

To: All Members of the Council

Fiona Cameron, Democratic Services Manager

Policy and Governance

E-mail: fiona.cameron@waverley.gov.uk

Direct line: 01483 523226

Date: 30 November 2018

Dear Councillor

COUNCIL MEETING - TUESDAY, 11 DECEMBER 2018

A MEETING of the WAVERLEY BOROUGH COUNCIL will be held in the COUNCIL CHAMBER, COUNCIL OFFICES, THE BURYS, GODALMING on **TUESDAY, 11 DECEMBER 2018** at **7.00 pm** and you are hereby summoned to attend this meeting.

The Agenda for the Meeting is set out below.

Yours sincerely

ROBIN TAYLOR

Head of Policy and Governance

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AGENDA

1. MINUTES (Pages 5 - 16)

To confirm the Minutes of the Council meetings held on 16 October and 31 October 2018 (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

The Mayor will show a brief slide show of images from the unveiling of the memorial stone at Milford Common to commemorate Canadian servicemen who in 1915 were based at a training camp on Witley and Milford Commons before being sent to France.

5. QUESTIONS FROM MEMBERS OF THE PUBLIC

To answer the following questions from members of the public, received in accordance with Procedure Rule 10.

The deadline for receipt of questions is 5pm on Tuesday 4 December 2018.

6. QUESTION TIME

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

The deadline for receipt of questions is 5pm on Tuesday 4 December 2018.

7. MOTIONS

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

The deadline for receipt of Motions was 5pm on Thursday 29 November 2018.

8. MINUTES OF THE EXECUTIVE

To receive the Minutes of the Executive meeting held on 4 December 2018, and to consider the recommendations set out within (*to follow*).

For information, the Agenda for the meeting of the Executive on 4 December 2018 is available on Waverley's website and on Mod.Gov. The reports on the following matters seek a recommendation from the Executive for a decision by Council:

- Redevelopment of Land adjacent to 85 Aarons Hill, Godalming and 13 Ryle Road, Farnham (Item 6)
- Community Centre Building and Land, Cranleigh – Transfer from Housing Revenue Account (HRA) to General Fund (Item 7)
- Community Infrastructure Levy (CIL) Governance Arrangements (Item 8)
- Proposed Public Space Protection Order – Dog Fouling – Response to Public Consultation (Item 9)
- The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 (Item 10)

Members of the Council wishing to speak on any Part II matters of report must give notice to the Democratic Services Team by midday on Tuesday 11 December 2018.

9. MINUTES OF THE LICENSING AND REGULATORY COMMITTEE (Pages 17 - 44)

To receive the Minutes of the Meeting of the Licensing and Regulatory Committee held on 12 November 2018 (attached, coloured green), and to approve the recommendation contained within.

There is one PART I recommendation to the Council:

LIC 17/18 Gambling Act 2005 – Report following public consultation on review of the Council’s Statement of Gambling Policy (Page no.

The Council first adopted a Statement of Gambling Policy in December 2006. The Council is required to carry out a full review of the Gambling Policy every 3 years, including a consultation with statutory consultees and the public.

The current Policy came into effect on 31 January 2016 and has worked well for the Council as Licensing Authority. The updated Policy, attached at Annexe 1) incorporates revised Gambling Commission Guidance issued in 2015, and there have been no adverse comments received through the public consultation.

The Committee therefore RECOMMENDS that the Council approves the revised Statement of Gambling Policy, to come into effect from 31 January 2019.

Members of the Council wishing to speak on any Part II matters of report must give notice to the Democratic Services Team by midday on Tuesday 11 December 2018.

10. MINUTES OF THE AUDIT COMMITTEE (Pages 45 - 52)

To receive the Minutes of the Audit Committee meeting held on 5 November 2018.

There are no PART I recommendations to the Council.

Members of the Council wishing to speak on any Part II matters of report must give notice to the Democratic Services Team by midday on Tuesday 11 December 2018.

11. OVERVIEW AND SCRUTINY ANNUAL REPORT (Pages 53 - 78)

To receive the Overview and Scrutiny Annual Report for 2017/18.

12. EXCLUSION OF PRESS AND PUBLIC

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

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

Agenda Item 1.

1

MINUTES of the WAVERLEY
BOROUGH COUNCIL held in
the Council Chamber, Council
Offices, The Burys, Godalming
on 16 October 2018 at 7.00 pm

- * Cllr Denise Le Gal (Mayor)
- * Cllr Mary Foryszewski (Deputy Mayor)

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

*Present

Apologies

Cllr John Fraser, Cllr Pat Frost, Cllr Jill Hargreaves, Cllr Christiaan Hesse, Cllr Stephen Hill, Cllr Jerry Hyman, Cllr Kika Mirylees, Cllr Libby Piper, Cllr Wyatt Ramsdale, Cllr Jeanette Stennett, Cllr Stewart Stennett, Cllr John Ward and Cllr Ross Welland

Prior to the commencement of the meeting, prayers were led by the Reverend David Uffindell.

CNL26/18 MINUTES (Agenda item 1.)

The Minutes of the Meeting of the Council held on 17 July 2018 were confirmed and signed.

CNL27/18 APOLOGIES FOR ABSENCE (Agenda item 2.)

Apologies for absence were received from Cllrs John Fraser, Pat Frost, Jill Hargreaves, Christiaan Hesse, Stephen Hill, Jerry Hyman, Kika Mirylees, Libby Piper, Wyatt Ramsdale, Jeanette Stennett, Stewart Stennett, John Ward, and Ross Welland.

CNL28/18 DECLARATIONS OF INTEREST (Agenda item 3.)

There were no interests declared under this heading.

CNL29/18 MAYOR'S ANNOUNCEMENTS (Agenda item 4.)

The Mayor informed the Council that the plaque from HMS Hambledon had now been restored and was now hanging in the corridor just outside the Council Chamber, along with a painting of HMS Hambledon that had been loaned to the Council by the Godalming Museum. The Mayor thanked Cllr Simon Inchbald, Jane Woolley, and Alison Patterson, Curator of the Godalming Museum, for their efforts in bringing these items together to be displayed at the Council offices.

The Mayor advised that the highlight of her year so far had been the unveiling of the memorial on Milford Common to the Canadian soldiers who were stationed there before heading to France to fight in World War 1. It had been a very special occasion, and the Mayor thanked officers – especially Faye Pringle – who had organised an event the Council could be proud of. The Mayor also thanked Cllr Nick Holder, who had had the idea for the memorial, and persevered to see it through to its conclusion.

The Mayor was pleased to see so many councillors wearing Army Benevolent Fund ties and scarves, and thanked them for supporting the charity. She was planning a fund-raising dinner for the ABF in the New Year, and asked councillors to save the date – Friday 15th February 2019, at the TA Centre in Farnham.

Concluding, the Mayor said that she was being kept busy going to many engagements, which were most enjoyable.

CNL30/18 QUESTIONS FROM MEMBERS OF THE PUBLIC (Agenda item 5.)

There were no questions received from members of the public.

CNL31/18 QUESTION TIME (Agenda item 6.)

There were no questions received from Members.

CNL32/18 MOTIONS (Agenda item 7.)

There had been no motions received from Members.

CNL33/18 MINUTES OF THE EXECUTIVE MEETING HELD ON 8 OCTOBER 2018 (Agenda item 8.)

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

RESOLVED that the Minutes of the Executive held on 8 October 2018 be received and noted.

The Leader reported that there were a number of items under Part I for consideration by the Council:

New Economic Development Strategy 2018-2023 for Waverley Borough Council (Minute EXE 35/18)

The Leader drew attention to the huge amount of work that had gone into developing the new Economic Development Strategy, and thanked the Portfolio Holder, the Overview & Scrutiny Committee, officers and external stakeholders for their contributions.

It was moved by the Leader, duly seconded, and

RESOLVED that the Economic Development Strategy 2018-2023 be approved.
(Minute reference CNL 33.1/18)

Treasury Management Framework – Capital Strategy (Minute EXE 36/18),

The Leader advised that this Strategy followed on from the work undertaken by the Value for Money & Customer Service Overview and Scrutiny Committee on the Council's capital expenditure process and project management, and captured the recommendations from that work in revised procedures.

It was moved by the Leader, duly seconded, and

RESOLVED that the Treasury Management Framework – Capital Strategy be approved.
(Minute reference CNL 33.2/18)

Delivery of the Housing Capital and Cyclical Works Programme from 2019-20
(Minute EXE 37/18)

The Leader reported that there was a need to recruit an additional four officers to the Planned Works team in Housing Operations from 2019-20 to ensure that the capital and cyclical works programme to maintain the Council's housing stock could be fully delivered within the planned timescale and budget.

It was moved by the Leader, duly seconded, and

RESOLVED that the Planned Works team in Housing be increased from five to nine officers from 2019-20; and, the associated costs required to increase the team by four officers are agreed.

(Minute reference CNL 33.2/19)

The following Members had given notice to speak on matter of report set out in Part II of the Executive Minutes of 8 October 2018:

Playing Pitch Strategy (EXE 38/18) – Cllr Kevin Deanus advised that the Strategy was a comprehensive document and provided the evidence-base for seeking developer contributions through S106 and CIL for improvements to sports facilities in the borough.

Budget Management Report (EXE 39/18) – Cllr Ged Hall highlighted to the Council that there were no significant variances to report, and the budget continued to be managed proactively.

Lease of Cricket Square, nets and score box, Grayswood Green (EXE 40/18) – Cllr Robert Knowles thanked the Executive for granting a new long lease to the cricket club. This was a very active club with a strong youth side, and they were an important part of the village community.

There were no further statements from Members and the Leader concluded her presentation of the Minutes of the Executive of 8 October 2018.

CNL34/18 MINUTES OF THE AUDIT COMMITTEE MEETINGS HELD ON 24 JULY 2018
(Agenda item 9.)

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

RESOLVED that the Minutes of the Meeting of the Audit Committee held on 24 July 2018 be received and noted.

The Chairman reported that there were no items to consider in Part I, and he had received no requests to speak on Part II items.

CNL35/18 MINUTES OF THE AUDIT COMMITTEE MEETING HELD ON 25 SEPTEMBER 2018
(Agenda item)

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 25 September 2018 be received and noted.

The Chairman reported that there were three recommendations from the Committee in Part I:

Tax Strategy (Audit Committee Minute AUD 24/18)

The Council was required to have a Tax Strategy in place in order to fulfil its responsibilities under the Criminal Finances Act 2017. In September 2017, HM Revenue and Customs also issued guidance on the legislation for the corporate offence of failure to prevent the criminal facilitation of tax evasion. The guidance contained six principles to help relevant bodies understand the processes and procedures that can be put in place to prevent criminal activity with regard to tax.

These principles were address in the Tax Strategy and were applied proportionately to the perceived risk of the offence.

It was moved by the Chairman, duly seconded, and

RESOLVED that the Tax Strategy be approved.
(Minute reference CNL 35.1/18)

Financial Regulations Update (Audit Committee Minute AUD 25/18)

The Financial Regulations had been reviewed, and minor updates were recommended covering large contracts (stage and final payments), and debt write-off.

It was moved by the Chairman, duly seconded, and

RESOLVED that the revised Financial Regulations be approved.
(Minute reference CNL 35.2/18)

Contract Procedure Rules (Audit Committee Minute AUD 26/18)

The Contract Procedure Rules had been reviewed, and a number of relatively minor updates were recommended in relation to turnover sign-off, large contracts (stage and final payments), contract sign-off levels and sealing, contract extensions, and waivers.

It was moved by the Chairman, duly seconded, and

RESOLVED that the revised Contract Procedure Rules be approved.
(Minute reference CNL 35.3/18)

The Chairman had received no requests from Members to speak on any matters of report in Part II of the minutes.

In concluding his presentation of the Minutes, Cllr Gray complimented the Finance team on the successful year-end process and the achievement of an unqualified external audit opinion on the financial accounts and Annual Governance Statement. He thanked the Audit Committee members and officers their hard work and support over the last 12 months.

