into account. However, it was noted that no objections had been received from local residents on the grounds of design and that the views of the Planning Inspector were a material consideration which would be taken into account by any future Inspector.
- 42.5 The Committee noted that more time would be required to finalise the legal agreement and agreed to extend the date in the agenda papers by one month to 20.12.14.
- 42.6 Having concluded its deliberations, the Joint Planning Committee RESOLVED that, subject to the consideration of the views of the Environment Agency by 17/11/2014 and to the receipt of a suitable legal agreement to secure infrastructure contributions and affordable housing contributions by 20/12/2014, and subject to the following conditions, permission be GRANTED:-
1. Condition
Unless agreed in writing by the Local Planning Authority, the permission hereby granted shall be carried out in accordance with the following approved drawings - Drawing numbers: 10-1825-OS, 047.0007.100 Rev P3, 10-1905-100, 10-1905-101 Rev A, 10-1905-102, 10-1905-103, part superseded 10-1905-104, 10-1905-106 Rev A, 7993/01, part superseded 7993/02, MCS500/DRg 01 Rev B, 1330, 226 001, 226-100, 226-101, 226-102, 01 Rev A, 1330 and PP/2949/M&S/2013.

2. Condition

- a) No works or development shall take place until full details of both hard and soft landscape proposals have been submitted to and approved by the Local Planning Authority. These details shall include, as appropriate:
- (i) proposed finished levels or contours;
 - (ii) hard surfacing materials;
 - (iii) planting materials;
 - (iv) planting plans;
 - (v) written specifications (including cultivation and other operations associated with plant and grass establishment);
 - (vi) schedules of plants, noting species, planting sizes and proposed numbers / densities where appropriate;
 - (vii) implementation timetables

b) All hard and soft landscape works shall be carried out in accordance with the approved details and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised Codes of Good Practice. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.

3. Condition

No persons under the age of 60 years of age and or a partner of 55 years shall occupy any of the retirement living units hereby permitted with the exception of guests and / or warden(s), unless otherwise agreed in writing by the local planning authority.

4. Condition

No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

5. Condition

No hardstanding shall be laid until samples of the materials to be used in the construction of the hard surface areas of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

6. Condition

Prior to commencement of any works on site, demolition or other development activities, a scheme of tree protection (in line with BS 5837:2012 Trees in relation to design, demolition and construction - Recommendations) shall be submitted to and agreed by the Local Planning Authority in writing. Where relevant, such scheme shall also take "off site" trees into consideration. The Local Authority Tree and Landscape Officer shall be informed of the proposed commencement date a

minimum of two weeks prior to that date to allow inspection of protection measures before commencement. The agreed protection to be kept in position throughout the development period until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without written consent of the Local Planning Authority.

7. Condition

Before work begins, cross sections/details indicating the proposed finished ground levels, surface materials including sub-base and depth of construction and method/materials used for edging, within protected zone around retained trees shall be submitted and approved in writing by the Local Planning Authority.

8. Condition

Prior to commencement of any works on site, details of any services to be provided or repaired including drains and soakaways, on or to the site, shall be submitted to and approved by the Local Planning Authority in writing and shall be carried out as shown. This requirement is in addition to any submission under the Building Regulations. Any amendments to be agreed with the Local Planning Authority in writing.

9. Condition

Prior to commencement of any works on site, demolition or other development activities, space shall be provided and clearly identified within the site or on other land controlled by the applicant to accommodate:

1. Parking of vehicles of site personnel, operatives and visitors.
2. Loading and unloading plant and materials.
3. Storage of plant and materials including demolition arisings.
4. Cement mixing.

The space referred to above and access routes to them (if not existing metalled ones) to be minimally 8 metres away from mature trees and 4 metres from hedgerows, or as may otherwise be agreed in writing by the Local Planning Authority.

10. Condition

Notwithstanding details already submitted with the application, no development, including demolition works, shall start on site until an Arboricultural Method Statement (AMS) detailing low impact methods of demolition and construction and other tree protection measures within the root protection area (RPA) of all retained trees, has been submitted to and approved in writing by the local Planning Authority.

This statement to include specifications for detail and type of no dig path and road construction and a scheme of arboricultural supervision, in accordance with BS5837:2012 Trees in relation to design, demolition and construction – Recommendations for all works within the RPA of retained trees and to report to this Planning Authority, the status of all tree works and tree protection measures throughout the course of the development. The frequency of that supervision, monitoring and reporting shall relate to the phasing of the development and shall be

agreed at the time of a pre-commencement site meeting between the Tree Officer, appointed arboriculturist and Site Manager.

The development shall then be carried out strictly in accordance with the approved AMS and this condition shall not be discharged before a satisfactory arboricultural completion statement is submitted to the local Planning Authority and approved in writing on completion of the whole development.

11. Condition
Prior to the first occupation of any residential units on the site, the proposed bin stores, as shown on the approved plans shall be constructed and available for use by residents, unless otherwise first agreed in writing by the Local Planning Authority.
12. Condition
No floodlighting or other form of external lighting scheme shall be installed unless it is in accordance with details which have previously been submitted to and approved in writing by the Local Planning Authority. Such details shall include location, height, type and direction of light sources and intensity of illumination. Any lighting, which is so installed, shall not thereafter be altered without the prior consent in writing of the Local Planning Authority other than for routine maintenance that does not change its details.
13. Condition
No trade refuse shall be burnt or otherwise disposed of on the site.
14. Condition
The development shall be carried out in strict accordance with the recommendations set out in section 8.0 of the Phase 1 Report, including the biodiversity enhancements detailed in subsections 8.2-8.5.
15. Condition
No development shall take place until the applicant has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority.
16. Condition
Before the development is first occupied the proposed vehicular access to Ockford Road (A3100) shall be constructed and provided with visibility splays in accordance with the approved plans all to be permanently maintained to a specification to be agreed in writing with the Local Planning Authority and the visibility splays shall be kept permanently clear of any obstruction between 0.6m and 2.0m above ground level.
17. Condition
Before the proposed vehicular access is first brought into use the existing accesses from the site to Ockford Road (A3100) shall be permanently closed and the kerbs/footway fully reinstated by the applicant, in a manner to be agreed in writing with the Local Planning Authority.

18. Condition
Before the development is first occupied the off-site highway works, comprising realignment of the public footway and creation of a lay-by for use by service vehicles, shall be constructed in general accordance with Drawing No. 10-1905-101.
19. Condition
No new development shall be occupied until space has been laid out within the site in accordance with the approved plans for cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. The parking/turning area shall be used and retained exclusively for its designated purpose.
20. Condition
No development shall start until a Method of Construction Statement, to include details of:
- (a) parking for vehicles of site personnel, operatives and visitors
 - (b) loading and unloading of plant and materials
 - (c) storage of plant and materials
 - (d) programme of works (including measures for traffic management)
 - (e) provision of boundary hoarding behind any visibility zones
- has been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented during the construction period.
21. Condition
No new development shall be occupied until space has been laid out within the site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority to provide:
- (a) Secure cycle parking
 - (b) Information for residents, staff and visitors regarding public transport, walking and cycling
- to the satisfaction of the Local Planning Authority and shall thereafter be permanently maintained.
22. Condition
No machinery or plant shall be operated, no process carried out and no demolition/construction related deliveries taken at or dispatched from the site except between the hours of 08:00 to 18:00 Monday to Friday, 08.00 to 13.00 on Saturday, and not at any time on Sundays, Bank or Public Holidays.
23. Condition
The commencement of the development shall not take place until a programme for the suppression of dust during the demolition of existing buildings and construction of the development has been submitted to and approved in writing by the Local Planning Authority. The measures approved shall be employed throughout the period of construction unless any variation has been approved by the Local Planning Authority.
24. Condition
The development permitted by this planning application shall be carried out in strict accordance with the approved Flood Risk Assessment (FRA) dated November 2013.

25. Condition

Prior to the commencement of development, a scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall detail a working method statement relating to the protection of the 8m wide buffer zone adjacent to the riverbank, throughout the construction process. The development shall be carried out in strict accordance with the approved details

26. Condition

Prior to the commencement of development revised plans, to show the correct and consistent layout of the development to the rear of the site (the plans to be revised are: 10-1905-108, 10-1905-107 and 10-1905-105 shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details.

Informatives

1. "IMPORTANT" This planning permission contains certain conditions precedent that state 'before development commences' or 'prior to commencement of any development' (or similar). As a result these must be discharged prior to ANY development activity taking place on site. Commencement of development without having complied with these conditions will make any development unauthorised and possibly subject to enforcement action such as a Stop Notice. If the conditions have not been subsequently satisfactorily discharged within the time allowed to implement the permission then the development will remain unauthorised.
2. The applicant's attention is drawn to the requirements of the Environmental Protection Act 1990 and the Clean Air Act 1993 with regard to burning on site. A Statutory Nuisance may be caused by smoke and ash from fires or noise from the cutting or chipping trees. In addition, air quality could be adversely affected on large projects. The granting of this planning permission does not permit a statutory nuisance to be caused and advice should be sought from the Environmental Protection team or the Waverley Website prior to the commencement of works. The Environment Agency should also be contacted regarding Exemption Permits to burn on site.
3. There is a fee for requests to discharge a condition on a planning consent. The fee payable is £97.00. The fee is charged per written request not per condition to be discharged. A Conditions Discharge form is available and can be downloaded from our web site.

Please note that the fee is refundable if the Local Planning Authority concerned has failed to discharge the condition by 12 weeks after receipt of the required information.

4. The Local Planning Authority shall be informed, in writing (for the attention of the Planning Obligations Officer), of the proposed commencement date of development a minimum of 14 days prior to that commencement date, in accordance with Section 4.1.2 of the Unilateral Undertaking.