The meeting concluded at 7.35 pm

Mayor

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- * Cllr Denise Le Gal (Mayor)
- * Cllr Mary Foryszewski (Deputy Mayor)

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| * Cllr Brian Adams | * Cllr Anna James |
| * Cllr Mike Band | * Cllr Carole King |
| * Cllr David Beaman | * Cllr Robert Knowles |
| * Cllr Andrew Bolton | Cllr Martin Lear |
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| * Cllr David Hunter | Cllr Ross Welland |
| * Cllr Jerry Hyman | Cllr Liz Wheatley |
| * Cllr Simon Inchbald | * Cllr Nick Williams |
| * Cllr Peter Isherwood | |

*Present

Apologies

Cllr Jenny Else, Cllr Jill Hargreaves, Cllr Val Henry, Cllr Martin Lear, Cllr Sam Pritchard, Cllr Wyatt Ramsdale, Cllr Stefan Reynolds, Cllr David Round, Cllr Jeanette Stennett, Cllr Stewart Stennett, Cllr John Ward, Cllr Ross Welland and Cllr Liz Wheatley

CNL36/18 APOLOGIES FOR ABSENCE (Agenda item 1.)

Apologies for absence were received from Cllrs Jenny Else, Jill Hargreaves, Val Henry, Martin Lear, Sam Pritchard, Wyatt Ramsdale, Stefan Reynolds, David Round, Jeanette Stennett, Stewart Stennett, John Ward, Ross Welland, and Liz Wheatley.

CNL37/18 DECLARATIONS OF INTEREST (Agenda item 2.)

There were no interests declared under this heading.

CNL38/18 MINUTES OF THE SPECIAL EXECUTIVE MEETING - 31 OCTOBER 2018
(Agenda item 3.)

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

RESOLVED that the Minutes of the Special Meeting of the Executive held on 31 October 2018 be received and noted.

The Leader reported that that there were two items under Part 1 for consideration by the Council:

2. Community Infrastructure Levy – Adoption of Charging Schedule (Minute EXE 44/18)

2.1 The Leader welcomed the report of the examiner and the finding that the CIL rates were supported by sound evidence. Implementation of CIL would enable the Council to start collecting contributions towards infrastructure to support development.

2.2 Cllr Follows agreed that it was exciting to finally be in a position to adopt CIL, but he had significant concerns that the expected windfall would be largely hypothetical: since the adoption of Local Plan Part 1 the Joint Planning Committee had determined many planning applications which had all avoided payment of CIL. More recently, there had been a number of developers who had tried to avoid providing affordable housing for viability reasons, and he was sceptical that the Council would see any affordable housing offered once CIL was implemented.

2.3 Cllr Adams was very pleased to see that the proposed CIL rates had been accepted. He did not accept that the high CIL rates would impact on delivery of affordable housing as the viability of the rates had been thoroughly evidenced. Whilst it was true that a lot of planning applications had already been submitted, the Local Plan period was through to 2032. He congratulated officers on their work to bring the CIL Charging Schedule to Council for adoption.

2.4 Cllr Hyman reported that Environment Overview & Scrutiny Committee had reviewed the Examiner's report and noted that he recommended a review of the CIL rates in 3 years. While Cllr Hyman shared the concerns of Cllr Follows, he hoped that the Council would be robust in negotiations with developers over delivery of affordable housing.

- 2.5 Cllr Storey, as Planning Portfolio Holder, thanked the Planning Policy team for their work in developing the CIL Charging Schedule and getting it through the examination. He emphasised that the adoption of CIL would provide certainty to developers about their liabilities, rather than having to guess the financial impact of a S106 agreement, and calculation of viability had been standardised so there would not be an opportunity to dispute the outcome.
- 2.6 Cllr MacLeod relayed the concerns that had been expressed at a recent meeting of the Farnham Society, when residents had noted the impact of CIL on the cost of building a relatively small house. Developers already blamed Waverley at planning appeals for housing not being built, and CIL was a further barrier to delivering housing numbers.
- 2.7 In conclusion, the Leader emphasised that the viability of the CIL rates had been thoroughly tested at examination, and found to be sound. Councillors' concerns about deliverability of affordable housing were noted, and it was important that Planning Officers were given clear direction to remain firm on affordable housing.

2.8 It was moved by the Leader, duly seconded, and

RESOLVED that:

1. the Community Infrastructure Levy (CIL) Charging Schedule and supporting documents, including the Regulation 123 List, policies on instalments, phasing and payment in kind, be adopted;
2. the CIL Charging Schedule and supporting documents be implemented and become effective on 1 March 2019; and,
3. delegated authority be given to the Head of Planning Services in consultation with the Portfolio Holder for Planning for future changes to the Regulation 123 List.

(Minute reference CNL 38.1/18)

- 3. Sweetman Judgement and the requirement for a Supplementary Note on the Thames Basin Heaths and Hindhead Avoidance Strategies (Minute EXE 48/18)**
- 3.1 The Leader introduced the procedural amendment to the Avoidance Strategies that was proposed to address the requirements of the Sweetman Judgement, and moved the recommendation to adopt the proposed Supplementary Note.
- 3.2 Cllr Hyman advised that the proposals had been reviewed by the Environment Overview & Scrutiny Committee, but not debated in depth. He had asked to see the Counsel's advice referred to in the report, but had been advised that this was verbal advice. He had been through the Sweetman Judgement in some detail and in order to provide clarity to developers he proposed an amendment in order to add to the Supplementary Note the wording from paragraphs 36 and 38 of the ruling:

“For affected developments within the visitor catchment areas of the Thames Basin Heaths SPA and the Wealden Heaths SPA, “a full and precise analysis of the measures capable of avoiding or reducing any significant effects on the site concerned must be carried out not a the screening stage, but specifically at the stage of the appropriate assessment” and the assessment “ may not have *lacunae* and must contain complete, precise and definitive findings and conclusions capable of removing all reasonable scientific doubt as to the effects of the proposed works on the protected site concerned”, in accordance with paragraphs 36 and 38 of the POW-Sweetman Ruling (Case C-323/17).”

- 3.3 The amendment was seconded by Cllr Paul Follows, who explained that there had been repeated discussions at Joint Planning Committee and Environment Overview & Scrutiny on the impact of the Sweetman Ruling and felt it would be helpful to have the clarity of the actual wording from the Ruling in the Council’s own SPA Strategies.
- 3.4 Cllrs Frost, Goodridge and Cockburn all spoke against the amendment, on the basis that the inclusion of the text was an unnecessary over-elaboration, and the full text of the Ruling was easily available for developers to read.
- 3.5 At the request of the Mayor, the Council’s legal adviser confirmed that the text of the proposed amendment was from paragraphs 36 and 38 of the Sweetman Ruling. However, he advised that it was not necessary to include them in the Supplementary Note in order to meet the requirement that mitigation be considered at the Appropriate Assessment stage.
- 3.6 Cllr Hyman expressed his objection to the advice and the opposition to his amendment, and re-stated his case that the Ruling meant that the previous interpretation of the law by Natural England, Waverley, and others, had been wrong and that it was not sufficient to address this by the proposed minor amendments without explaining what was required in an appropriate assessment.
- 3.7 Cllr Hyman proposed a recorded vote on the amendment but there was not the required 5 members in support.
- 3.8 At 7.40pm, the Mayor put the amendment to the vote:

In favour	6
Against	37
Abstentions	0

The amendment therefore was lost.

- 3.9 Returning to the original recommendation, to adopt the Supplementary Note to the Avoidance Strategies, Cllr Beaman cautioned councillors about putting too much reliance on the ability of Natural England to adequately complete the number of appropriate assessments that would now be required. He suggested that it was almost impossible to prove conclusively one way or another whether the Avoidance Strategies had the desired impact, but emphasised the importance of Natural England being adequately funded so

that they could provide sound advice to local authorities that could be relied upon.

- 3.10 Cllr Goodridge proposed a minor amendment to the wording of the Supplementary Note, to replace “AA” with “Appropriate Assessment”. The amendment was seconded by Cllr Gray.
- 3.11 Cllr Hyman suggested that it was perverse for Council to be debating such a minor amendment, whilst it was, in his view, ignoring the law. On a point of order, Cllr Goodridge stated his resentment at the allegation that he or any other Member of Council was disobeying the law. Cllr Hyman responded with a point of personal explanation, and reiterated his allegation that the Sweetman Judgement meant that Council had been ignoring the law for the past 11 years.
- 3.12 The Mayor asked Cllr Hyman to withdraw his allegation that the Council was acting unlawfully, which Cllr Hyman refused to do. After consulting with the Chief Executive and Monitoring Officer, the Mayor again asked Cllr Hyman to withdraw his allegation. Cllr Hyman again refused to do so, stating that the fact that the Avoidance Strategies were now being amended was because the Council accepted it had not been addressing the law correctly.
- 3.13 The Mayor noted that Cllr Hyman had refused to withdraw his allegation, and that this would be recorded formally in the Minutes of the meeting. However, she wished to carry on with the business on the agenda. The Mayor put Cllr Goodridge’s proposed amendment to the vote, and this was passed by general assent.
- 3.14 Returning to the original recommendation, as amended, Cllr Follows echoed Cllr Beaman and urged caution in putting too much weight on the opinion of Natural England on the acceptability of proposed mitigation for development.
- 3.15 At 7.50pm, it was

RESOLVED that the changes proposed in paragraphs 2 and 3 of the agenda report, as set out below (including the agreed amendment), be agreed to ensure compliance with the Sweetman Judgement. **(Minute reference CNL 38.2/18)**

Thames Basin Heaths Avoidance Strategy

Para 2.4 Bullet point 2 to be amended as follows:

- ‘Development can provide, or make a contribution to, measures to ensure that they have no likely significant effect on the SPA. In doing so, residential development will not have to undergo an Appropriate Assessment (AA). The option remains for developers to undertake a Habitats Regulations screening assessment and, where necessary, a full **Appropriate Assessment** to demonstrate that a proposal will not adversely affect the integrity of the SPA.

Para 7.4. Contributions made in line with the Strategy are deemed to **avoid and** mitigate the effect on the SPA ~~and~~, **however**, development proposals will **still** ~~therefore not~~ be required to undertake an Appropriate Assessment’.

[struck through text is to be deleted, text in bold is to be added]

Hindhead Avoidance Strategy

Paragraph 5.6 to be amended as follows:

‘In terms of addressing the significant impact on the SPA, there are two options open to developers for meeting avoidance requirements:

- Buy into provision of avoidance measures assembled by the local authority (the Avoidance Strategy)
- Provide avoidance measures, including alternative sites and/or walking routes, themselves that the Local Authority, in consultation with Natural England, considers are sufficient to avoid development having a significant effect on the SPA.

In either case, there is a requirement for an Appropriate Assessment at the planning application stage’.

[struck through text is to be deleted, text in bold is to be added]

3.16 Cllr Beaman and Cllr Bolton had registered to speak on the Part II matter, Minute EXE46/18, Procurement of Waste, Recycling and Street Cleaning Contract, and both commended officers and the Environment Overview & Scrutiny Committee for their work in bringing the procurement exercise to a successful conclusion.

3.17 The Leader concluded the presentation of the Minutes of the Special Executive of 31 October 2018.

CNL39/18 COMMITTEE MEMBERSHIPS (Agenda item 4.)

The Council noted that:

- Cllr Sam Pritchard had resigned from the Audit Committee; and
- Under the Scheme of Delegation to the Head of Policy & Governance, and the with the agreement of the Leader of the Conservative Group, Cllr Robert Knowles has been appointed to fill the vacancy with effect from Monday 22 October 2018.

The meeting concluded at 7.55 pm

Mayor

WAVERLEY BOROUGH COUNCIL

MINUTES OF THE LICENSING AND REGULATORY COMMITTEE -
12 NOVEMBER 2018

SUBMITTED TO THE COUNCIL MEETING – 11 DECEMBER 2018

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

Present

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

Apologies

Cllr John Fraser and Cllr Libby Piper

LIC11/18 MINUTES (Agenda item 1.)

The minutes of the meeting that took place on 18 June 2018 were confirmed and signed.

LIC12/18 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS (Agenda item 2.)

There were apologies from Councillors Libby Piper and John Fraser.

LIC13/18 DECLARATIONS OF INTEREST (Agenda item 3.)

There were no declarations of interest.

LIC14/18 QUESTIONS FROM MEMBERS OF THE PUBLIC (Agenda item 4.)

There were no questions.

LIC15/18 QUESTIONS FROM MEMBERS (Agenda item 5.)

There were no questions.

LIC16/18 ACTION AUTHORISED (Agenda item 6.)

None.

LICENSING ACT 2003 ITEMS

PART I - RECOMMENDATIONS TO THE COUNCIL

LIC17/18 GAMBLING ACT 2005 - REPORT FOLLOWING PUBLIC CONSULTATION ON REVIEW OF THE COUNCIL'S STATEMENT OF GAMBLING POLICY (Agenda item 7.)

The Committee was asked to consider the draft Statement of Licensing Principles: Gambling Policy for the period January 2019 – December 2021 and the responses received to the consultation.

The Committee was advised that the Council's first Statement of Licensing Principles was adopted by the Council in December 2006. The Council is required to review the Principles every three years, with the review being carried out in 2015. If adopted this Policy would come into effect on 31 January 2019.

The Policy had been reviewed by officers before being published for a 12 week public consultation period. The Act required the licensing authority to consult on its principles with the Police; those representing the interests of gambling businesses in their area; and those representing interested persons likely to be affected. In addition to the statutory consultees, including the Local Safeguarding Children's Board and the Public Health Team, consultation had also been conducted through a written process to Citizens Advice Centres, Chambers of Commerce, Town and Parish Councils, and via the Council's website. In total 3 responses had been received with no proposed amendments apart from the HRMC postal address.

The Committee considered the Policy and proposed three minor amendments to the wording in the Policy to make it clearer and one sentence was deleted as it was not required. The Committee also discussed the use of acronyms in the document and asked that they be deleted so that people reading the document could understand it more clearly. The final version of the Policy with the amendments is attached at Annexe 1.

Accordingly the Committee

RECOMMENDS that

- 1. The Statement of Licensing Principles: Gambling Policy, attached at Annexe 1, be approved.**

PART II - MATTERS OF REPORT

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

LIC18/18 MINUTES OF THE MEETINGS OF THE LICENSING (GENERAL-PURPOSES) SUB-COMMITTEE (Agenda item 8.)

The minutes of the meetings of the Licensing (General Purposes) Sub-Committee held on 6 September 2018, 24 September 2018 and 10 October 2018 were confirmed.

LIC19/18 MINUTES OF THE MEETINGS OF THE LICENSING ACT 2003 SUB-COMMITTEES (Agenda item 9.)

The Minutes of the Meetings of Licensing Sub-Committee A held on 9 July 2018 and 6 September 2018 and Licencing Sub-Committee B held on 9 August 2018 were confirmed.

The meeting commenced at 10.00 am and concluded at 10.15 am

Chairman

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WAVERLEY BOROUGH COUNCIL

DRAFT
REVIEW – AUGUST 2018

GAMBLING ACT 2005 STATEMENT OF POLICY

AUGUST 2018

Approved by the Waverley Borough Council on (draft consultation to be approved)

To be published on Website
To come into effect

03 January 2019
31 January 2019

All references to the guidance of the Gambling Commission to licensing authorities refer to the guidance published in October 2015 (last updated in September 2016).

WAVERLEY BOROUGH COUNCIL
GAMBLING ACT 2005
STATEMENT OF GAMBLING POLICY
IN FORCE FROM 31 JANUARY 2019

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1. Introduction

1.1 The Licensing Objectives

The Gambling Act 2005 (“the Act”) gives licensing authorities various regulatory functions in relation to gambling.

The Gambling Commission will have responsibility for dealing with personal licences and operating licences.

Waverley Borough Council (“the Council”) is the Licensing Authority for the purposes of the Act.

The main functions of licensing authorities are:

- Licensing premises for gambling activities;
- Considering notices given for the temporary use of premises for gambling;
- Granting permits for gaming and gaming machines in clubs;
- Regulating gaming and gaming machines in alcohol licensed premises;
- Granting permits to family entertainment centres for the use of certain lower stake gaming machines;
- Granting permits for prize gaming;
- Considering occasional use notices for betting at tracks;
- Registering small societies’ lotteries below prescribed thresholds.

In exercising most of their functions under the Act, licensing authorities must have regard to the licensing objectives as set out in section 1 of the Act. The licensing objectives are:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
- Ensuring that gambling is conducted in a fair and open way;
- Protecting children and other vulnerable persons from being harmed or exploited by gambling.

Certain activities such as bingo, raffles, some types of lotteries may be exempt from licensing, depending on the scale and frequency of the activity. In referring to “disorder” the Council will take account of activity and behaviour which is excessively aggressive and/or abusive to an extent beyond what might be regarded as nuisance.

1.2 The Waverley Borough Area

Waverley is a large rural borough, characterised by beautiful countryside, distinctive towns and villages, and includes high streets with character, protected green areas and a diverse business community. Waverley Borough covers an area of 345 square kilometres in south-west Surrey and is the largest district by geographic area in Surrey. The Borough is predominantly rural; three-quarters of the area is agricultural land and woodland, 61 per cent is Green Belt and 80 per cent is covered by environmental protection policies including the Surrey Hills Area of Outstanding Natural Beauty. Waverley is 35 miles from central London and is served by good strategic road and rail links but has a predominantly rural road network and limited public transport.

Waverley has a population of 121,572 (2011 census), of whom three-quarters live in the Borough's four main settlements; Farnham, Godalming, Haslemere and Cranleigh. The proportion of young people (0-14 years) is 20 per cent and is close to the regional and national averages. The district has 19. per cent of the population above pension age. The proportion of people from ethnic groups other than "white British" is 9.4 per cent; this compares with 14.8 per cent for the South East and 20 per cent for England.

The Council's Vision is " that Waverley borough will continue to be an attractive and prosperous place to live, work and visit. A place where our residents can take pride in their communities and where there are opportunities for all to thrive and lead healthy lives. A place that is valued by its community and supported by quality public services".

The Council recognises that the entertainment and leisure industry, and shopping, contribute to Waverley's urban and rural economies. These have a part to play in attracting tourists and visitors and are major employers ensuring that Waverley is an attractive and prosperous place to live, visit and work.

This policy statement will both guide the Council in exercising its licensing functions under the Gambling Act 2005 and provide clarity for applicants for licensing and for residents and others, including interested parties.

Applicants are required when submitting their licensing applications to show how their proposals will meet the Council's Policy, as shown in this Statement, and the Government's stated Licensing Objectives for gambling.

The Council is the Licensing Authority for the purposes of the Gambling Act 2005 ("the Act") and is responsible for granting licences, permits and registration in the Borough of Waverley for the activities described by the Act.

A map of Waverley Borough is attached as Annexe 1.

1.3 Consultation

This statement of policy has been prepared in consultation with the following persons/bodies:

- The Chief Officer of Police;
- One or more persons who appear to the Council to represent the interests of persons carrying on gambling businesses in the Council's area;
- One or more persons who appear to the Council to represent the interests of persons who are likely to be affected by the exercise of the Council's functions under the Gambling Act 2005.

A full list of consultees is attached as Annexe 3.

This Statement of Gambling Policy was published on, [03 January 2019] and comes into effect on [31 January 2019]. It will remain in force for no more than 3 years, but may be reviewed at any time.

1.4 Declaration

This statement of policy has been prepared with due regard to the licensing objectives, the guidance to licensing authorities issued in September 2015 (last updated September 2016) by the Gambling Commission, and with due weight attached to any responses received from those consulted.

This statement of policy will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Act.

1.5 Responsible Authorities

The contact details of all the Responsible Authorities (public bodies that must be notified of applications and that are entitled to make representations) under the Act are available via the Council's website at www.waverley.gov.uk, and also listed at Annexe 2 to this document.

In exercising the Council's powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the Council about the protection of children from harm, the following principles have been applied:

- the need for the body to be responsible for an area covering the whole of the Licensing Authority's area;
- the need for the body to be answerable to democratically elected persons, rather than any particular vested interest group, etc.

Having regard to the above principles, the Council designates the Surrey Children's Service for this purpose.

1.6 Interested Parties

Interested parties can make representations about licence applications, or apply for a review of an existing licence. Section 158 of the Act defines interested parties as persons who, in the opinion of the Licensing Authority:

- a) live sufficiently close to the premises to be likely to be affected by the authorised activities;
- b) have business interests that might be affected by the authorised activities; or
- c) represent persons who satisfy paragraph (a) or (b) above.

Whether or not a person is an interested party is a decision that will be taken by the Council on a case-by-case basis. However, the following factors will be taken into account:

- the size of the premises;
- the nature of the premises;
- the distance of the premises from the location of the person making the representation;
- the potential impact of the premises (number of customers, routes likely to be taken by those visiting the establishment);
- the nature of the complainant. This is not the personal characteristics of the complainant but the interests of the complainant which may be relevant to the

distance from their premises. For example, it could be reasonable for the Council to conclude that “sufficiently close to be likely to be affected” could have a different meaning for (a) a private resident (b) a residential school for children with truanting problems and (c) a residential hostel for vulnerable adults;

- the “catchment” area of the premises (i.e. how far people travel to visit); and whether the person making the representation has business interests in that catchment area, that might be affected.

This list is not exhaustive and other factors may be taken into consideration in an individual case.

The Council considers the following bodies/associations to fall within the category of those who represent persons living close to premises, or having business interests that might be affected by the authorised activities:

- town and parish councils;
- trade associations;
- trade unions;
- residents’ and tenants’ associations;
- ward/county/parish councillors;
- Members of Parliament;
- School Head or Governor;
- Community Group.

This list is not exhaustive and the Council may consider other bodies/associations and persons to fall within the category in the circumstances of an individual case

The Council may require written evidence that the person/association/body represents an interested party.

1.7 Exchange of Information

The Council regards the lawful and correct treatment of information as very important to the successful and efficient performance of the Council’s functions, and to maintaining confidence between the people/bodies we deal with and ourselves. We ensure that our organisation treats information lawfully and correctly.

The Council may share information in accordance with the following provisions of the Act and other Government legislation which may require the sharing of information:

- Sections 29 and 30 (with respect to information shared between the Council and the Gambling Commission);
- Section 350 (with respect to information shared between the Council and the other persons listed in Schedule 6 to the Act).

In the exercise of the above functions, consideration shall also be given to the common law duty of confidence, the law relating to defamation, the guidance issued by the Gambling Commission and to the Council’s policies in relation to data protection and access to information (freedom of information).

The Council adopts the principles of better regulation and the Regulators’ Code in the exercise of regulatory function, that is:

Proportionality: The Council will seek policy solutions appropriate for the perceived problem or risk.

Accountability: The Council will ensure that its decisions may be justified and are open to public scrutiny.

Consistency: The Council will refer to policies, rules and standards that are consistent with its other functional responsibilities and are fairly implemented.

Transparency: The Council's policy objectives will be clearly defined and effectively communicated to all stakeholders.

Targeting: The Council will focus its policies on relevant problems, seeking to minimise side effects and avoid unintended consequences.

Any information shared between the Council and Surrey Police must also be carried out in accordance with the Surrey Information Sharing Protocol produced by the Surrey Community Safety Unit.

Any person wishing to obtain further information about their rights under data protection (General Data Protection Regulation 2016/679 and the Data Protection Act 2018) or access to information legislation may view the Council's policies at http://www.waverley.gov.uk/info/200031/data_protection_and_freedom_of_information or alternatively contact the Data Protection Officer or Information Rights Officer on (01483) 523333 or Email dpo@waverley.gov.uk or foi@waverley.gov.uk

1.8 Enforcement

The Council adopts a risk-based approach to the inspection of gambling premises. This will allow for the targeting of high-risk premises, or those where a breach would have serious consequences so that resources are effectively concentrated. Premises that are low risk and/or well run will be subject to a less frequent inspection regime.

Where necessary, appropriate enforcement (including prosecution under section 346 of the Act) will be carried out in a fair and consistent manner in accordance with:

- The Enforcement Concordat;
- The Better Regulation and Hampton Principles;
- Waverley Borough Council enforcement policies.