5. The applicant is advised that payment of the Planning Infrastructure Contribution within 28 days of commencement of work should be marked for the attention of the Planning Obligations Officer (cheques should be made payable to Waverley Borough Council), in accordance with Section 6.1 of the Unilateral Undertaking.

Please note that this is a requirement of the agreement and no invoice will be sent at this stage.

6. The Council confirms that in assessing this planning application it has worked with the applicant in a positive and proactive way, in line with the requirements of paragraph 186-187 of the National Planning Policy Framework 2012.
7. This permission creates one or more new units which will require a correct postal address. Please contact the Street Naming & Numbering Officer at Waverley Borough Council, The Burys, Godalming, Surrey GU7 1HR, telephone 01483 523029 or e-mail waverley.snn@waverley.gov.uk

For further information please see the Guide to Street and Property Naming on Waverley's website.

8. The planning permission hereby granted followed the completion of a related Planning Obligation (either a Unilateral Undertaking or a Legal Agreement) under S.106 of the Town and Country Planning Act (as amended).
9. The applicants' attention is drawn to the letter from Natural England dated 01 July 2014, attached to this decision notice, and the suggested biodiversity enhancements therein.
10. The applicants' attention is drawn to the letter from the Surrey Wildlife Trust dated 19 December 2013 (in relation to WA/2013/1985), attached to this decision notice, and the suggested biodiversity enhancements therein.

In the event that the requirements of the above permission were not met, the Joint Planning Committee RESOLVED to REFUSE planning permission for the following reasons:

1. Reason

The application fails to comply with the Waverley Borough Council Infrastructure Contribution SPD (April 2008) and therefore the proposal conflicts with Policies D13 and D14 of the Waverley Borough Council Local Plan 2002.

2. Reason

The development does not make provision for affordable housing in accordance with Government Guidance and Policy H5 of the Waverley Borough Local Plan 2002. The justification for the under provision proposed is considered to not outweigh the wider concerns relating to this under provision of affordable housing.

Informatives

1. The plan numbers relevant to this decision are 10-1825-OS, 047.0007.100 Rev P3, 10-1905-100, 10-1905-101 Rev A, 10-1905-102, 10-1905-103, part superseded 10-1905-104, 10-1905-106 Rev A, 7993/01, part superseded

7993/02, MCS500/DRg 01 Rev B, 1330, 226 001, 226-100, 226-101, 226-102, 01 Rev A, 1330 and PP/2949/M&S/2013.

The meeting commenced at 7.00 pm and concluded at 7.28 pm

Chairman

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WAVERLEY BOROUGH COUNCIL

MINUTES OF THE AUDIT COMMITTEE - 19 NOVEMBER 2014

SUBMITTED TO THE COUNCIL MEETING - 9 DECEMBER 2014

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

Present

Cllr Richard Gates (Chairman)

Cllr Wyatt Ramsdale (Vice Chairman)

Cllr Jenny Else

Cllr Tony Gordon-Smith

Cllr Stephen Hill

Cllr Peter Isherwood

Apologies

Cllr Stewart Stennett

Also Present

Dominic Bradley from Grant Thornton

28. MINUTES (Agenda item 1.)

RESOLVED that the minutes of the meeting held on 17 September be confirmed and signed.

29. APOLOGIES FOR ABSENCE (Agenda item 2.)

Apologies for absence were received from Councillor Stewart Stennett.

30. DISCLOSURE OF INTERESTS (Agenda item 3.)

There were no interests declared under this heading.

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

There were none.

PART I - RECOMMENDATIONS TO THE COUNCIL

32. REVISED GOVERNANCE POLICIES (Agenda item 8.)

The Committee received updated versions of four governance policies which are set out at Annexes 1-4 to these minutes, as follows:-

- Annexe 1 Whistleblowing Policy
- Annexe 2 Corporate Anti-Fraud, Corruption and Bribery Policy
- Annexe 3 Prosecution Policy
- Annexe 4 Anti-Money Laundering Policy and Guidance

The Committee noted that the majority of changes were minor, reflecting changes in legislation and the organisational restructure affecting job titles and positions. The whistleblowing policy had also been clarified to ensure that any concerns relating to Member conduct should be reported to the Monitoring Officer.

The policies would continue to be reviewed annually by officers and where necessary be presented to the Audit Committee to be endorsed.

Members were pleased that these policies were in place, and asked officers to ensure they were thoroughly publicised to all staff. Officers reassured the Committee that the updated policies would be disseminated to relevant staff and that all new members of staff were briefed on these policies as part of the induction process.

The Committee

RECOMMENDS that:

- 1. The revised policies set out in Annexes 1-4 to these minutes be approved and adopted; and**
- 2. Officers be instructed to cascade and publicise these documents to all staff.**

Background Papers

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

PART II - MATTERS OF REPORT

Background Papers

The background papers relating to the following report items in Part II are as specified in the agenda for the Audit Committee.

33. ANNUAL AUDIT LETTER 2013/14 (Agenda item 5.)

Dominic Bradley from Grant Thornton was present at the meeting and presented the Annual Audit Letter. He reported that it had been a good year for Waverley, and that Grant Thornton had issued an unqualified opinion on the Council's 2013/14 financial statements and an unqualified value for money conclusion.

The Committee was very pleased with the content of the letter, and asked that their thanks be passed on to officers in the finance team. Members also asked officers to issue a press release explaining that Waverley had received excellent audit findings.

It was noted that Waverley's external audit team within Grant Thornton, Emily Hill and Dominic Bradley, were being rotated and that the Council would be working with a new team next year. The Committee thanked Emily and Dominic for their work over recent years, and looked forward to working with the new team.

RESOLVED that:

1. The Annual Audit Letter be noted; and
2. Officers be asked to issue a press release explaining that Waverley had received excellent audit findings.

34. PROGRESS ON THE IMPLEMENTATION OF INTERNAL AUDIT RECOMMENDATIONS (Agenda item 6.)

The Committee received the report outlining internal audit recommendations overdue or due within the next month. The Internal Audit Client Manager circulated an updated version of Annexe 1 to the report which contained updates from officers since the agenda had been published.

It was noted that most of the internal audit recommendations arose as good practice in areas of risk and did not necessarily mean that there had been any incidents in these areas.

In relation to recommendation IA14/18.004 (sundry debtors) it was noted that the Agresso consultants were now on site and the Head of Finance reassured the Committee that the recommendation would be completed on time. The financial regulations (recommendation IA14/18.005) had been updated to reflect the changes in job titles and would also be updated to include reference to InTend, Waverley's new e-tendering system. The updated financial regulations would need to be approved by Council and the Head of Finance would ensure that this was done as soon as possible.

Annexe 2 to the report contained a note of progress made by officers in response to recommendations raised by the external auditors. The Head of Finance explained that the administration of Agresso and iTrent is linked to key senior officers within the finance team and therefore it would be difficult for someone in IT to solely hold the administration rights to these systems due to the complexity of the systems, however he assured the Committee that other mitigation measures were in place.

RESOLVED that:

1. The progress on the implementation of internal audit recommendations be noted; and
2. The progress made on the recommendations raised by the external auditors, Grant Thornton, be noted.

35. PROGRESS ON THE INTERNAL AUDIT PLAN FOR 2014/15 (Agenda item 7.)

The Committee received the report setting out the current position of the Internal Audit reviews detailed in the 2014/15 Audit Plan. The format of the report had been amended slightly to include a planned start date for each review, which Members found very useful.

RESOLVED that the progress for the Internal Audit Plan 2014/15 be noted.

36. RISK MANAGEMENT UPDATE (Agenda item 9.)

[This item contains exempt information by virtue of which the public is likely to be excluded during the item to which the report relates, as specified in Paragraph 3 of the revised Part 1 of Schedule 12A to the Local Government Act 1972, namely;-

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

The Committee received the report presenting the latest corporate risk registers as updated by heads of service. Members raised a number of questions about the detailed risk scenarios which were answered by officers.

RESOLVED that the revised corporate risk registers be noted.

37. EXCLUSION OF PRESS AND PUBLIC (Agenda item 10.)

At 6.15pm 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(s) 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 1001 of the Act) of the description specified in paragraph 7 of the revised Part 1 of Schedule 12A to the Local Government Act 1972, namely:

Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

38. INTERNAL AUDIT INVESTIGATION - UPDATE (Agenda item 11.)

The Committee received a verbal update from the Director of Finance and Resources on the latest position on an investigation.

The meeting commenced at 5.00 pm and concluded at 6.32 pm

Chairman

WHISTLE-BLOWING POLICY

**FOR RESIDENTS (MEMBERS OF THE PUBLIC),
STAFF (EMPLOYEES),
CONTRACTORS, PARTNERS
AND COUNCILLORS**

Part A: The Policy

Part B: Procedures for dealing with a report

Part C: Contact details

Part A: ~~THIS A POLICY IS INTENDED TO ENCOURAGE AND ENABLE ANYONE TO RAISE ISSUES OF CONCERN ABOUT RELATED TO SUSPECTED IMPROPER CONDUCT IN THE WAY WAVERLEY CARRIES OUT ITS OF THE COUNCIL'S BUSINESS.~~

Introduction

Waverley Borough Council ~~is committed~~ seeks to ~~ensure the proper~~ conducting of its business properly through the application of a range of procedures including its Contract Procedural Rules, Financial Regulations, and Codes of Conduct. These and other related procedures, which reinforces the Council's commitment to effective governance, the highest possible standards of openness, honesty and accountability and to encourage to embed an anti-fraud, anti-corruption and anti-bribery culture reinforcing Waverley's zero tolerance to fraud, corruption and bribery.