The Council has set up multi-disciplinary working groups to ensure the proper integration of local crime prevention, (e.g. Joint Action Group).

The Council has also set up a Joint Enforcement Initiative to protect the borough's environment by combating environmental crime, and to work more cohesively and effectively to enforce against anti-social behaviour. Waverley is committed to support Safeguarding Children and Vulnerable People. Waverley's Safeguarding Policy can be found at:

http://www.waverley.gov.uk/info/870/community_safety/920/safeguarding/1

And Safer Waverley Partnership Draft Partnership Strategy and Plan 2017-20 at:

http://www.waverley.gov.uk/downloads/file/5767/safer_waverley_partnership_SWP_partnership_and_strategy_plan_2017-2020

Providing the Licensing Authority with details of where a child or young person repeatedly attempts to gamble on their premises may provide the Licensing Authority with an opportunity to consider safeguarding concerns. The Licensing Authority continues to raise awareness in cooperation with Surrey Police Police of child sexual exploitation, via Operation Makesafe, amongst the business community. To date, efforts have been focused on providing awareness to hotels, taxi companies and licensed premises.

Larger operators are responsible for conducting/taking part in underage testing, results of which are shared with the Gambling Commission. Operators are encouraged to also make the results available to licensing authorities, as far as is practicable.

The Council will endeavour to avoid duplication with other regulatory regimes so far as possible.

Concerns about manufacture, supply or repair of gaming machines will not be dealt with by the Council but will be notified to the Gambling Commission.

The Council recognises that certain bookmakers have a number of premises in its area. In order to ensure compliance issues are recognised and resolved at the earliest stage, operators are requested to give the Council a single named point of contact, who should be a senior individual, and whom the Council will contact first should any compliance queries or issues arise.

2. Premises Licences

2.1 Decision Making - General

In accordance with Section 153 of the Act, the Council shall aim to permit the use of premises for gambling in so far as it thinks it:

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the Council's Statement of Gambling Policy.

The Council will not have regard to the expected demand for the facilities which it is proposed to provide, nor the likelihood of the applicant obtaining planning permission or building regulations approval for the proposal.

Moral objections to gambling will not be considered by the Council, as they are not a valid reason for rejecting an application for a premises licence.

Each case will be considered on its individual merits. However, in order to assist applicants and objectors alike, this section sets out the general factors that will be taken into account by the Council when considering applications for premises licences.

The Council's Scheme of Delegation sets out which of the Council's decision-making functions under the Act are delegated to officers.

2.2 Appropriate Licence Environment

The Guidance to Local Authorities and the Licence Conditions and Codes of Practice (in effect from April 2018), set out additional matters that the Council should take into account when considering licence applications for premises licences.

Guidance section 19, Licence Conditions and Codes of Practice condition 16 and code 9 prescribe restrictions on gambling activities on premises, previously known as primary gambling activity. The council will consider any application based on the provisions in these codes and guidance.

2.3 Licence Conditions and Codes of Practice

Section 7 of the Gambling Commission Guidance to Local Authorities sets out considerations that an operator must make in order to protect children and young people from accessing gambling premises.

The Licence Conditions and Codes of Practice issued in 2015 prescribe how operators must prevent children from using age restricted gaming or gambling activities, particularly where gaming machines are licensed.

In particular operators must ensure that:

- All staff are trained
- That all customers are supervised when on gambling premises
- Must have procedures for identifying customers who are at risk of gambling related harm

The Council will expect all operators to have policies and procedures in place as required by the Licence Conditions and Codes of Practice on social responsibility to cover all aspects of the code, in particular staff training records and self-exclusion records.

Further provisions with regard to self-exclusion and marketing are included in the social responsibility code. The Council will take all conditions and codes into account when considering applications or performing enforcement activities.

2.4 Risk Assessments: Betting Premises

Such risk assessments are required from new applicants, and from existing premises licensees seeking to vary a licence. The code requires all operators of Casinos, Adult Gaming Centres, Bingo Premises, Family Entertainment Centres, Betting shops and remote betting intermediaries to assess local risks to the licensing objectives, and to have policies, procedures and control measures in place to mitigate those risks.

Operators are required by the Social Responsibility code to make the risk assessment available to licensing authorities when an application is submitted either for new premises licence or variation of a premises licence, or otherwise on request, and this will form part of the Council's inspection regime and may be requested when officers are investigating complaints.

This Council expects the following matters to be considered by operators when making their risk assessment:

- Information held by the licensee regarding self-exclusions and incidences of underage gambling
- Arrangement for localised exchange of information regarding self-exclusions and gaming trends
- Urban setting such as proximity to schools, commercial environment, factors affecting footfall
- Range of facilities in proximity to the licensed premises such as other gambling outlets, banks, post offices, refreshment and entertainment type facilities
- Known problems in the area such as problems arising from street drinkers, youths participating in anti-social behaviour, drug dealing activities etc.
- Matters relating to children and young persons, including:
 - Institutions, places or areas where presence of children and young persons should be expected such as schools, youth clubs, parks, playgrounds and entertainment venues such as bowling alleys, cinemas etc.
 - Any premises where children congregate including bus stops, cafes, shops, and any other place where children are attracted
 - Areas that are prone to issues of youths participating in an anti social behaviour, including such activities as graffiti/tagging, underage drinking etc.
- Recorded incidents of attempted underage gambling
- Matters relating to vulnerable adult including:-
 - Information held by the licensee regarding self-exclusions and incidences of underage gambling
 - Gaming trends that may mirror days for financial payments such as pay days or benefit payments
 - Arrangement for localised exchange of information regarding self exclusions and gaming trends
 - Proximity of premises which may be frequented by vulnerable people such as hospitals, residential care homes, medical facilities, doctors' surgeries, council housing offices, addiction clinics or help centres, places where alcohol or drug dependant people may congregate

2.5 Location

The location of premises may be relevant to the promotion of the licensing objectives. In particular, premises located in close proximity to the following may give rise to concern:

- schools and colleges;
- vulnerable adult centres;
- residential areas with a high concentration of children.

Much will depend upon the type of gambling that it is proposed will be offered on the premises. The Council will, where appropriate, consider the location on a case-by-case basis. If the proposed location does pose a risk to the promotion of the licensing objectives, applicants will be invited to show how they propose to overcome such concerns.

2.6 Multiple Licences/Layout of Buildings

Premises are defined in the Act as including "any place", but no more than one premises licence can apply in relation to any one place. A single building can be

subject to more than one premises licence, provided they are for different parts of the building and those parts can reasonably be regarded as being “different premises” for the purposes of the Act.

Operators must ensure that their policies and procedures take account of their structure and layout of the premises.

Where multiple licences are sought for a building (or a discrete part of a building used for other non-gambling purposes), specific issues will need to be considered by the Council before such application(s) can be granted. These include:

- the ability of children to gain access to or observe gambling facilities (even accidentally) – entrances and exits from parts of a building covered by more than one premises licence should be separate and identifiable so that the separation of different premises is not compromised and so that people (and, in particular, children) do not drift into a gambling area;
- whether entrances are supervised;
- the compatibility of the two or more establishments; and
- the ability of the establishments to comply with the requirements of the Act.

In accordance with the Gambling Commission guidance, an overriding consideration will be whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would, or should, be prohibited under the Act.

2.7 Conditions

Conditions may be imposed by the Licensing Authority upon a premises licence in a number of ways. These are:

- (a) **Mandatory** – set by the Secretary of State (some set out on the face of the Act) and some to be prescribed in regulations, for all, or classes, of licences;
- (b) **Default** – to be prescribed in regulations made by the Secretary of State, to be attached to all or classes of licences unless excluded by the Licensing Authority;
- (c) **Specific** – conditions that can be attached to an individual premises licence by the Licensing Authority.

Conditions imposed by the Council will be proportionate to the circumstances that they are seeking to address. In particular, this Council will ensure that premises licence conditions:

- Are relevant to the need to make the proposed building suitable as a gambling facility;
- Are directly related to the premises and the type of licence applied for;
- Are fairly and reasonably related to the scale and type of premises; and
- Are reasonable in all other respects.

Certain matters may not be the subject of conditions. These are:

- any condition on the premises licence which makes it impossible to comply with an operating licence condition;
- conditions relating to gaming machine categories, numbers, or method of operation;

- conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated); and
- conditions in relation to stakes, fees, winnings or prizes.

2.8 Door Supervisors

It is not a mandatory requirement of the Act to impose a condition relating to door supervision. However, if in any particular case the Council does consider it necessary to impose a condition on a premises licence requiring the presence of door supervisors, such persons would normally need to hold a licence from the Security Industry Authority under the Private Security Industry Act 2001.

This requirement is relaxed when applied to door supervisors at licensed casino or bingo premises. Where 'contract' staff (those employed under a contract for services) are employed as door supervisors at casino or bingo premises, such staff will need to be licensed by the SIA. 'In-house' staff (those staff employed under a contract of service) operating as door supervisors at casino and bingo premises are exempt from the licensing requirements of the Private Security Industry Act 2001. The Council may, however, impose specific requirements on door supervisors at such premises, if considered appropriate in an individual case.

2.9 Adult Gaming Centres

Persons operating an adult gaming centre must hold a 'gaming machines general operating licence (adult gaming centre) from the Commission and a premises licence from the Council. This will allow the operator to make available any number of category C and D machines and; to make available a number of category B gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises.

Premises in existence before 13 July 2011 are entitled to make available four category B3/B4 gaming machines, or 20% of the total number of gaming machines, whichever is the greater.

Adult gaming centre premises licences granted on or after 13 July 2011 but before 1 April 2014 are entitled to a maximum of four category B3/B4 gaming machines or 20% of the total.

No one under the age of 18 is permitted to enter an adult gaming centre.

In considering licence applications for adult gaming centres, weight will be given to the need to protect children and vulnerable persons from harm or being exploited by gambling. The Council will therefore expect applicants to demonstrate that there will be sufficient measures in place to promote this objective.

Applicants are encouraged to consider the following steps:

- Proof of age schemes;
- Closed Circuit Television ;
- Supervision of entrances/machine areas;
- Reviewing the location of, and entry to, premises (so as to minimise the opportunities for children to gain access);
- Notices/signage;

- Training for staff on challenging persons suspected of being under-age;
- Specific opening hours;
- Self-barring schemes;
- Provision of information leaflets/helpline numbers for organisations such as GamCare.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures and good practice.

Please see paragraph 2.4 for details of conditions that may be attached to premises licences authorising adult gaming centres.

2.10 Licensed Family Entertainment Centres

Operators of licensed family entertainment centres must hold a gaming machine general (Family Entertainment Centre) operating licence (Family Entertainment Centre) from the Gambling Commission, and a premises licence from the Council. This will allow the operator to make category C and D machines available to their customers.

Children and young persons will be able to enter licensed family entertainment centres and play on the category D machines. They will not be permitted to play on category C machines.

As family entertainment centres will particularly appeal to children and young persons, weight shall be given to child protection issues. Where category C machines are available in licensed family entertainment centres the Council will normally require that:

- all such machines are located in an area of the premises separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where the machines are located;
- access to the area where the machines are located is supervised;
- the area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder;
- at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18; and
- provision of information leaflets/helpline numbers for organisations such as GamCare.

Applicants are therefore encouraged to consider the steps set out at paragraph 2.6 of this statement in order to prevent children and young persons from gaining access to category C machines. In addition, applicants are encouraged to consider the following:

- Physical separation of areas;
- Measures/training for staff on how to deal with suspected truant school children on the premises.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

Please see paragraph 2.4 for details of conditions that may be attached to premises licences authorising licensed family entertainment centres.

2.11 Tracks

Tracks are sites (including racecourses and dog tracks) where a race or other sporting event is intended to take place or takes place. Operators of tracks will require a premises licence from the Council, but they do not need to obtain an operating licence from the Gambling Commission (although they may have one).

Tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track.