This policy supports that commitment by encouraging employees and others who may have serious concerns about any aspect of the Council's work to be able to raise those concerns in good faith, in confidence and without fear of recrimination.

~~Waverley The Council~~ is committed to dealing responsibly and professionally with any genuine concern raised about malpractice, be it danger to staff or the public, financial malpractice, breach of legal obligations or damage to the environment. ~~However, if any Waverley employee~~ The making of deliberately false or malicious allegations ~~by any employee of the Council~~ this will be regarded as a serious disciplinary offence.

This policy is in addition to the Council's complaints procedures and ethical standards framework for Councillors and other statutory reporting procedures. The Council acknowledges the legal protection, under the Public Interest Disclosure Act 1998, provided for employees who make disclosures about improper practice.

Aim of the Policy

~~The aim of T~~his Policy is intended to encourage anyone who may have concerns about improper conduct of the Council, elected Members or external organisations to disclose any allegation of malpractice within the Council, without fear of recrimination. This Policy is founded on the principle that service users and the public interest come first.

The Council's rules and procedures

~~The council has adopted a~~ number of rules and procedures ~~have been approved and adopted~~ to ensure the Council's business is properly monitored and controlled. They form part of the Council's internal control process and system of governance and it is important that all members and staff are aware of, and abide by, them.

The most important of these are:

~~Version 1 Approved by June 2008 Audit Committee~~

~~Version 2 Endorsed by Audit Committee on 22 November 2011, Agreed by Council on 13 December 2011~~

~~Version 3 Endorsed by Audit Committee on 20th November 2012~~

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- Codes of Conduct for Employees and [CouncillorsMembers](#)
- Financial Regulations
- Contract Procedure Rules
- Scheme of Delegation
- Employees' Conditions of Service [and Staff Code of Conduct](#)

The Financial Regulations require all cases of actual or suspected fraud, corruption, bribery and theft to be reported immediately to the Section 151 Officer ([Strategic Director for Finance and Resources](#)) who will inform the Internal Audit Client Manager. The Executive- Director, [Strategic-Director of Operations](#) and Heads of Service must ensure that all staff are aware of the reporting requirement.

Concerns involving Fraud, Corruption and Bribery

Concerns can be raised if there is a reasonable belief that one or more of the following has occurred:

- Gross mismanagement.
- Actions contrary to the [Codes](#) of [Conducts](#) relating to staff and Members of the council.
- Actions that are illegal, fraudulent and/or corrupt.
- Actions that compromise health and safety at work.
- The concealment of any of the previous matters.
- Similar behaviour not otherwise described.

Safeguards

Harassment or Victimisation

The Council recognises that the decision to report a concern can be a difficult one, not least because of the fear of reprisal from those responsible for the misconduct. The Council will not tolerate harassment or victimisation and will take all reasonable measures to protect those who raise a concern in good faith. This does not mean that, if you are an officer of the Council making the disclosure and are already the subject of disciplinary or redundancy procedures, these will be halted as a result of the disclosure.

Confidentiality

The Council will protect the identity of the person making the disclosure (wherever possible) where that Officer has requested that his or her name be kept confidential. During the course of an investigation, the Council will keep [to](#) a minimum [the](#) number of people aware of who raised the matter. However, it must be appreciated that the investigation process may reveal the name of the source of the information, and a statement by the officer making the disclosure may be needed as part of the evidence.

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Anonymous Allegations

This policy encourages those making a disclosure to put their name to the allegations. Concerns expressed anonymously are much less powerful, but they [may will](#) be considered at the discretion of the Council. In exercising that discretion, the factors to be taken into account would include:-

- I. the seriousness of the issue raised;
- II. the credibility of the concern; and
- III. the likelihood of confirming the allegation from attributable sources.

Untrue Allegations

If an allegation is made in good faith but is not confirmed by the investigation, no action will be taken against the officer making the disclosure. If, however, [a member of staff individuals](#) makes malicious or vexatious allegations, the allegations will not be taken further and disciplinary action may result. The judgement of whether an allegation is malicious or vexatious rests with the Internal Audit Client Manager, after consultation with other senior officers as necessary.

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Whistleblowing Policy Part B: Procedures for dealing with a report

How to report any concerns

You are advised in the first instance to report your suspicions to the Internal Audit Client Manager who manages the Council's Whistle-blowing arrangements, dealing with concerns that relate to members of staff, ~~elected Members of the Council~~ and other contractors/partners. Concerns can be reported by calling 01483 523333 and asking for one of the Council officers listed ~~in Part C of this policy below (whose direct lines are also shown below)~~ or alternatively by e-mailing them. Calls will be answered between 09.00 and 17.00 Monday to Thursday (09.00 to 16.45 on Fridays). If the person you call is not able to take your call, it will be possible to leave a message either on "Voicemail" or with the person answering your call. Reports can also be submitted using the web reporting facility on the Waverley web site www.waverley.gov.uk in "Report it" in ~~f~~Fraud and corruption. The more detailed the information provided will provide more assistance in ~~the~~ resolving any issues raised.

Letters can also be addressed to:

Internal Audit Client Manager
The Burys
Council Offices
Godalming
Surrey GU7 1HR

Alternatively your suspicions can be reported directly to the Executive Director, Section 151 Officer (~~Strategic Director~~ ~~offer~~ Finance and Resources) ~~or Strategic Director of Operations~~. The Internal Audit Client Manager may where necessary suggest that the matter be referred to third parties that may deal with issues of Member conduct, or the Police. [If the matter relates to a Councillor, you should contact the Monitoring Officer.](#)

[Anyone with concerns](#) ~~Everyone is advised that they~~ may, in confidence and without fear of recrimination, disclose ~~worries~~ concerns of suspected improper conduct at the levels set out below. Concerns are better raised in writing. You are invited to set out the background and history of the concern, giving as much information as possible including names, dates, vehicle details and places where possible, including contact details of the whistle blower to enable the investigating officer to clarify and verify the circumstances and the reason for raising this particular concern. ~~for why the situation has raised particular concern~~. If you feel unable to put a concern in writing, you can telephone or arrange to meet the appropriate officer. It may in some circumstances be necessary if the need arises for the complainant originator ~~to be called as a witness at a later date,~~ should the need arise.

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If you do not wish to go through this reporting mechanism, or you are unhappy with the outcome of any investigation undertaken, please feel free to contact any of the other external organisations listed in this policy.

Employees are advised that they may raise their concerns with other external organisations such as the Citizens' Advice Bureau, addresses and telephone numbers can be found in the telephone directory. Alternatively ~~the~~ 'Public Concern at Work' is a registered charity which is able to provide, free of charge, confidential and independent advice to people in these circumstances. Contact details for this organisation are included at the end of this policy.

How the Complaint will be dealt with

a) The Internal Audit Client Manager logs all reports and carries out a preliminary review in each case to determine the most appropriate course of action. The action will depend on the nature and seriousness of the concern, ~~and will also be logged.~~ Any matters which fall within the scope of other existing procedures (e.g. complaints or discrimination issues) will be dealt with under these procedures. Some concerns may be resolved by agreed action without the need for investigation. Matters to be investigated may be:

- dealt with internally by the Internal Audit Service or other specialists such as the Benefit Investigations Team, Human Resources Advisors or
- referred to the Police or other external agency.

The decision as to who shall complete the investigation will be made by the Internal Audit Client Manager in consultation with the Section 151 Officer and the Monitoring Officer.

Where an allegation is made against Senior Officers of the Council, including members of the Corporate Management Team, Section 151 Officer, Monitoring Officer, Head of Finance or the Internal Audit Client Manager, an appropriate body will be requested to complete the investigation, such as the Council's External Auditors.

b) Within **three working days** of a concern being received, the Council will contact the complainant, (if contact details are supplied):

- acknowledging that the concern has been received,
- indicating how it proposes to deal with the matter,

The Council may also ask for more information where this would assist in the investigation.

c) Investigations may result in recommendations for changes to procedures and systems which will be incorporated into action plans. Follow-up reviews will be carried out to ensure that recommendations are implemented.

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d) Investigations may lead to disciplinary action against employees conducted in accordance with the Council's Disciplinary Procedures. In this situation, the employee would be informed that the issue has been raised under the Whistleblowing Policy. This may be in addition to any legal proceedings instigated by the police.

e) Where appropriate the Internal Audit Client Manager will refer findings to the Police for investigation or review, after discussion with the Executive Director, Section 151 Officer or the Monitoring Officer.

f) If you raise a matter and then later decide to withdraw your concern, the Council will respect your wishes wherever possible. However, if the matter is assessed as serious, then the Council will, where it ~~is deemed~~ is deemed appropriate, continue to investigate, which may result in further evidence being required from you.

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Whistleblowing Policy part C: Contact Details

Internal Contact Details

Internal Audit Client Manager – Gail Beaton

Telephone: 01483 523260 e-mail: gail.beaton@waverley.gov.uk

Executive Director– Paul Wenham

Telephone: 01483-523238 e-mail: paul.wenham@waverley.gov.uk

~~Strategic~~ Director ~~of~~ Finance and Resources (Section 151 Officer) – Graeme Clark

Telephone: 01483-523099 e-mail: graeme.clark@waverley.gov.uk

~~Strategic~~ Director of Operations – Damian Roberts

Telephone: 01483-523418 e-mail: damian.roberts@waverley.gov.uk

Monitoring Officer – Robin Pellow

Telephone: 01483 523222 e-mail: robin.pellow@waverley.gov.uk

External Organisation Contact Details

Grant Thornton is the Council's external auditor, an independent body, which may be contacted if you feel that your suspicions of fraud or malpractice have not been satisfactorily dealt with through the internal route.

Grant Thornton

~~Iain G Murray~~~~Kathryn Sharp~~

Telephone:

~~0207772833281293 554130~~

~~Associate Director~~ ~~udit Manager~~

_____e-mail:

~~[iain.g.murray](mailto:iain.g.murray@uk.gt.com)~~~~Kathryn.E.Sharp@uk.gt.com~~

~~Grant Thornton House~~

~~Melton Street~~~~The Explorer Building~~

~~Euston Square~~~~Fleming Way~~

~~LONDON NW1 2EP~~~~Manor Royal~~

~~Gatwick~~

~~RH10 9GT~~

Public Concern at Work

3rd Floor, Banks Chambers

6-10 Borough High Street

London

SE1 9QQ

Whistleblowing Advice Line

Telephone: 0207 404 6609

General Enquiries 020 3117 2520

Fax 0207 403 8823

Website: www.pcaw.org.uk

E-mail

UK enquiries: whistle@pcaw.org.uk

UK Helpline: helpline@pcaw.org.uk

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Version 4 ~~Endorsed by~~ Presented to Audit Committee on 17th September 2013

Version 5 Presented to Audit Committee on 19th November 2014 ~~Due for Revision in 2014~~



UK Services: services@pcaw.org.uk

Any concerns relating to Housing Benefits can be reported confidentially on the Department Work and Pensions Fraud hotline: 0800-854-440.

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ANTI-FRAUD, CORRUPTION AND

BRIBERY STRATEGY

1 Introduction

- 1.1 Waverley Borough Council has a zero tolerance policy towards fraud, corruption and bribery. This commitment to preventing fraud and corruption is reinforced through the development and application of our 'Anti-Fraud, Corruption and Bribery Strategy', in order to prevent and minimise its occurrence. The Council creates a culture of risk mitigation by developing and cascading relevant policies and procedures to all organisations and individuals that it has any dealings with.

The Council is committed to maintaining an environment and culture that is based on the prevention of fraud, corruption and bribery, whether it is an attempt on the Council from outside or within, and is committed to an effective Anti-Fraud, Corruption and Bribery Strategy designed to:

- encourage prevention;
- promote detection; and
- identify a clear pathway for investigation of fraud, corruption and bribery.

- 1.2 The Council is dedicated to making sure that the opportunity for fraud, corruption and bribery is reduced to the lowest level of risk by having strong internal controls, processes and procedures that assist to limit the opportunity of fraud risks materialising. Where there is the possibility of fraud, corruption or bribery and other areas requiring investigation, the Council will deal with it in a professional and lawful manner.
- 1.3 The Council expects all people and organisations with whom it is in any way associated to be honest and fair in their dealings with us, our clients and customers. All parties should be prepared to provide any help, information and support needed to help combat fraud, corruption and bribery, and this expectation will be reflected within any contract between the Council and third parties.
- 1.4 The Council's expectation on propriety and accountability is that our elected Members and employees lead by example in ensuring adherence to legal requirements, rules, procedures and practices.
- 1.5 The Council's External Auditors have a responsibility to report on the adequacy of the Council's anti-fraud, anti-corruption and anti-bribery arrangements, as well as the power to carry out an independent investigation into fraud, corruption and bribery if the need arose.

2 Definition of Fraud , Corruption and Bribery

2.1 For the purpose of this policy:-

“Fraud” is defined as “the intentional distortion of financial statements or other records by persons internal or external to the Council carried out to conceal the misappropriation of assets or other gain”.

In addition, “fraud” can also be defined as *the intentional distortion of financial statements or other records by persons internal or external to the authority carried out to mislead or misrepresent the truth.*

“Corruption” is defined as “the offering, giving or soliciting or acceptance of an inducement or reward which may influence the action of any person”.

“Bribery” is “an inducement or reward offered, promised or provided in order to gain any commercial, contractual, regulatory or personal advantage”

The Bribery Act 2010 contains four offences:

- Offering, promising or giving a bribe (section 1)
- Requesting, agreeing to receive, or accept a bribe (section 2)
- Bribing a foreign official (section 6)
- Failing to prevent bribery (section 7)

It will also be taken to include failure to disclose an interest in order to gain financial or other pecuniary benefit.

3 Prevention

3.1 The Council has carefully considered its own internal corporate governance arrangements in order to regulate the actions of elected Members and employees and to ensure that appropriate procedures are in place to prevent fraud, corruption and bribery. A range of policy documents has been in existence for a number of years and **these** have been used to regulate and govern the Council’s business dealings. These include: -

- Financial Regulations
- Contract Procedure Rules (CPRs)
- Waverley Code of Conduct for Staff
- Whistleblowing Policy
- Waverley Local Code of Conduct for Members
- The Council’s Constitution
- Employees’ Conditions of Service
- IT **Acceptable Use Policy**
- Scheme of Delegation

Version 3 Endorsed by Audit Committee on 20 November 2012, Council on December 2012

Version 4 Endorsed by Audit Committee on 19th November 2014, presented to Council in December 2014

Due for Revision in 2016

- Any other Codes of Conduct adopted by the Council
- Members' Register of Interests and gifts and hospitality
- Staff register of gifts and hospitality.

These documents receive periodic review and are updated as appropriate.

3.2 As part of the requirements of the Codes of Conduct, Members and employees are formally reminded each year to declare any interests that they may have.

3.1 Individual Council Services are responsible for ensuring that there are adequate and appropriate controls in place to minimise the risk of fraud, corruption and bribery occurring. Examples include accounting control procedures, working manuals and operating procedures. Heads of Service are required to ensure that all staff have access to these rules and regulations and that staff receive suitable training in respect of them.

3.2 Heads of Service must ensure that suitable levels of internal controls are included in working practices, particularly where there is a financial element. It is important that duties are organised so that no one person can carry out a complete transaction without some form of checking process by another person being built into the system. In addition to the formal rules mentioned above each manager has a responsibility to implement systems of internal control to

- ensure adherence to Council Policies and directives in order to achieve the Council's objectives;
- safeguard assets;
- secure the relevance, reliability and integrity of information, so ensuring as far as possible the completeness and accuracy of records; and
- ensure compliance with statutory requirements.

3.2 The Council must ensure that proper procedures are followed in full when employing new staff. Where possible, the previous employment records of anyone we are considering employing must be checked. In particular jobs where risk of fraud, corruption and/or bribery is greater, further checks are necessary such as **with the Disclosure and Barring Service**. This applies to both temporary and permanent staff. The full procedures are as set out in the Council's Recruitment and Selection Procedures.

4 Combining with Others

4.2 The Council is committed to working and co-operating with other organisations to prevent organised fraud, corruption and bribery. Wherever possible, we will help and exchange information with other organisations to deal with fraud in accordance with appropriate legislation, including the Data Protection Act 1998, Freedom of Information Act 2000, Environmental

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Information Regulations 2004, Human Rights Acts 1998, Regulation of Investigatory Powers Act 2000, **Fraud Act 2006** and **the Prevention of Social Housing Fraud Act 2013**.

5 How the Council expects Members and employees to behave

- 5.1 The Council's Codes of Conduct for Members and employees set out an approach to work that is both honest and fair. Both Members and employees must act in line with the relevant Codes and the law at all times.
- 5.2 The Council is committed to tackling fraud, corruption and bribery in all areas. The Council recognises that both its staff and its Members are its ambassadors in its stance on fraud, corruption and bribery and they are therefore positively encouraged to raise any concerns that they may have on these issues. Such concerns will be treated in confidence and properly investigated. Victimising staff members or deterring them from raising a concern about fraud or corruption is a serious disciplinary matter. The Council's Whistleblowing Policy details the process that should be followed for reporting known or suspected fraud, corruption and bribery and how these will be investigated.
- 5.3 The Council will deal with all information fairly and confidentially. The Council will endeavour not to reveal the names of the people who give information unless their permission is given to do so.
- 5.4 The Council expects its Corporate Management Team to deal firmly and efficiently with anyone who is responsible for fraud, corruption or bribery. The **Executive Director** or **Director of Finance and Resources** in consultation with the Internal Audit Client Manager may refer matters to the Police if it is suspected that any criminal activity has been carried out.
- 5.5 The Council must ensure that any investigative process is not misused and, therefore, any abuse, such as raising unfounded malicious allegations, will be dealt with as a disciplinary matter.
- 5.6 If anyone is found to have breached these rules and regulations the appropriate formal action will be taken. This may include disciplinary action that could result in the ending of their employment with the Council (in respect of employees). In respect of elected Members, matters will be dealt with by the Council's Monitoring Officer. Where a contractor or subcontractor breaches the Council's policies on fraud, corruption and bribery which form part of the terms and conditions of the appropriate contract, the Council will **consider terminating** the contract forthwith.