It will be a mandatory condition of all track licences that children and young persons are excluded from any areas where facilities for betting are provided, and any area where a gaming machine, other than a category D machine, is situated. Special dispensation from this rule is provided for dog tracks and horse racecourses, on days when racing takes place, in relation to the areas used for betting. On these days families will be entitled to attend the track or racecourse, and children enter the areas where facilities for betting are provided. This “race day dispensation” does not apply to the areas where gaming machines of category B and C are provided, and the Council will therefore wish to ensure that suitable measures are in place to prevent children from entering such areas.

Applicants are encouraged to consider the steps set out at paragraph 2.6 in order to prevent the access of children and young people to machines of category B and C. In addition, applicants are encouraged to consider the following:

- Physical separation of areas;
- Measures/training for staff on how to deal with suspected truant school children on the premises.

Gaming machines – holders of betting premises licences in respect of tracks who also hold a pool betting operating licence may make available up to four gaming machines (categories B2 to D) on the track. The Council will therefore expect the applicant to demonstrate that suitable measures are in place to ensure that children are prevented from entering areas where machines (other than category D machines) are made available.

Betting machines at tracks - the Council will apply similar considerations to those set out in paragraph 2.10 (in relation to betting machines made available at off-course betting premises) to betting machines made available at tracks.

Condition on rules being displayed - the Council will attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed in the race-card or made available in leaflet form from the track office.

Applications and plans - the Council will require the following information from applicants for premises licences in respect of tracks:

- detailed plans for the racetrack itself and the area that will be used for temporary “on-course” betting facilities (often known as the “betting ring”);

- in the case of dog tracks and horse racecourses, details of the fixed and mobile pool betting facilities operated by the Tote or track operator, as well as any other proposed gambling facilities.

Plans should make clear what is being sought for authorisation under the track betting premises licence and what, if any, other areas are to be subject to a separate application for a different type of premises licence.

2.12 Casinos

“No Casinos resolution” - The Council has not passed a “no casino” resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should the Council decide in the future to pass such a resolution, it will update this policy statement with details of that resolution.

2.13 Betting Premises

This paragraph deals with off-course betting, that is betting that takes place other than at a track (commonly known as a licensed betting office). Operators of betting premises will require an operating licence from the Gambling Commission and a premises licence from the Council.

The holder of a betting premises licence may make available for use up to four gaming machines of category B, C or D. machines at betting premises are restricted to sub-category B2, B3 and B4 machines.

The Council may, in accordance with section 181 of the Act, restrict the number of betting machines, their nature, and the circumstances in which those machines are made available for use. When considering whether to impose such a condition, the Council will take into account the following:

- the size of the premises;
- the number of counter positions available for person-to-person transactions; and
- the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people.

Please see paragraph 2.4 for details of conditions that may be attached to betting premises licences.

With respect to the protection of vulnerable persons, the Council will expect applicants to provide information on how to gamble responsibly and access help including leaflets/helpline numbers for organisations such as GamCare.

2.14 Bingo

Operators of premises offering bingo (cash or prize) will require a bingo operating licence from the Gambling Commission, and a premises licence from the Council.

The holder of a bingo premises licence may, in addition to bingo in all its forms, make available a number of category B gaming machines not exceeding 20% of the total number of gaming machines which are available for use on the premises and any number of category C and D machines. Premises in existence before 13 July 2011

are entitled to make available eight category B3/B4 gaming machines, or 20% of the total number of gaming machines, whichever is the greater.

Bingo premises licences granted on or after 13 July 2011 but before 1 April 2014 are entitled to a maximum of eight category B3/B4 gaming machines or 20% of the total number of gaming machines, whichever is the greater; from 1 April 2014 these premises will be entitled to 20% of the total number of gaming machines only.

It is important that if children are allowed to enter premises licensed for bingo that they do not participate in gambling, other than on category D machines. Where category C or above machines are available in premises to which children are admitted the Council will normally require that:

- all such machines are located in an area of the premises separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where the machines are located;
- access to the area where the machines are located is supervised;
- the area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder;
- at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18; and
- provision of information leaflets/helpline numbers for organisations such as GamCare.

Please see paragraph 2.4 for details of conditions that may be attached to bingo premises licences.

2.15 Temporary Use Notices

Temporary Use Notices allow the use of premises for gambling where there is no premises licence but where a person or company holding a relevant operators licence wishes to use the premises temporarily for providing facilities for gambling.

There are a number of statutory limits in regards to temporary use notices.

If objections are received to a temporary use notice (from the Police, Gambling Commission, HM Revenues and Customs or if applicable, any other licensing authority in whose area the premises are situated), the Council must hold a hearing to consider the representation (unless all the participants agree that a hearing is unnecessary).

If the Council, after a hearing has taken place or been dispensed with, considers that the temporary use notice should not have effect, it must issue a counter-notice which may:

- prevent the temporary use notice from taking effect;
- limit the activities that are permitted;
- limit the time period of the gambling; or
- allow the activities to take place subject to a specified condition.

The Council will apply the principles set out in paragraph 2.1 of this statement to any consideration as to whether to issue a counter-notice.

3. Permits

3.1 Unlicensed Family Entertainment Centre gaming machine permits

Unlicensed family entertainment centres will be able to offer category D machines if granted a permit by the Council. If an operator of a family entertainment centre wishes to make category C machines available in addition to category D machines, they will need to apply for an operating licence from the Gambling Commission and a premises licence from the Council.

The Council can grant or refuse an application for a permit, but cannot attach conditions.

The Council will require the applicant to provide appropriate insurance certificates and adequate plans of the premises.

As unlicensed family entertainment centres will particularly appeal to children and young persons, weight shall be given to child protection issues.

The Council will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures/training for staff as regards suspected truant school children on the premises, measures/training covering how staff should deal with unsupervised very young children being on the premises, or children causing perceived problems on/around the premises.

The Council will also expect applicants to demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed family entertainment centres; that the applicant has no relevant convictions (those that are set out in Schedule 7 to the Act); and that staff are trained to have a full understanding of the maximum stakes and prizes.

3.2 (Alcohol) Licensed premises gaming machine permits

Two machines or less

Premises licensed to sell alcohol for consumption on the premises can automatically have two gaming machines, of categories C and/or D. The holder of the premises licence authorising the sale of alcohol will simply need to notify the Council, and pay the prescribed fee.

The Council can remove the automatic authorisation in respect of any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the Act (for example the gaming machines have been made available in a way that does not comply with the requirements on the location/operation of gaming machines);
- the premises are mainly used for gaming; or
- an offence under the Act has been committed on the premises.

More than two machines

If a premises wishes to have more than two machines, then the holder of the premises licence will need to apply for a permit. The Council shall consider that application having regard to the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Act, and any other matters that are considered relevant.

The Council shall determine what constitutes a relevant consideration on a case-by-case basis, but weight shall be given to the third licensing objective, i.e. protecting children and vulnerable persons from being harmed or being exploited by gambling. To this end, the Council will expect applicants to demonstrate that there will be sufficient measures in place to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the Council that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be of help.

With respect to the protection of vulnerable persons, the Council will expect applicants to provide information leaflets/helpline numbers for organisations such as GamCare.

It is recognised that some alcohol-licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be submitted, and dealt with, as an Adult Gaming Centre premises licence.

The Council can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.

The holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

3.3 Prize gaming permits

Applicants for prize gaming permits should set out the types of gaming that they are intending to offer. The applicant should be able to demonstrate that:

- they understand the limits to stakes and prizes that are set out in Regulations; and
- the gaming offered is within the law.

In making its decision on an application for this type of permit the Council does not need to have regard to the licensing objectives but may wish to do so and must have regard to any Gambling Commission guidance. Weight will be given to child protection issues, and relevant considerations are likely to include the suitability of the applicant (i.e. if the applicant has any convictions which would make them unsuitable to operate prize gaming) and the suitability of the premises. Applicants for prize gaming permits must disclose any previous relevant convictions to the Council.

The Council can grant or refuse an application for a permit, but cannot attach any conditions. However, there are four conditions in the Act that permit holders must comply with. These are:

- the limits on participation fees, as set out in regulations, must be complied with;
- all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
- the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
- participation in the gaming must not entitle the player to take part in any other gambling.

3.4 Club gaming and club machine permits

Members' clubs (but not commercial clubs) may apply for a club gaming permit, unless they already hold a Club Premises Certificate under the Licensing Act 2003. The club gaming permits allow the provision of no more than three gaming machines in total. Each of the three machines must be from categories B3A, B4, C or D but only one B3A machine can be sited, as part of this entitlement. Club gaming permits also allow equal-chance gaming (for example, poker) and games of chance (for example, pontoon, chemin-de-fer) under certain restrictions.

If a club does not wish to have the full range of facilities permitted by a club gaming permit or if they are a commercial club not permitted to provide non-machine gaming (other than exempt gaming under section 269 of the Act), they may apply for a club machine permit. A club machine permit allows the holder to have no more than three gaming machines in total. Members' clubs and miners' welfare institutes may site up to three machines from categories B3A, B4, C or D but only one B3A machine can be sited, by agreement, as part of this entitlement. Commercial clubs may site up to three machines from categories B4, C or D (not B3A machines).

Members clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is permitted by separate regulations. It is anticipated that this will cover bridge and whist clubs, which will replicate the position under the Gaming Act 1968. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations.

An application may only be refused on one or more of the following grounds:

- the applicant does not fulfil the requirements for a members' or commercial club and therefore is not entitled to receive the type of permit for which it has applied;
- the applicant's premises are used wholly or mainly by children and/or young persons;
- an offence under the Act or a breach of a condition of a permit has been committed by the applicant while providing gaming facilities;
- a permit held by the applicant has been cancelled in the previous ten years; or;
- an objection has been lodged by the Gambling Commission or the Police

The Council shall have regard to the guidance issued by the Gambling Commission and (subject to that guidance), the licensing objectives.

There is a “fast-track” procedure available for clubs or institutes which hold a club premises certificate under section 72 of the Licensing Act 2003. Under the fast-track procedure there is no opportunity for objections to be made by the Gambling Commission or the Police, and the grounds upon which the Council can refuse a permit are reduced.

The grounds on which an application under the fast track procedure may be refused are:-

- that the club is established primarily for gaming, other than gaming prescribed by regulations under section 266 of the Act;
- that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.

The Council can grant or refuse an application for a club gaming or club machine permit, but cannot attach any conditions. However, there are a number of conditions in the Act that the holder must comply with.

ANNEXE 1 – MAP OF WAVERLEY BOROUGH

ANNEXE 2 - LIST OF RESPONSIBLE AUTHORITIES

- (a) **The Licensing Authority**
The Chief Executive, Council Offices, Waverley Borough Council, The Burys,
Godalming, GU7 1HR; Tel: 01483 523333
- (b) **The Gambling Commission**
Victoria Square House, Victoria Square, Birmingham B2 4BP; Tel: 0121 230 6666
info@gamblingcommission.gov.uk
- (c) **The Police Authority**
Chief Officer of Police c/o Police Licensing Officer, Surrey Police, P.O. Box 101, GU1
9PE; Tel: 01483 639512
- (d) **The Fire Authority**
Surrey Fire & Rescue Service,. Headquarters, Croydon Road, Reigate, Surrey, RH2
0EJ
Tel: Tel: 01737 733733
- (e) **The Local Planning Authority**
Head of Planning Services (Chief Planning Officer), Waverley Borough Council, The
Burys, Godalming, Surrey, GU7 1HR.
Tel: 014873 523333
- (f) **Local Authority – functions in relation to the prevention of pollution to
environment or harm to human health**
Head of Environmental Services, Waverley Borough Council, The Burys, Godalming,
Surrey, GU7 1HR.
Tel: 01483 523333
- (g) **Representative body (in relation to protection of children from harm)**
County Child Employment and Strategy Manager, Quadrant Court, 35 Guildford
Road, Woking, Surrey. GU22 7QQ
Tel: 01483 517839
- (h) **Her Majesty’s Commissioners for Customs and Excise (Revenue and Customs)**
HM Revenue and Customs,. Excise Processing Teams, BX9 1GL, United Kingdom
Tel. 0300 322 7072 Option 7
- (i) **Any other person prescribed by regulations (to be advised)**

ANNEXE 3 – LIST OF CONSULTEES

The Gambling Commission
Surrey Police
The Fire Authority
The Planning Service, Waverley Borough Council
The Environmental Health Service Waverley Borough Council
Surrey Children's Service (or others if appropriate)
Her Majesty's Commissioners for Customs and Excise
Citizens' Advice Bureau
Gamble Aware - an independent charity which supports GamCare
Town and Parish Councils
The Security Industry Authority
Waverley Business Forum
The Public via Waverley Website

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WAVERLEY BOROUGH COUNCIL

MINUTES OF THE AUDIT COMMITTEE - 5 NOVEMBER 2018

SUBMITTED TO THE COUNCIL MEETING – 11 DECEMBER 2018

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

Present

Cllr John Gray (Chairman)

Cllr Richard Seaborne (Vice Chairman)

Cllr Mike Band

Cllr Pat Frost

Cllr Jerry Hyman

Cllr Robert Knowles

Cllr Stephen Mulliner

Apologies

Cllr Liz Townsend

Also Present

Sarah Ironmonger – Engagement Lead, Grant Thornton

Graeme Clark – Strategic Director (s.151 Officer)

Robin Taylor – Head of Policy and Governance

Peter Vickers – Head of Finance

Vicki Basley – Senior Accountant

Gail Beaton – Internal Audit Manager

Amy McNulty – Democratic Services Officer

AUD 34/18 MINUTES (Agenda item 1.)