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6 Detecting and Investigating Fraud, Corruption and Bribery

- 6.1 As the Council's Section 151 Officer, the **Director of Finance and Resources** has the overarching responsibility for the investigation of fraud and corruption. The Internal Audit Section has responsibility for all types of fraud and corruption investigations, with the exception of Housing Benefit and Council Tax Benefit fraud as the dedicated Benefit Investigations Team undertake this function.
- 6.2 All investigative work carried out by the Internal Audit Section will comply with the procedures contained in the Audit Manual and Fraud Response Plan. Investigating officers will receive the necessary training to carry out their work effectively. All proven cases of fraud, corruption or bribery will be reported to the Audit Committee and the Executive.
- 6.3 For cases relating to Housing and Council Tax Benefit fraud the action taken will follow the Local Government Fraud Manual, the Council's Housing Benefit Anti-Fraud Strategy and the Housing and Council Tax Benefit Fraud Prosecution Policy adopted by that service pertinent to relevant legislation. In all other instances of fraud, the action taken will follow the Council's corporate Prosecution Policy.
- 6.4 The Council believes that if it is to combat fraud, corruption and bribery effectively, it must pay due attention to prevention. It is therefore essential that clear rules and procedures are in place which Members, employees, consultants and contractors must work within. This includes those that are set out in Paragraph 3.1.
- 6.5 The Council's Codes of Conduct, Whistleblowing Policy and Financial Regulations require employees to report any suspected cases of fraud, corruption and bribery to the appropriate manager, or, if necessary, directly to the Internal Audit Client Manager. The Council's Whistleblowing Policy provides full guidance on reporting procedures. Reporting cases in this way is essential to the anti-fraud, corruption and bribery strategy and makes sure that:
- Suspected cases of fraud, corruption and bribery are investigated promptly and properly
 - The fraud response plan is followed
 - There is a standard process for dealing with all suspected cases of fraud, corruption and bribery; and
 - People and their interests are protected.
- 6.6 It is acknowledged to be the responsibility of senior management to prevent and detect fraud, corruption and bribery. However, it is often the alertness of employees, Members and the public to raise concerns that enables detection

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to occur and the appropriate action to take place when there is evidence that fraud, corruption or bribery may have been committed, or is in progress.

- 6.7 The Council's Whistleblowing Policy is intended to encourage anyone to raise any concerns they may have. Employees reporting in this way are afforded certain rights through legislation (Public Interest Disclosure Act 1998).
- 6.8 The Internal Audit Client Manager will work with the Corporate Management Team and the Borough Solicitor to decide on the type and course of the investigation. This will include referring cases to the Police where necessary. The Council will prosecute offenders and invoke its disciplinary procedures where appropriate, ensuring that any internal proceedings do not prejudice any criminal case. All investigations will be carried out in accordance with the principles contained within the Code of Conduct for Investigators attached as Appendix A.

7 Training

- 7.1 The Council recognises that the continuing success of its Anti-Fraud, Corruption and Bribery Strategy and its general credibility and reputation will depend largely on the effectiveness of programmed training and the responsiveness of employees throughout the organisation. Therefore, proper training is essential, particularly for employees involved in internal control systems. However, induction programmes are provided to all staff and members to give a basic level of awareness.
- 7.2 The investigation of fraud, corruption and bribery centres on the Council's Internal Audit Service and the Benefit Investigations Team. It is necessary, therefore, that employees involved in this work should be properly and regularly trained; the training plans of these employees will reflect this requirement.

8 Conclusion

- 8.1 The Council is committed to tackling fraud, corruption and bribery whenever it happens within its business dealings. It will be robust in dealing with financial malpractice and will deal swiftly and thoroughly with any Councillor, member of staff, contractor or member of the public who attempts to defraud the Authority or who are thought to be corrupt, through the awarding of a bribe or the acceptance of a bribe. The Council's response will be as effective and organised as possible and will enact the principles included in this document.
- 8.2 The Council will continue to review its rules and procedures to ensure that this strategy document remains effective in the combat of fraud, corruption and bribery.

Code of Conduct For Investigators

Introduction

This Code of Conduct relates to the staff conduct, responsibilities and duties of Investigating Officers (IO). Its aim is to outline the principles that guide the conduct of investigators whilst carrying out their duties.

This Code does not restrict the discretion of the Investigator, but aims to define the conduct on which their discretion should be exercised. It also applies to Investigators when not at work (where their actions may reflect on their integrity or professional status with regards to their employment).

Code of Conduct

The IO will act in accordance with the approved staff Code of Conduct.

1. The Officer must be aware he or she is an employee of the Council and act as a direct representative of the Council;
2. The Officer will perform the duties and undertake the responsibilities as specified in the Role Profile and Job Description of the relevant post in a professional and responsible manner.
3. Duties must be performed with no prejudices and in a manner showing courtesy to all concerned.
4. When carrying out duties the Officer must:-
 - a) Provide the highest standards of professionalism, integrity, confidentiality, financial propriety and personal conduct
 - b) Always work within the legal and regulatory frameworks affecting the practice and working of colleagues and never encourage, assist or act in collusion with any person who may be engaged in any improper or unlawful conduct.
 - c) Act honestly and fairly and in a courteous, polite and considerate manner towards any person they come into contact with in the performance of their duties.
 - d) Never knowingly mislead any person about the extent of their powers, the nature of representation or what can be competently delivered and achieved.
 - e) Never misuse their position or any information received during the course of their duties for any improper or unlawful gain or benefit, whether for themselves or another likely to bring the Council into disrepute, confidentiality must be obtained at all times.
 - f) Declare in writing to the Monitoring Officer any conflict of interest or circumstances which may give rise to one as soon as the conflict arises.
 - g) Disclose to the Monitoring Officer as appropriate any financial, business or personal interest they may have with any person or organisation with whom their duties bring them into contact.

- h) Carry out all work in an objective and impartial manner with particular regard to Waverley, and/or those contracting their services, equality and diversity policies and relevant equality legislation.
- i) Ensure any information or evidence is obtained or accessed in accordance with relevant legislation and codes of practice, including:
 - Fraud Act 2006
 - **Prevention of Social Housing Fraud Act 2013**
 - Theft Act 1968
 - Human Rights Act 1998
 - Police and Criminal Evidence Act 1984
 - Criminal Procedures and Investigations Act 1996
 - Regulation of Investigatory Powers Act 2000, and any related regulations
 - Data Protection Act 1998
 - Social Security Administration Act 1992
 - Social Security Fraud Act 2001
 - Race Relations Act 1976 and the Race Relations (Amendment) Act 2000
 - Equality Act 2010
 - Criminal Justice Act 1967 (and subsequent amendments)
 - Identity Card Act 2006
5. The Officer must perform duties in line with the Council's Anti-Fraud and Corruption Policy and all associated Corporate Anti-Fraud, Anti-Corruption and Anti-Bribery Strategy including related protocols, policies and plans.
6. The Officer must have due regard for their own health and safety and that of others in the course of business. The Officer will not be expected to take any action which may cause harm of a physical or mental condition to themselves or others;
7. The Officer will take all necessary precautions and follow the Council's Lone Worker Policy and the Health and Safety Policy to ensure safety when working alone and out of hours; where contact is made with a vulnerable person in the course of their duties, this must be reported to their line manager at the earliest opportunity complete with a written narrative describing the encounter.
8. The Officer must dress in a manner in line with corporate policy;
9. The Officer will be expected to maintain a high level of knowledge of relevant legislation and procedures to enable the duties to be performed at the required standard;
10. An Officer in breach of any of the above rules may be subject to the Disciplinary Procedures of the Council.

PROSECUTION POLICY

Waverley Borough Council has a zero tolerance policy towards fraud, corruption and bribery. This commitment to preventing fraud and corruption is reinforced through the development of the Council's 'Anti-Fraud, Anti-Corruption and Anti-Bribery Strategy' in order to prevent and minimise its occurrence.

The Council will constantly review and monitor its systems and amend procedures as required.

This policy does not supersede other internal disciplinary codes implemented by the Council, and internal offenders (e.g. Council employees or elected Members) will be subject to general disciplinary procedures in addition to potential prosecution. Where the offender is a contractor or subcontractor the Council would potentially prosecute, and this could result in the cessation of the relevant contract.

GENERAL

The Council's policy on fraud is to:

- ❖ Deter it in the first instance
- ❖ Detect it quickly
- ❖ Investigate it efficiently and in accordance with the law; and
- ❖ Prosecute offenders when appropriate
- ❖ Make it as easy as possible for staff, Members and the Public to report concerns

In order to prosecute;

- The evidence must be collected according to local procedures and in accordance with the necessary laws, which currently include the Police and Criminal Evidence Act 1984 (PACE), the Criminal Procedures Investigations Act 1996 (CPIA) and the Regulation of Investigatory Powers Act 2000 (RIPA).
- The Council must be satisfied that there is sufficient evidence to provide a 'realistic prospect of conviction', meaning that a jury or bench of magistrates or a judge hearing a case alone, properly directed in accordance with the law, is more likely than not to convict the defendant of the charge alleged.
- If there is sufficient evidence to provide a realistic prospect of conviction, the Council must also be satisfied that it is in the public interest to prosecute.

The Council will when considering a prosecution, and throughout the course of a case, always adhere to the principles contained in the Code for Crown Prosecutors issued by the Director of Public Prosecutions.

In most cases, the **Director of Finance and Resources** and the Internal Audit Client Manager, and where appropriate in consultation with the **Executive Director**, or another designated officer, will decide whether reporting the matter to the Police is appropriate. In exceptional circumstances the Internal Audit Client Manager may, after consultation with the Council's Borough Solicitor/**Legal Services**, refer a matter to the Police direct without prior consultation with the **Director of Finance and Resources** or the **Executive Director**. Cases will also be discussed with the Leader of the Council, and the relevant Portfolio Holder will be kept informed of progress.

In deciding whether a fraud should be reported to the Police, the following factors will be taken into consideration:

- The extent of the fraud/corruption in financial terms and how long the offence has lasted.
- The sufficiency and appropriateness of evidence.
- How the public interest will be best served.

In general, all cases will be reported to the Police. However, the decision as to whether to prosecute or not ultimately rests with the Police and the Crown Prosecution Service, although the Council reserves the right to instigate proceedings itself if it is considered necessary. Any action will be taken in accordance with underlying principles, which include the following:

- ❖ Each case will be examined on its own merits;
- ❖ All persons under suspicion will be treated fairly;
- ❖ Decisions will only be taken when the facts are known;
- ❖ The rules of Natural Justice will always prevail.

The Director of Finance and Resources (Section 151 Officer) in consultation with the Internal Audit Client Manager and the Borough Solicitor/**Legal Services**, will decide on the sanctions to be imposed should the case be deemed serious. These sanctions can include disciplinary action, criminal prosecution, civil litigation or referral to professional accredited bodies.

Special arrangements are made in respect of Housing Benefit and Council Tax Benefit fraud, for which a dedicated investigation team is employed. They operate to a separate Housing Benefit Anti-Fraud Strategy and a Housing and Council Tax Benefit Prosecution Policy, which embrace the principles of the Council's wider Anti-Fraud, Anti-Corruption and Anti-Bribery Strategy.

Publicity

The Council's aim, and statutory responsibility, is to prevent the waste, theft and fraud of public money. With that in mind the Council has in place a wide range of measures aimed at preventing fraud, corruption and bribery. These include measures to prevent and deter the commission of offences.

One such deterrent measure is the publication of details of convictions obtained by the Council. The publicity surrounding a conviction for fraud has two positive effects. First, it deters others who may be seeking to commit such offences, and second it generates confidence in the general public that the Council takes a serious view of fraud and is proactive in seeking to prevent it.

The Council will therefore consider publishing the name and address of each person convicted of fraud, together with details of the offence(s) in question. In reaching a decision as to whether to publish the name(s) and address(es), the Council will take the following factors into consideration:

- The specific details of the offence committed.
- The public interest in disclosing personal information (for example, the deterrent effect referred to above).
- Whether the publication would be proportionate.
- The personal circumstances of the offender.
- Whether any other person may be affected by the publication (for example, family members).

This list is not exhaustive and other factors may be relevant in the circumstances of each individual case.

When, having considered the above factors, it is considered appropriate to publish details of a conviction, the **Director of Finance and Resources**, as Section 151 Officer to the Council, will record the reasons for the publication, and the Monitoring Officer will maintain a central register of the records.

THIS POLICY IS NOT EXHAUSTIVE AND MAY BE SUBJECT TO CHANGE

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ANTI-MONEY LAUNDERING POLICY AND GUIDANCE

1.0 INTRODUCTION

1.1. The Proceeds of Crime Act 2002, the Terrorism Act 2000 and the Money Laundering Regulations 2007 place obligations on the Council and its employees to establish internal procedures to prevent the use of their services for money laundering.

2.0 SCOPE OF THE POLICY

2.1 This Policy applies to all employees of the Council and aims to maintain the high standards of conduct which currently exist within the Council by preventing criminal activity through money laundering. The Policy sets out the procedures which must be followed (for example the reporting of suspicions of money laundering activity) to enable the Council to comply with its legal obligations.

2.2 Further information is set out in the accompanying Guidance Note in Annexe A. Both this Policy and the Guidance Notes sit alongside the Council's Whistleblowing Policy and Anti-Fraud Anti-Corruption and Anti-Bribery Strategy.

2.3 Failure by a member of staff to comply with the procedures set out in this Policy may lead to disciplinary action being taken against them. Any disciplinary action will be dealt with in accordance with the Council's Disciplinary and Capability Procedure.

3.0 WHAT IS MONEY LAUNDERING?

3.1 Money laundering is the term used for a number of offences involving the proceeds of crime or terrorism funds. The following constitute the act of money laundering:

- concealing, disguising, converting, transferring criminal property or removing it from the UK (section 327 of the 2002 Act); or
- entering into or becoming concerned in an arrangement which you know or suspect facilitates the acquisition, retention, use or control of criminal property by or on behalf of another person (section 328); or
- acquiring, using or possessing criminal property (section 329).

These are the primary money laundering offences, and are therefore prohibited acts under the legislation. There are also two secondary offences: failure to disclose any of the three primary offences and tipping off. Tipping off is where someone informs a person or people who are, or who are suspected of being involved in money laundering, in such a way as to reduce the likelihood of their being investigated or prejudicing an investigation.

- 3.2 Potentially any member of staff could be caught by the money laundering provisions if they suspect money laundering and either become involved with it in some way and/or do nothing about it. The Guidance Note gives practical examples. This Policy sets out how any concerns should be raised.
- 3.3 Whilst the risk to the Council of contravening the legislation is low, ***it is extremely important that all employees are familiar with their legal responsibilities: serious criminal sanctions may be imposed for breaches of the legislation. The key requirement on employees is to promptly report any suspected money laundering activity to the Money Laundering Reporting Officer.***

4.0 WHAT ARE THE OBLIGATIONS ON THE COUNCIL?

- 4.1 Organisations conducting “relevant business” must:
- appoint a Money Laundering Reporting Officer (“MLRO”) to receive disclosures from employees of money laundering activity (their own or anyone else’s);
 - implement a procedure to enable the reporting of suspicions of money laundering;
 - maintain client identification procedures in certain circumstances; and
 - maintain record keeping procedures.
- 4.2 Not all of the Council’s business is “relevant” for the purposes of the legislation: it is mainly accountancy and audit services and the financial, company and property transactions undertaken by Legal Services. However, the safest way to ensure compliance with the law is to apply them to all areas of work undertaken by the Council; therefore, **all** staff are required to comply with the reporting procedure set out in section 6 below.
- 4.3 The following sections of this Policy provide further detail about the requirements listed in paragraph 4.1.

5.0 THE MONEY LAUNDERING REPORTING OFFICER

- 5.1 The officer nominated to receive disclosures about money laundering activity within the Council is the **Head of Finance, Peter Vickers**. He can be contacted as follows:

Peter Vickers
Head of Finance
Waverley Borough Council
Council Offices
The Burys
Godalming
Surrey
GU7 1HR

e-mail: peter.vickers@waverley.gov.uk

Telephone: 01483 523539

- 5.2 In the absence of the MLRO, the Internal Audit Client Manager, Gail Beaton, is authorised to deputise for him. Gail can be contacted at the above address or on telephone number 01483 523260 (direct line).

6.0 DISCLOSURE PROCEDURE

Cash Payments

- 6.1 No payment to the Council will be accepted in cash (including notes, coins or travellers' cheques in any currency) if it exceeds £5,000.

Reporting to the Money Laundering Reporting Officer

- 6.2 Where it is suspected that money laundering activity is taking/has taken place, or an employee becomes concerned that their involvement in a matter may amount to a prohibited act under the legislation, this must be disclosed as soon as practicable to the MLRO. The disclosure should be within "hours" of the information coming to the employee's attention, not weeks or months later. **SHOULD THIS NOT BE DONE, THEN THE EMPLOYEE MAY BE LIABLE TO PROSECUTION.**

6.3 Disclosure should be made to the MLRO using the pro forma report attached at Appendix 1 [to this policy and guidance](#). The report must include as much detail as possible, for example:

- Full details of the people involved (including the employee, if relevant), e.g. name, date of birth, address, company names, directorships, phone numbers, etc;
- Full details of the nature of involvement;
 - If the employee is concerned that their involvement in the transaction would amount to a prohibited act under sections 327 – 329 of the 2002 Act, then the report must include all relevant details, as the employee will need consent from the Serious Organised Crime Agency (SOCA), via the MLRO, to take any further part in the transaction - this is the case even if the client gives instructions for the matter to proceed before such consent is given.
 - The employee should therefore make it clear in the report if such consent is required and clarify whether there are any deadlines for giving such consent e.g. a completion date or court deadline;
- The types of money laundering activity involved:
 - if possible, cite the section number(s) under which the report is being made e.g. a principal money laundering offence under the 2002 Act (or 2000 Act), or general reporting requirement under section 330 of the 2002 Act (or section 21A of the 2000 Act), or both;
- The dates of such activities, including:
 - whether the transactions have happened, are ongoing or are imminent;
 - Where they took place;
 - How they were undertaken;
 - The (likely) amount of money/assets involved;
 - Why, exactly, you are suspicious – SOCA will require full reasons;

along with any other available information to enable the MLRO to make a sound judgment as to whether there are reasonable grounds for knowledge or suspicion of money laundering and to enable him to prepare his report to SOCA, where appropriate. Copies of any relevant supporting documentation should be enclosed.

6.4 Once the matter is reported to the MLRO, employees must follow any directions he may give. The employee **must NOT make any further enquiries into the matter themselves**: any necessary investigation will be undertaken by SOCA. All members of staff will be required to co-operate

with the MLRO and the authorities during any subsequent money laundering investigation.

- 6.5 Similarly, **at no time and under no circumstances should the employee voice any suspicions** to the person(s) suspected of money laundering, even if SOCA has given consent to a particular transaction proceeding, without the specific consent of the MLRO; otherwise a criminal offence of “tipping off” (see the Guidance Note for further details) may be committed.
- 6.6 No reference should be made on a client file to a report having been made to the MLRO – should the client exercise their right to see the file, then such a note will obviously tip them off to the report having been made and may render an employee liable to prosecution. The MLRO will keep the appropriate records in a confidential manner.

Consideration of the disclosure by the Money Laundering Reporting Officer

- 6.7 Upon receipt of a disclosure report, the MLRO must note the date of receipt on his section of the report and acknowledge receipt of it. He should also advise the employee of the timescale within which he expects to respond.
- 6.8 The MLRO will consider the report and any other available internal information he thinks relevant e.g.

- reviewing other transaction patterns and volumes;
- the length of any business relationship involved;
- the number of any one-off transactions and linked one-off transactions;
- any identification evidence held;

and undertake such other reasonable inquiries he thinks appropriate in order to ensure that all available information is taken into account in deciding whether a report to SOCA is required (such enquiries being made in such a way as to avoid any appearance of tipping off those involved). The MLRO may also need to discuss the report with the employee.