RESOLVED that the Minutes of the Meeting held on 25 September be confirmed as a correct record and signed.

AUD 35/18 APOLOGIES FOR ABSENCE (Agenda item 2.)

Apologies for absence were received from Cllr Liz Townsend.

AUD 36/18 DISCLOSURE OF INTERESTS (Agenda item 3.)

Cllr John Gray declared a non-pecuniary interest in Item 9, Review of value for money aspects of Waverley Borough Council's decision to allocate funding to defend CPRE Surrey and POW Campaign Ltd's High Court challenges, as he was a resident of Dunsfold, a member of the Parish Council, a member of CPRE and was acquainted with members of POW.

AUD 37/18 QUESTIONS BY MEMBERS OF THE PUBLIC (Agenda item 4.)

A question had been received from Mr Bob Lees on behalf of the POW Campaign, in accordance with Procedure Rule 10:

“The Council has received letters requesting that the Audit Committee examine the value-for-money of the £200,000 budgeted for Waverley Borough Council's (WBC) defence against the s113 challenge concerning the Local Plan Part 1 and the

£100,000 budgeted for the s288 challenge to the Secretary of State concerning the development of Dunsfold Park, noting that WBC is only an "Interested Party" to the s288 challenge. POW notes that this is item 9 on the agenda for the 5th November Audit Committee meeting, and the detail of the review was only made available on Friday 2nd November.

Please will the Chairman of the Audit Committee confirm that the comprehensive review of this expenditure decision will properly examine whether due process was followed and what advice was given to Councillors by Officers including whether legal advice was taken what, if any, value-for-money evaluation was done at the time and whether the "do nothing" option was fully considered.

According to para 2.1 of WBC's Governance statement it has a duty to make "sure that public money is ... used economically, efficiently and effectively", and to act in the public interest (para 3.1). Therefore will the Chairman also confirm that the review will include investigating whether allocating £200,000 to defend the s113 challenge and £100,000 to defend the s288 challenge as an "Interested Party" was an economic and/or an effective use of public money?"

The answer from the Chairman was as follows:

"At its last meeting the Audit Committee discussed undertaking a review of the way in which the decisions to approve funding to defend the recent legal challenges from POW and CPRE had been presented to Council. The Committee was interested in this matter from the perspective of ensuring the Council was delivering value for money for its residents.

A scope for this review has now been prepared and will be considered by the Committee later in the meeting. If the Committee chooses to agree the scope, then the review will be carried out in accordance with terms of reference as set out in that scoping document.

The terms of reference, should they be agreed by the Committee, include provision to explore and understand the extent to which the value for money implications of allocating funding to defend the legal challenges were evaluated and documented."

AUD 38/18 QUESTIONS FROM MEMBERS (Agenda item 5.)

There were no questions received from Members.

PART I - RECOMMENDATIONS TO THE COUNCIL

There were no matters falling within this category.

PART II - MATTERS OF REPORT

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

AUD 39/18 EXTERNAL AUDIT PROGRESS AND SECTOR BRIEFING REPORT (Agenda item 6.)

Sarah Ironmonger introduced the report which provided the Committee with an update on Grant Thornton's progress in delivering their responsibilities as the Council's external auditors.

The 2017/18 work had been completed, and Grant Thornton was now finalising the certification work on the Council's annual Housing Benefit Subsidy claim. This work would be concluded by the end of November 2018 with the report to come to the next Audit Committee meeting. The report also set out the milestones for the 2018/19 External Audit, with interim visits to take place in February and March.

The remainder of the report provided a summary of emerging national issues and developments relevant to the sector. Cllr Hyman noted that the report referred to a CIPFA consultation on developing a financial resilience index for Local Authorities and queried what the outcome of this had been. Sarah responded that a diverse range of views had been expressed as part of the consultation and therefore further work was being undertaken. It would be quite challenging to develop a single index that would work for all Local Authorities, however the Committee welcomed the eventual introduction of benchmarking information.

Members also noted that a consultation was taking place on the Social Housing Green Paper. A query was raised in relation to increased flexibility with reference to Right to Buy (RTB) receipts. Sarah explained that this would enable Local Authorities to do more with RTB receipts, for example, buying property to convert to social housing rather than just building it. Graeme Clark added that the Council had submitted a response to the consultation, welcoming the proposed flexibilities that would support the delivery of social housing.

The Committee noted that Surrey had been part of the business rates retention pilot and asked whether this would continue for the next year. Graeme advised that Surrey had applied again, but would have to wait until the financial settlement was received in December to find out if it had been successful.

The Committee RESOLVED to note the External Audit Progress and Sector Briefing Report.

AUD 40/18 AUDIT COMMITTEE TERMS OF REFERENCE 2018/19 (Agenda item 7.)

The Committee considered its current Terms of Reference. Cllr Seaborne reminded Members that last year, a review had been undertaken collaboratively with Members and officers to tighten up some of the wording.

Members felt that it would be useful to review the Committee's Terms of Reference in a wider context, taking into account the remit of other Committees, e.g. Overview and Scrutiny. Some suggestions were made to tighten up the wording and review terminology used. Cllr Frost suggested that the s.151 Officer and Head of Policy and Governance should prepare an updated draft and present this to the Committee for approval.

The Committee therefore RESOLVED to defer this item to enable further discussion between the s.151 Officer and Head of Policy and Governance on the Committee's role and remit; this item would then be brought back to next meeting of the Committee.

AUD 41/18 ANNUAL GOVERNANCE STATEMENT - INTERIM REVIEW (Agenda item 8.)

Peter Vickers explained that every year, the Committee was required to formally review the Council's governance arrangements. He added, however, that this should be a live conversation throughout the year, not just at the July Audit Committee meeting. He invited Members to discuss any governance issues that were of significant merit. The Committee welcomed the addition of this regular agenda item and had nothing to raise at the current time.

The Committee RESOLVED that this be added as a standing item on future Audit Committee agendas.

AUD 42/18 REVIEW OF VALUE FOR MONEY ASPECTS OF WAVERLEY BOROUGH COUNCIL'S DECISION TO ALLOCATE FUNDING TO DEFEND CPRE SURREY AND POW CAMPAIGN LTD'S HIGH COURT CHALLENGES (Agenda item 9.)

Cllr Seaborne introduced the scope that had been prepared for this review. He explained that there was no structure in place for carrying out Member-led Audit Committee reviews and therefore he had followed the format used by O&S Committees.

Having considered the report, the Committee expressed concern that the scope was too specific, and should not be reviewing one single decision, but the way in which all requests for supplementary estimates were put forward to ensure that Members were properly informed. Cllr Mulliner added that while the reasons for this particular supplementary estimate may have been obvious to Members, it may not have been as clear to the public and so it was important that decisions to seek supplementary estimates were properly documented.

Members were also unsure as to whether this review fitted within the remit of the Audit Committee, and Cllr Band suggested that the topic might be more suited to the Value for Money O&S Committee.

Additionally, Cllr Knowles warned against setting a precedent for carrying out reviews based on letters from a very small minority. He added that there was no question of the authority of the Executive and Council to approve the funds, and he felt that it would not be good value for money to spend officer time on the proposed review.

Cllr Mulliner felt that the process for approving supplementary estimates was a governance matter, and therefore did fall within the remit of the Audit Committee. He added that the independence of the Audit Committee was crucial, and it was for the Committee to now decide how it wished to proceed. He therefore suggested that it might be more appropriate to carry out a very short review of process for presenting requests for supplementary estimates to the Council. Cllr

Frost agreed that it would be useful for the Committee to receive a report outlining how requests for supplementary estimates were documented.

Cllr Seaborne thanked Members for their comments; he acknowledged that there had been challenges when drafting the scope, and felt that the alternative suggestions made by the Committee would achieve the same objective.

The Chairman put the original recommendation, that the Audit Committee proceed with the review and agree the scoping document. Upon being put to the vote, the recommendation was lost with no votes in favour, four against and three abstentions.

It was proposed by Cllr Frost and seconded by Cllr Band that the s.151 Officer and Head of Policy and Governance be requested to produce a paper for the next meeting of the Audit Committee setting out the process and documentation required to support all future requests for supplementary estimates. Upon being put to the vote, the alternative recommendation was carried with six votes in favour, none against and one abstention.

The Committee therefore RESOLVED that the s.151 Officer and Head of Policy and Governance be requested to produce a paper for the next meeting of the Audit Committee setting out the process and documentation required to support all future requests for supplementary estimates.

AUD 43/18 PROGRESS ON THE INTERNAL AUDIT PLAN FOR 2018/19 (Agenda item 10.)

Gail Beaton presented the report outlining the current position of the reviews in the 2018/19 Audit Plan. She advised that since the publication of the agenda, the reviews on Grounds Maintenance, Flexi Time, and Complaints had been completed.

The Committee commented that some of the descriptions, particularly in relation to the car parking reviews, were quite confusing and it was requested that these be re-phrased in plain English to make them more accessible.

Cllr Hyman queried what the review of the Memorial Hall would involve as he stated that residents had concerns about the project, particularly in relation to costs. Gail responded that the review would be looking at the project management, and whether there were any lessons learnt. Graeme added that final financial position was not yet known but it was hoped that the project would still come in on budget.

There was also some concern that only partial assurance had been given in relation to the RTB processes, and Members asked for further details. Gail responded that the majority of recommendations were due to the fact that this function was mostly the responsibility of one person, and so were to ensure that the correct sign-off procedures were in place.

The Committee RESOLVED to note the status of the 2018/19 Audit Plan.

AUD 44/18 PROGRESS ON THE IMPLEMENTATION OF INTERNAL AUDIT RECOMMENDATIONS (Agenda item 11.)

Gail Beaton introduced the report highlighting the internal audit recommendations that were overdue or appeared likely to be implemented later than the target date. The report also included two requests from Heads of Service for changes to implementation due dates.

One of the requests for time extensions related to anti money laundering training, and Members queried how many staff this applied to. Graeme responded that this applied to anyone dealing with transactions of high financial values; this was around half of all Waverley staff. The Committee was also informed that an updated anti money laundering policy would be presented to its March meeting.

Cllr Seaborne noted that there were several requests for time extensions for the same item (RTB processes) and was concerned that the original target dates set by the auditors hadn't been realistic. Gail responded that these targets had been agreed by the Head of Service, and this was an exception due to a delay relating to the Orchard IT system.

The Committee RESOLVED to approve the requests for change in due dates as set out below.

Recommendation	Title	Revised Due Date
IA 19/02.001 (Procedures) IA 19/02.005 (Update and check discounts) IA 19/02.006 (Effective percentages in line with the Orchard action)	Right to Buy	30 November 2018
IA19/02.011	Anti Money Laundering Training	31 March 2019

AUD 45/18 FRAUD INVESTIGATION SUMMARY (Agenda item 12.)