- 6.9 Once the MLRO has evaluated the disclosure report and any other relevant information, he must make a timely determination as to whether:
- there is actual or suspected money laundering taking place; or
 - there are reasonable grounds to know or suspect that is the case; and
 - whether he needs to seek consent from SOCA for a particular transaction to proceed.
- 6.10 Where the MLRO does so conclude, then he must disclose the matter as soon as practicable to SOCA on their standard report form and in the prescribed manner, unless he has a reasonable excuse for non-disclosure to SOCA (for example, a lawyer can claim legal professional privilege for not disclosing the information).
- 6.10.1 Where the MLRO suspects money laundering but has a reasonable excuse for non-disclosure, then he must note the report accordingly; he can then immediately give his consent for any ongoing or imminent transactions to proceed.
- 6.10.2 In cases where legal professional privilege may apply, the MLRO must liaise with the legal adviser to decide whether there is a reasonable excuse for not reporting the matter to SOCA.
- 6.10.3 Where consent is required from SOCA for a transaction to proceed, then the transaction(s) in question must not be undertaken or completed until SOCA has specifically given consent, or there is deemed consent through the expiration of the relevant time limits without objection from SOCA.
- 6.11 Where the MLRO concludes that there are no reasonable grounds to suspect money laundering then he shall mark the report accordingly and give his consent for any ongoing or imminent transaction(s) to proceed.
- 6.12 All disclosure reports referred to the MLRO and reports made by him to SOCA must be retained by the MLRO in a confidential file kept for that purpose, for a minimum of five years.
- 6.13 ***The MLRO commits a criminal offence if he knows or suspects, or has reasonable grounds to do so, through a disclosure being made to him, that another person is engaged in money laundering and he does not disclose this as soon as practicable to SOCA.***

7.0 CUSTOMER DUE DILIGENCE

- 7.1 Where the Council is carrying out certain 'regulated activities' then extra care needs to be taken to check the identity of the customer or client – this is known as carrying out Customer Due Diligence.
- 7.2 Customer due diligence means:
- (a) identifying the customer and verifying the customer's identity on the basis of documents, data or information obtained from a reliable and independent source;
 - (b) identifying, where there is a beneficial owner who is not the customer, the beneficial owner and taking adequate measures, on a risk-sensitive basis, to verify his identity so that the relevant person is satisfied that he knows who the beneficial owner is, including, in the case of a legal person, trust or similar legal arrangement, measures to understand the ownership and control structure of the person, trust or arrangement; and
 - (c) obtaining information on the purpose and intended nature of the business relationship.

7.2 The Regulations regarding customer due diligence are detailed and complex, but there are some simple questions that will help decide if it is necessary:

- Is the service a regulated activity (see 7.3)?
- Is the Council charging for the service i.e. is it 'by way of business'?
- Is the service being provided to a customer other than a UK public authority?

If the answer to any of these questions is **no** then there is no need to carry out customer due diligence.

If the answer to all these questions is **yes** then customer due diligence must be carried out before any business is undertaken for that client. If there is uncertainty whether customer due diligence is required then the MLRO should be contacted for advice.

- 7.3 Regulated activity is defined as the provision 'by way of business' of: advice about tax affairs; accounting services; treasury management, investment or other financial services; audit services; legal services; estate agency; services involving the formation, operation or arrangement of a company or trust or; dealing in goods wherever a transaction involves a cash payment of **£10,000** or more."

- 7.4 Where customer due diligence is required then evidence of identity must be sought, for example:
- checking with the customer's website to confirm their business address;
 - conducting an on-line search via Companies House to confirm the nature and business of the customer and confirm the identities of any directors;
 - seeking evidence from the key contact of their personal identity, for example their passport, and position within the organisation.
- 7.5 The requirement for customer due diligence applies immediately for new customers and should be applied on a risk sensitive basis for existing customers. Ongoing customer due diligence must also be carried out during the life of a business relationship but should be proportionate to the risk of money laundering and terrorist funding, based on the officer's knowledge of the customer and a regular scrutiny of the transactions involved.
- 7.6 If, at any time, it is suspected that a client or customer for whom the Council is currently, or is planning to carry out, a regulated activity is carrying out money laundering or terrorist financing, or has lied about their identity then this must be reported to the MLRO.
- 7.7 In certain circumstances enhanced customer due diligence must be carried out for example where:
- the customer has not been physically present for identification;
 - the customer is a politically exposed person;
 - there is a beneficial owner who is not the customer – a beneficial owner is any individual who: holds more than 25% of the shares, voting rights or interest in a company, partnership or trust.
- 7.8 Enhanced customer due diligence could include any additional documentation, data or information that will confirm the customer's identity and / or the source of the funds to be used in the business relationship / transaction. If it is believed that enhanced customer due diligence is required then the MLRO should be consulted prior to carrying it out.

8.0 RECORD KEEPING PROCEDURES

- 8.1 Each unit of the Council conducting relevant business must maintain records of:
- client identification evidence obtained; and
 - details of all relevant business transactions carried out for clients for at least five years. This is so that they may be used as evidence in any subsequent investigation by the authorities into money laundering.
- 8.2 The precise nature of the records is not prescribed by law however they must be capable of providing an audit trail during any subsequent investigation, for example distinguishing the client and the relevant transaction and recording in what form any funds were received or paid. In practice, the business units of the Council will be routinely making records of work carried out for clients in the course of normal business and these should suffice in this regard.
- 8.3 An electronic copy of every customer due diligence record must be sent to the MLRO to meet the requirements of the Regulations and in case of inspection by the relevant supervising body.

9.0 CONCLUSION

- 9.1 The legislative requirements concerning anti-money laundering procedures are lengthy and complex. This Policy has been written so as to enable the Council to meet the legal requirements in a way which is proportionate to the very low risk to the Council of contravening the legislation.
- 9.2 Any concerns whatsoever regarding any transactions should be reported to the MLRO.

10.0 FURTHER INFORMATION

- 10.1 Further information can be obtained from the MLRO and the following sources:

www.soca.gov.uk – website of the Serious and Organised Crime Agency

“Proceeds of Crime (Anti-Money Laundering) – Practical Guidance for Public Service Organisations” – CIPFA

“Anti-Money Laundering (Proceeds of Crime and Terrorism) – Second Interim Guidance for Accountants” – CCAB (**www.ccab.org.uk**)

Money Laundering Guidance at **www.lawsociety.org.uk**

SI 2007 No. 2157 The Money Laundering Regulations 2007 at:

http://www.hm-treasury.gov.uk/consultations_and_legislation/money_laundering_directive/consult_moneylaundering_2007.cfm

CONFIDENTIAL

Report to Money Laundering Reporting Officer

Re: Money Laundering Activity

To: Peter Vickers , Money Laundering Reporting Officer

From:

[insert name of employee]

Directorate:

[insert post title and Business Unit]

Ext/Tel No:

DETAILS OF SUSPECTED OFFENCE:

Name(s) and address(es) of person(s) involved:

[if a company/public body please include details of nature of business]

Nature, value and timing of activity involved:

*[Please include full details e.g. what, when, where, how.
Continue on a separate sheet if necessary]*

Nature of suspicions regarding such activity:
[Please continue on a separate sheet if necessary]

Has any investigation been undertaken (as far as you are aware)?

[Please tick the relevant box]

Yes No

If yes, please include details below:

Have you discussed your suspicions with anyone else?

[Please tick the relevant box]

Yes No

If yes, please specify below, explaining why such discussion was necessary:

**Have you consulted any supervisory body guidance re money laundering?
(e.g. the Law Society)**

[Please tick the relevant box]

Yes No

If yes, please specify below:

**Do you feel you have a reasonable excuse for not disclosing the matter to SOCA?
(e.g. are you a lawyer and wish to claim legal professional privilege?)**

[Please tick the relevant box]

Yes No

If yes, please set out full details below:

**Are you involved in a transaction which might be a prohibited Act under
Sections 327- 329 of the Act and which requires appropriate consent from SOCA?**

[Please tick the relevant box]

Yes No

If yes, please enclose details in the box below:

Please set out below any other information you feel is relevant:

Signed:

Dated:

Please do not discuss the content of this report with anyone you believe to be involved in the suspected money laundering activity described. To do so may constitute a tipping off offence, which carries a maximum penalty of 5 years' imprisonment.

THE FOLLOWING PART OF THIS FORM IS FOR COMPLETION BY THE MLRO

Date report received:

Date receipt of report acknowledged:

CONSIDERATION OF DISCLOSURE:

Action plan:

OUTCOME OF CONSIDERATION OF DISCLOSURE:

Are there reasonable grounds for suspecting money laundering activity?

If there are reasonable grounds for suspicion, will a report be made to SOCA?

[Please tick the relevant box]

Yes No

**If yes, please confirm date of report to SOCA:
and complete the box below:**

Details of liaison with SOCA regarding the report:

Notice Period: **to**

Moratorium Period: **to**

Is consent required from SOCA to any ongoing or imminent transactions which would otherwise be prohibited acts? Yes No

If yes, please confirm full details in the box below:

Date consent received from SOCA:

Date consent given by you to employee:

If there are reasonable grounds to suspect money laundering, but you do not intend to report the matter to SOCA, please set out below the reason(s) for non-disclosure:

[Please set out any reasonable excuse for non-disclosure]

Date consent given by you to employee for any prohibited act transactions to proceed:

Other relevant information:

Signed: **Dated:**

THIS REPORT TO BE RETAINED FOR AT LEAST FIVE YEARS

MONEY LAUNDERING AVOIDANCE – GUIDANCE NOTES

1.0 INTRODUCTION

1.1 Legislation concerning money laundering (the Proceeds of Crime Act 2002, the Terrorism Act 2000 and the Money Laundering Regulations 2003) has increased the range of activities caught by the statutory framework. As a result, the obligations impact on areas of local authority business and require local authorities to establish internal procedures to prevent the use of their services for money laundering. Money laundering can be defined as “a process that makes money with an illegal origin appear legal so that it may be used”. Typically, money laundering transactions that might affect Waverley may occur when individuals or organisations make large payments to Waverley in cash, or make significant overpayments which subsequently require large refunds from Waverley. Other examples can be found in the glossary attached to this document.

2.0 SCOPE OF THIS GUIDANCE

2.1 This guidance applies to all employees of the Council and aims to maintain the high standards of conduct which currently exist within the Council by preventing criminal activity through money laundering. Within this guidance the term employees refers to all employees and elected Members.

2.2 Anti-money laundering legislation places responsibility upon Council employees to combat money laundering and covers a very wide area of financial transactions, including possessing, or in any way dealing with, or concealing, the proceeds of any crime. It applies to all employees involved with monetary transactions

2.3 Under the legislation it is a criminal offence to:

- assist a money launderer
- "tip off" a person suspected to be involved in money laundering that they are suspected or that they are the subject of police investigations
- fail to report a suspicion of money laundering and
- acquire, use or possess criminal property

3.0 PURPOSE OF THIS GUIDANCE

3.1 The legislative requirements concerning anti-money laundering procedures are extensive and complex. This Guidance has been written so as to enable the Council to meet the legal requirements in a way which is proportionate to the very low risk to the Council of contravening this legislation.

3.2 The object of this guidance is to make all employees aware of their responsibilities.

3.3 Any employee could potentially be affected by the money laundering provisions if they suspect money laundering and either become involved with it in some way and /or do nothing about it.

3.4 Whilst the risk to the Council of contravening the legislation is low, it is extremely important that all relevant employees are familiar with their legal responsibilities

4.0 ANTI-MONEY LAUNDERING REQUIREMENTS - WAVERLEY'S OBLIGATIONS

4.1 Waverley must:

(a) ensure that relevant officers and staff (or contractors' staff) are aware of and have information on the requirements of the legislation, including the identification of suspicious transactions, identity verification and reporting procedures. (*Common examples of transactions that could appear suspicious are set out in section 5.7.2 but whenever staff have grounds to be suspicious of any transaction the matter should be reported in accordance with the guidance in this document.*)

(b) designate an officer as the Money Laundering Reporting Officer (MLRO) –who will receive any report, keep records and if considered appropriate, make reports to the National Criminal Intelligence Service (NCIS). Waverley's MLRO is set out at section 6.1.

(c) establish procedures for employees to report any suspicions to the Money Laundering Reporting Officer (MLRO). Waverley's procedures are set out from section 5.0.

4.2 Under the legislation employees dealing with money transactions will be required to comply with the procedures as set out below.

5.0 PROCEDURES

5.1 Not all of the Council's business is "relevant" for the purposes of the legislation. Relevant services as defined by the legislation include investments, accountancy and audit services and the financial, company and property transactions undertaken by Property Services and Legal Services.

5.2 However, when the Council is carrying out "relevant" business and is forming a business relationship or considering undertaking a one off transaction, and any member of staff suspects a transaction involves money laundering, the procedures set out below apply.

5.3 Additionally, if in the course of "relevant" business a payment is to be made to Waverley for a series of linked one off transactions involving total payment of £10,000 or more, the procedures set out below apply.

5.4 CLIENT IDENTIFICATION PROCEDURE

5.4.1 Any employee involved in a relevant business transaction should ensure the client provides satisfactory evidence of their personal identity, through passport or a photo-driving licence plus one other document with their name and address e.g. utility bill (not mobile) mortgage/building society/bank documents, card documents, pension/benefit book. Satisfactory evidence of corporate identity can be through company formation documents or business rates documents.

5.4.2 In circumstances where the client cannot be physically identified the employee should be aware that :-

- a) there is greater potential for money laundering if the client is not physically present when being identified;
- b) if satisfactory evidence is not obtained the relationship or the transaction should not proceed;
- c) if the client acts, or appears to act for another person, reasonable measures must be taken for the purposes of identifying that other person.

5.5 RECORD KEEPING PROCEDURES

5.5.1 Each Service of the Council and contractors working for the Council conducting relevant business must maintain records of:-

- a) Client identification evidence obtained - which must be kept for five years after the end of the transaction or relationship
- b) Details of all relevant business transactions carried out for clients for at least five years from the completion of the transaction. This is so that they may be used as evidence in any subsequent investigation by the authorities into money laundering.

5.5.2 The MLRO (see 6.2) must be informed of the existence and location of such records.

5.5.3 The precise nature of the records is not prescribed by law. However, the records must provide an audit trail during any subsequent investigation, e.g. distinguishing the client and the relevant transaction and recording in what form any funds were received or paid.

5.6 INTERNAL REPORTING PROCEDURE

5.6.1 Where an employee is aware that money laundering may have taken place (or may be taking place) he or she must contact the MLRO (see paragraph 6.2) for guidance as soon as possible, regardless of the amount. In such circumstance, no money may be taken from anyone until this has been done.

5.6.2 Any person knowing or suspecting money laundering, fraud or use of the proceeds of crime must report this to the MLRO on the form ~~(s)~~ as attached [as Appendix 1](#).

5.6.3 Upon receiving the report the MLRO will consider all of the admissible information in order to determine whether there are grounds to suspect money laundering.

5.6.4 If the MLRO determines that the information or matter should be disclosed it will be reported to the National Criminal Intelligence Service (NCIS)

5.6.5 During this process the client must not be tipped off.

5.6.6 At no time and under no circumstances should an employee voice any suspicions to the person(s) suspected of money laundering, even if the NCIS has given consent to a particular transaction proceeding, otherwise the employee may be committing a criminal offence of “tipping off”. Therefore, no reference should be made on a client file to a report having been made to the MLRO. Should the client exercise their right to see the file, then such a note will obviously tip them off to the report having been made and may render the employee liable to prosecution. The MLRO will keep the appropriate records in a confidential manner.

5.7 OTHER PROCEDURES

5.7.1 The Council will establish other procedures of internal control and communication as may be appropriate for the purpose of forestalling and preventing money laundering:-

5.7.2 **Regular receipts-** The Council in the normal operation of its services accepts payments from individuals and organisations e.g. in relation to council tax, sundry debtors etc. For all transactions under £2,000 the Money Laundering regulations do not apply but if an employee has reasonable grounds to suspect money laundering activities, or proceeds of crime or is simply suspicious, the matter should still be reported to the MLRO.

5.7.3 **Cash receipts** – If the money offered in cash is £10,000 or more, then payment must not be accepted until the employee has received guidance from the MLRO.

5.7.4 **Refunds-** Care will need to be taken especially with the procedures for refunds. For instance, a significant overpayment which results in a repayment will need to be properly investigated and authorised before payment.

5.7.5 In the event of any suspicious transactions, the MLRO will be contacted to investigate the case. The possible perpetrator should not be informed (i.e. not “tipped off”)

5.7.6 **Training** – The Council will take, or require its contractor to take, appropriate measures to ensure that relevant employees are :

- a) Made aware of the provisions of these regulations, (under the Proceeds of Crime Act 2002, and the Money Laundering Regulations 2003)
- b) Given training in how to recognise and deal with transactions which may be related to money laundering.

6.0 THE MONEY LAUNDERING REPORTING OFFICER - MLRO

6.1 The Officer nominated as The Money Laundering Reporting Officer who will receive disclosures about money laundering activity within the Council is **Peter Vickers**, Head of Finance. When he is not available the Deputy MLRO will take his place.

6.2 The Deputy Money Laundering Reporting Officer is Gail Beaton, Internal Audit Client Manager.

Disclosure Form to MLRO

-
-

Date of disclosure

-

Officer making disclosure:

-

Job title of officer:

-

Telephone details:

SUBJECT DETAILS

-

Title:

-

Surname:

-

Forename:

-

DoB:

-

Gender:

-

IN THE CASE OF A LEGAL ENTITY (COMPANY)

-

Name:

-

Address:

-

Company Number (If known)

-

Type of Business:

-

VAT no (if known)

-

REASON FOR DISCLOSURE

-

(if you know or suspect what the offence behind the reported activity may be please provide details)

-

RECEIPT FROM MLRO

Reference:

Date:

Signature:

Glossary of terms

AML	Anti money laundering
MLRO	Money laundering reporting officer as defined in the Money Laundering Regulations 2003 and the FSA (Financial Services Act)
NCIS	National Criminal Intelligence Service. Provides strategic and tactical intelligence on serious and organised crime, nationally and internationally and is responsible, through its Economic Crime Unit, for receiving reports of money laundering suspicions.

Money Laundering - Warning Signs

The following examples could indicate that money laundering is taking place:

Transactions or trade that appear to make no commercial or economic sense from the perspective of the other party: A money launderer's objective is to disguise the origin of criminal funds and not necessarily to make a profit, A launderer may therefore enter into transactions at a financial loss if it will assist in disguising the source of the funds and allow the funds to enter the financial system;

Large volume/large cash transactions; all large cash payments should be the subject of extra care and before accepting cash the reasons for such payments should be fully understood. Payments should be encouraged through the banking system to avoid problems.

Payments received from third parties: Money launderers will often look to legitimate business activity in order to assist in 'cleaning' criminal funds and making payments on behalf of a legitimate company can be attractive to both parties. For the legitimate company it can be a useful source of funding and for the launderer the funds can be processed through the banking system:

Examples of tell tale signs of organised money laundering:-

1. Use of cash where other means of payment are normal
2. Unusual transactions or ways of conducting business
3. Unwillingness to answer questions/ secretiveness generally
4. Use of overseas companies
5. New companies
6. Overpayments of Council tax where refunds are needed.

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