The Committee considered the report which provided an update on the progress made by officers in investigating fraud, primarily focusing on Housing Tenancy fraud. Gail reported that so far this year, three properties had been returned and one RTB request had been refused.

There had been a slight drop in cases this year, and Members attributed this to the deterrent value of the work. The Committee was pleased that the Fraud Investigation Officer role ensured that Council properties were being used how they should be. It was noted that the current post holder was on a fixed term contract which would end in April, and the Head of Housing would be putting in a growth bid to make this post permanent.

The Committee RESOLVED to:

1. note the success of the housing fraud investigation activity and congratulate officers on the results achieved; and
2. endorse the growth bid by the Head of Housing to make the Fraud Investigation Officer post permanent.

AUD 46/18 RISK MANAGEMENT (Agenda item 13.)

Prior to the meeting, the Committee had received a briefing session on risk management. The risk registers were currently being refreshed with input from external consultants and a full report would be presented to the Committee at its March meeting.

The Committee RESOLVED to note the latest corporate risk register as refreshed by Heads of Service.

AUD 47/18 AUDIT COMMITTEE RECURRENT WORK PROGRAMME (Agenda item 14.)

The Committee RESOLVED to note its recurrent annual work programme.

AUD 48/18 CONSIDERATION OF WEBCASTING AUDIT COMMITTEE MEETINGS (Agenda item 15.)

The Committee considered whether its future meetings should be webcast. It was noted that the work of the Audit Committee complimented that of the O&S Committees and these meetings were webcast, so it was logical for Audit Committee meetings to be webcast too.

The Committee RESOLVED that future meetings of the Audit Committee should be webcast.

The meeting commenced at 7.00 pm and concluded at 8.22 pm

Chairman

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OVERVIEW AND SCRUTINY ANNUAL REPORT 2017/2018

WAVERLEY BOROUGH COUNCIL



September 2018

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Foreword

Cllr John Ward

Chair of Overview and Scrutiny Coordinating Board

Welcome to Waverley's first Annual Scrutiny Report.

The new Scrutiny arrangements, which came into effect in 2017, have been implemented effectively with constructive recommendations stemming from various Overview and Scrutiny (O&S) Committee meetings and Scrutiny reviews. This work has been welcomed by the Executive and all formal recommendations have been accepted, demonstrating the value Scrutiny has added to the work of the Council.

The smaller committees, brought in under the new arrangements, have provided more of an inclusive feel, allowing Members to be more involved in the process of O&S. This change in atmosphere has enabled Members to contribute more effectively to discussion and has resulted in higher Member engagement.

The Coordinating Board is a group comprising the Chairs and Vice Chairs of each of the four O&S Committees. It has enabled us to keep abreast of the other Committees' work programmes, ensuring cooperation is maintained and duplication of effort avoided. It has also allowed the Chairs and Vice Chairs to stay up to date with the progress of the in-depth Scrutiny reviews of each Committee.

These in-depth reviews have been a notable success for the new Scrutiny arrangements, with each Committee having initiated at least one in this first year. Enthusiasm from Members and Officers for these working groups has been encouraging, with the Value for Money and Customer Service O&S Committee having completed two reviews by the end of the first annual Scrutiny cycle. The Community Wellbeing and Environment O&S Committees have also completed reviews. A working group of the Environment O&S Committee investigated and evaluated options for the future of the waste and recycling contract and the Community Wellbeing O&S Committee undertook a major study into health inequalities in the borough. The Housing Design Standards Review was an in-depth piece of work in which Members from the Housing O&S Committee took part. This review was hugely successful with the outcomes being instrumental in both the design of the latter phases of the Ockford Ridge housing development and subsequent Waverley housing.

I extend my thanks and appreciation to Members who undertook the O&S role over the past year. Likewise my thanks go to our Scrutiny officers, Alex Sargeson, who was intimately involved with setting up the new system and sadly moved on to pastures new just as his efforts were bearing fruit, Yasmine Makin, who has picked up much of this work, and also to Fiona Cameron, Democratic Services Manager, who has been the mainstay and backbone of the Committees.

What is Overview and Scrutiny?

O&S is an independent, Member-led function that facilitates and achieves democratic accountability for public services. Scrutiny acts as 'critical friend' challenge to the Executive and partners (such as the County Council, Police and NHS) to help support, prompt reflection and influence how public services are delivered. This function is achieved by:

- reviewing and challenging decisions taken by the council and its partners;
- investigating services or policy areas which are of interest or concern to people in Waverley; and
- making evidence based recommendations to improve services provided by Waverley and other partner organisations.

The Local Government Act (2000) requires local authorities with an Executive arrangement to include provision of one or more Scrutiny committees to hold to account Executive decision makers and other providers of public services, for example local partners, in a public forum where residents are able to attend and ask questions¹.

O&S has four broad functions:

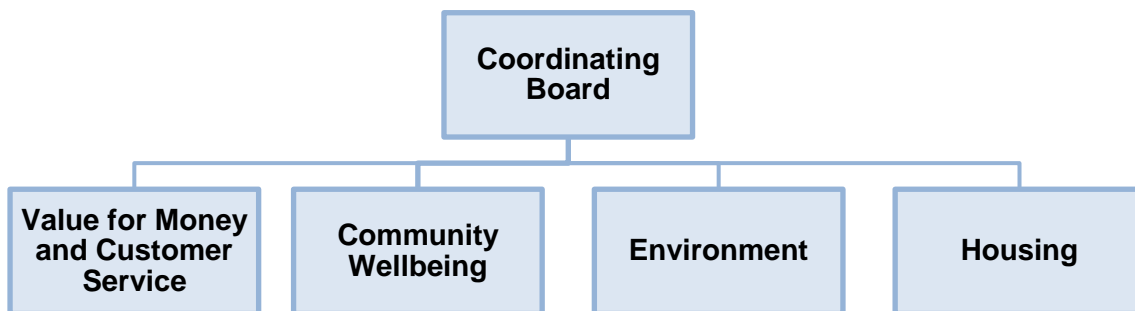
- review and scrutinise the decisions and performance of the Council and other public bodies in the local area and invite reports from them;
- make reports and evidence based recommendations to the Executive or other constitutional/external bodies arising from the outcome of the Scrutiny process;
- act as a forum where Executive decision makers are publically held to account for their decisions;
- develop and review policy by making reports or recommendations to the Council and the Executive on matters which affect the authority's area or the inhabitants of that area.

Additional Functions include:

- examining future decisions to be taken, to influence and improve them;
- 'calling-in' decisions made by the Executive within 5 working days of being taken to re-consider the decision;
- conducting research and carrying out consultation with members of the public on policy issues that affect the local community;
- liaising with other external organisations operating in the area, whether local or national, in the interest of improving service delivery for residents;
- monitoring agreed recommendations coming from the Scrutiny process and decisions made by the Executive and Council.

¹ Local Government Act 2000: Overview and scrutiny committees.
<https://www.legislation.gov.uk/ukpga/2000/22/section/21>

The Structure of Overview and Scrutiny at Waverley



The structure of O&S at Waverley Borough Council consists of four O&S Committees: Value for Money and Customer Service; Community Wellbeing; Environment; and Housing and an overarching Coordinating Board. These four committees originally aligned to the Council's priorities in the Corporate Plan 2016.

The Coordinating Board's role is to coordinate Scrutiny activities and assign cross-cutting tasks to the most appropriate Overview & Scrutiny Committee. The Scrutiny Committees are made up of nine non-Executive Members who plan and develop the committee work programme, including in-depth Scrutiny reviews.

Developing Overview and Scrutiny

Waverley's current O&S arrangements were put in place as a result of a review carried out in 2016². The review found that the role of Scrutiny was not clearly defined; was not as effective as it could be and did not add as much value to the work of the Council as it could do. As a result of this review a new O&S structure and process was designed and implemented and a dedicated Policy Officer for Scrutiny was recruited to support the work of the committees.

The review identified 'good' Scrutiny as being:

- an independent, Member-led function working towards the delivery of the Council's priorities and playing an integral part in shaping and improving the delivery of services in the Borough;
- providing a 'critical friend' challenge to the Executive to help support, prompt reflection and influence how public services are delivered;
- being led by 'independent minded governors' who take ownership of the Scrutiny process;
- amplifying the voices and concerns of the public and acting as a key mechanism connecting the public to the democratic process.

² The full report can be found here:
<https://modgov.waverley.gov.uk/documents/s9958/Joint%20OS%20-%20Final%20Interim%20report%20V3%2018042016.pdf>

Members of the Coordinating Board, whilst working with the Policy Officer for Scrutiny, agreed that Scrutiny give attention to:

- developing a flexible committee work programme that is member-led, but Officer supported;
- creating a process that measures itself against its outputs by contributing to the Council's corporate priorities and continuous improvement in services;
- creating a Scrutiny system that lends itself to 'pre-Scrutiny' by being able to look at decisions prior to being made;
- giving a greater focus on looking at the 'issues' that affect residents within the borough, and as a result work with external partners within the remit of O&S; and, as a result;
- creating an O&S system that is able to assist the Executive to develop policy by making effective policy recommendations to the Executive and local partners.

O&S Committee Work Programme 2017/18

Value for Money and Customer Service Overview and Scrutiny

Chair: Cllr John Williamson (June 2017 – May 2018) Cllr Stephen Mulliner (June 2018)

Vice Chair: Cllr Mike Band

The Committee had a strong focus through the year on financial matters and undertook in-depth reviews into capital programme slippage, property strategy and continues to work on a long term approach to budget strategy.

The in-depth review into the root causes of slippage in the capital programme took evidence from a broad range of Service Managers responsible for undertaking capital projects. The findings of the Group brought together a number of strands covering project management, finance governance, phasing of budgets over multiple budget years and effective resourcing. The recommendations were agreed by the Executive and now form the basis of an Action Plan which will be monitored by the Committee in the coming year.

Another major area of work followed a request for the Committee's expertise to examine the merits of setting up a property company. The purpose and objectives of such a company were initially explored by the Committee in their September meeting and it was agreed that a Property Strategy Working Group would be set up to work with officers on the detailed approach to be taken. However, the exercise also led to the conclusion that the draft Property Investment Strategy was in need of improvement. Accordingly, the Working Group reviewed the Strategy through a series of very productive meetings and delivered a revised Strategy which the Executive agreed in April 2018.

A major theme throughout the year for the Committee was their Scrutiny of the Medium Term Financial Plan and as a result a major in-depth review was commenced to make recommendations to the Executive on a longer term budget strategy. Accordingly, a Budget Strategy Working Group was established to examine the Council's general fund financial outlook over the next five year given the indications that some significant income reductions were likely to occur. The scope detailed five work streams to be undertaken over the next two years covering the following: identification of discretionary and statutory services; an assessment of demand management including a public budget participatory consultation; procurement; project management; assessing the Council's assets including people resources and identifying efficiencies in the way the Council does business.

The general work of the Committee covered a variety of areas but always with a view to add value and develop policy. For example, following the government's roll out of Universal Credit the Committee was concerned about the impact on Waverley residents and requested a report on the measures that would be put in place to support residents in the transition to Universal Credit as well as a financial model showing how the budget would be managed during this change. As a result of this Scrutiny the Council's Financial Inclusion Approach is being reviewed and will be brought back to the Committee.

The Committee requested updates on a number of Council and service initiatives including the Customer Services Review, the 2016 Strategic Review and the Building Control Business Plan. An update on the Strategic Review was given to the Committee's October meeting and Members voiced their concern at the lack of apparent progress on the strategic vision for the Council.

Progress on the Customer Services Review was also scrutinised. The review covered four key areas:

- channel shift;
- the customer service pilot in Housing;
- the customer service system technology and corporate infrastructure covering all relevant strategies; and
- policies and service standards.

Members were keen to emphasise the importance of maintaining access to key services for less IT literate residents.

During the year the Complaints Handling policy was revised from a three stage process to two stages. Scrutiny members were keen to ensure that the Chief Executive and Strategic Directors would still be involved in monitoring the complaints process to draw out learning and this was subsequently clarified in the agreed procedure.

Proposals for governance arrangements for the Community Infrastructure Levy were scrutinised by the Committee and further work on the criteria for assessing bids will be considered later in 2018.

The Committee scrutinised the Economic Development Strategy and following the referral of their observations to the Executive further work will undertaken by a group of Members from both O&S and the Executive.

The Committee received performance indicator information on an exception only basis. They focused in particular on the time taken to pay invoices, staff turnover and sickness levels. A detailed report was requested on the latter items and a workforce profile report with a presentation was made to the Committee in June. A separate meeting was held to focus specifically on Service Plans and the Committee requested that in future a closer alignment is made to the budget report with cross references included where appropriate.

Community Wellbeing Overview and Scrutiny

Chair: Cllr Andy MacLeod

Vice Chair: Cllr Liz Wheatley

The Committee tasked a Working Group to undertake a major in-depth review of the 'Factors Affecting Health Inequalities in Waverley' during 2017/18. The review was triggered by the very significant disparities in life expectancy across the Borough demonstrated in the annual health profile. The Working Group that was tasked with the review gathered evidence from a variety of internal and external experts and organisations and were supported enormously by the Public Health Team. The resulting recommendations were adopted by the Executive and form the basis for further work with the Clinical Commissioning Groups, Surrey County Council, Surrey Heartlands as well as a detailed action plan for Waverley service managers.

The review illustrated the opportunity to consider the wider effects of district council services on the wellbeing of its residents. It also demonstrated the willingness of external partners to work jointly and collaboratively with Waverley. The review was a significant and unique piece of policy development work to be carried out by a Surrey district and Members involved in the review gave extremely positive feedback. The Portfolio Holder for Health, Wellbeing and Culture has been thoroughly engaged with the outcome of the review and is pursuing the recommendations with partner organisations.

Reports and presentations on a variety of subjects were received by the Committee during the year including the Waverley Safer Neighbourhood Partnership, the Community Engagement Plan by Surrey Police and a very thought provoking presentation on Loneliness by the Communities and Prevention Officer from Surrey County Council. Updates were requested and given on the Community Meals Service, the Stroke Service relocation, the transfer of public conveniences to Haslemere and Godalming Town Councils and the new Business Plan for Waverley

Training Services. The Committee considered the new Prevent Policy and the Safeguarding Policy for Children and Adults at Risk before adoption by Council. They also assisted the Executive on areas such as Service Level Agreements grant funding proposals, the Leisure Centre Contract Management Review, Service Plans and annual budget proposals.

The Committee agreed to receive key performance information on an exception only basis and recommended new performance indicators in the service areas of Waverley Training Services, Careline and Leisure. The Committee considered and shaped the proposed investment options for Godalming, Farnham and Cranleigh Leisure Centres.

Environment Overview and Scrutiny

Chair: Cllr Jerry Hyman

Vice Chair: Cllr Wyatt Ramsdale

The Committee tasked a Working Group to undertake an in-depth review into the future approach to waste management and street cleaning in Waverley. The scope was later expanded to include options for the Grounds Maintenance Contract. The review was supported by officers from the Environment service and the Council's consultant. The Working Group explored the options around the type of service to be procured, the way in which the service might be provided and the affordability. The Group looked in detail at the design of the current service and also reviewed the evidence on how well the contract was performing, taking into account benchmarking data and customer satisfaction feedback. Member feedback was extremely positive and those taking part in the review felt it had been a rewarding experience, greatly extending their knowledge of the subject. The recommendations were presented to the Executive and a decision on which options to take forward was taken at their July 2018 meeting.

The work of the Committee during 2017/18 focused on a number of major Council projects and work streams including the consideration of the Community Infrastructure Levy (CIL) charging schedule, Local Plan Part 2: issues and options, air quality issues, street cleaning performance and the review of the Planning Development Management function.

The Committee maintained a strong focus on air quality during the year. As a result of new government policy guidance and best practice an Air Quality Steering Group was set up to bring strategic stakeholders from both the Borough Council and County Council together to work collaboratively to address poor air quality within the Borough. In addition, a Farnham Air Quality Working Group was also established to support the Steering Group.

The review of the Development Management Function was considered by the Committee and it was agreed to establish a Planning Reference Group. This Group

is considering current arrangements for planning decision making and to consider options for the future.

A standard item on the agenda on 'corporate priorities' was established early on in the year. It has provided a useful update for the committee on major Council projects and issues. Items included progress on Brightwells, the Frensham 'Heathland Hub' and the Local Plan Parts 1 and 2. A special meeting to consider the Local Plan Inspector's report was held in February 2018 with comments going forward to the Executive.

Questions were received from the public on public conveniences, Brightwells, traffic and air quality. The Committee also considered the impact of the Surrey County Council proposals to change services at the Community Recycling Centres and this will continue to be monitored as early indications are that it has resulted in an increase in fly tipping. Performance monitoring across a range of key performance indicators has been carried out at each meeting and a particular focus has been given to street cleaning and refuse and recycling rates.

Housing Overview and Scrutiny

Chair: Cllr John Ward

Vice Chair: Cllr Pat Frost

The Committee tasked a Working Group to undertake a major in-depth review of Housing Design Standards in 2017/18 in order to inform both 'Site C' of the major regeneration project at Ockford Ridge, Godalming and other future council housing developments. The review arose from discussions following a site visit to Ockford Ridge about the optimum use of space in the homes. As a result the Working Group reviewed the Design Standards and Specifications adopted in 2014 and researched other available good design standards. The review focused on standards for new homes to be developed and funded by the Council, internal and external space standards, potential use of roof space, parking, materials and opportunities for future proofing and adaptation to changing circumstances. The new Standards were approved by the Executive at their July 2018 meeting and the review outcome is a good example of the additional value the work of the Committee has contributed to the Housing Service.

The Committee requested regular updates on a number of major projects and work streams throughout the year so that progress could be scrutinised. Update reports on the regeneration scheme at Ockford Ridge were received at each meeting as well as updates on the Tenancy Agreement review and progress on the procurement of the new repairs and maintenance contracts due to commence in April 2019.

The tenant's Waverley Scrutiny Group carried out reviews on both voids and recharges during the year. The voids report focused on the re-let standard, reducing the cost of a void and improving value for money in the voids process. The Group

also completed a review on how the Council manages the process of recharging certain costs to tenants and leaseholders.

Proposals by Surrey County Council (SCC) to decommission all Housing Related Support funding, including funding for services for older people, were reported in September 2017 and the implications for the Sheltered Housing Schemes were considered. Following recommendations to the Executive, the Leader sent letters to SCC, local MPs and Ministers expressing the Council's grave concern over the impact the reduction in funding would have on elderly services.

In November 2017 the Committee received a presentation on the Private Sector Improvement Policy which highlighted the joint work being undertaken by the districts and the county in relation to home adaptations and efforts to speed up grant approvals.

Performance on a range of key performance indicators were monitored regularly and particular focus was given to gas safety checks, voids and responsive repairs.

The development of a new Housing Strategy for 2018-2023 was considered by the Committee during the year and it culminated in the adoption of the Strategy by the Council in April 2018. Following Scrutiny by the Committee the Homelessness Strategy 2018-2023 was also adopted.

Overview and Scrutiny Member Survey

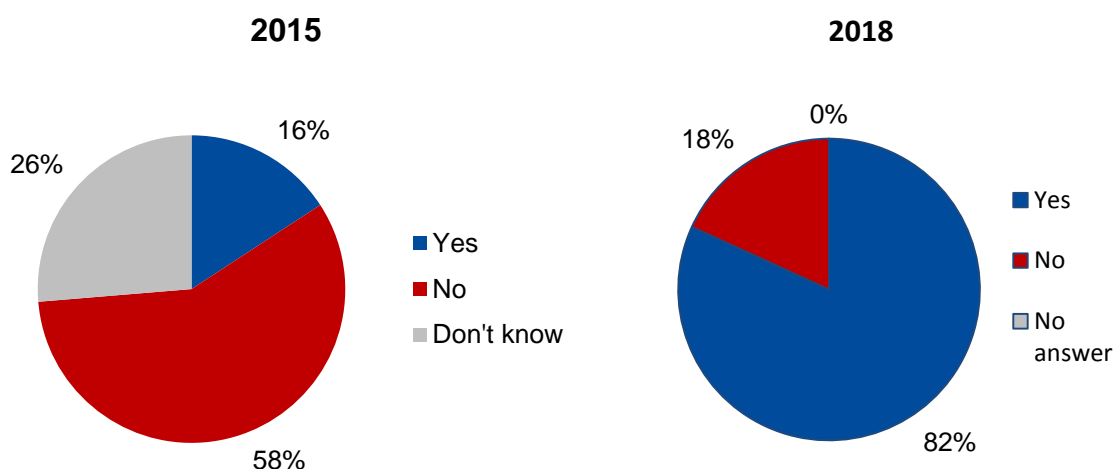
As part of the review of the O&S arrangements in 2015/16, Members were encouraged to complete a survey to evaluate the perceived effectiveness of O&S at Waverley in order to inform the revised process.

Following the first complete cycle of the new O&S arrangements an opportunity has been taken to conduct a similar survey and an online confidential questionnaire was sent to all members of the new O&S Committees during the period 10 July and 3 August 2018.

There were 11 respondents to the 2018 survey as compared to 19 in 2015. Most questions were binary but all gave Members the opportunity to provide comments if they so wished. Comparisons between percentages are given in terms of percentage points (pp). It is important to note that in the 2015 survey respondents had an option to choose 'don't know', respondents were not given this option in 2018 but could skip the question if they so desired.

Survey Results

Q1. Do you think O&S provides an effective challenge to the Executive?



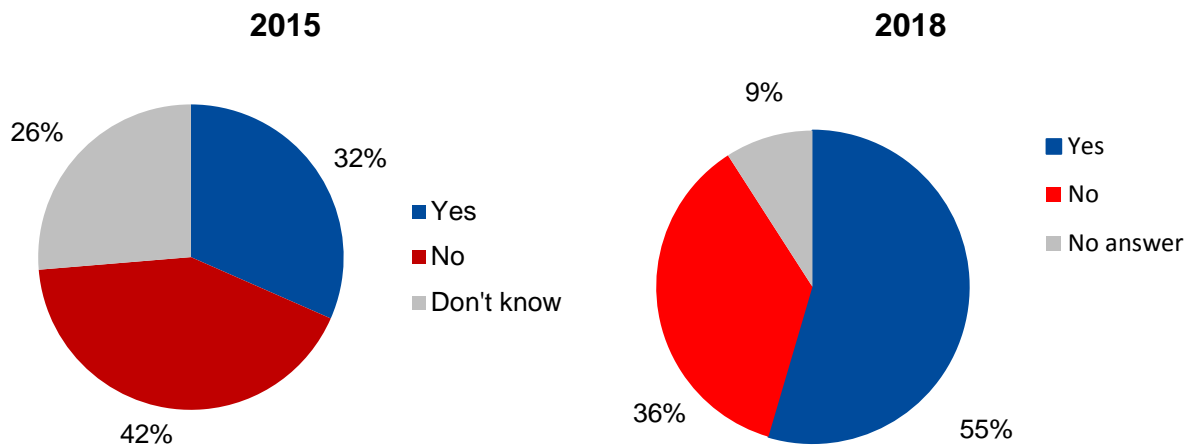
This question related to the first principle of good Scrutiny, defined by the Centre for Public Scrutiny³, in that it 'should provide a constructive critical friend challenge' to the Executive.

The 66pp increase in respondents answering yes when asked if O&S provides an effective challenge to the Executive suggests that the new Scrutiny arrangements are enabling O&S to fulfil its 'critical friend' function much more effectively. In the comments provided by respondents, one Member acknowledged that the process had improved but did not believe 'that the situation has changed sufficiently to be able to say that O&S is an effective challenge'.

Another Member recognised the improvement but conditioned this by saying the process is only effective when the gap between the O&S meeting and Executive is sufficient to make changes. **Whilst the process has improved, there is still scope to develop the efficacy of O&S by ensuring the timescales allow for O&S outcomes to genuinely inform Executive decisions.**

³ The [Centre for Public Scrutiny](#) is CfPS is a national centre of expertise on governance and scrutiny.

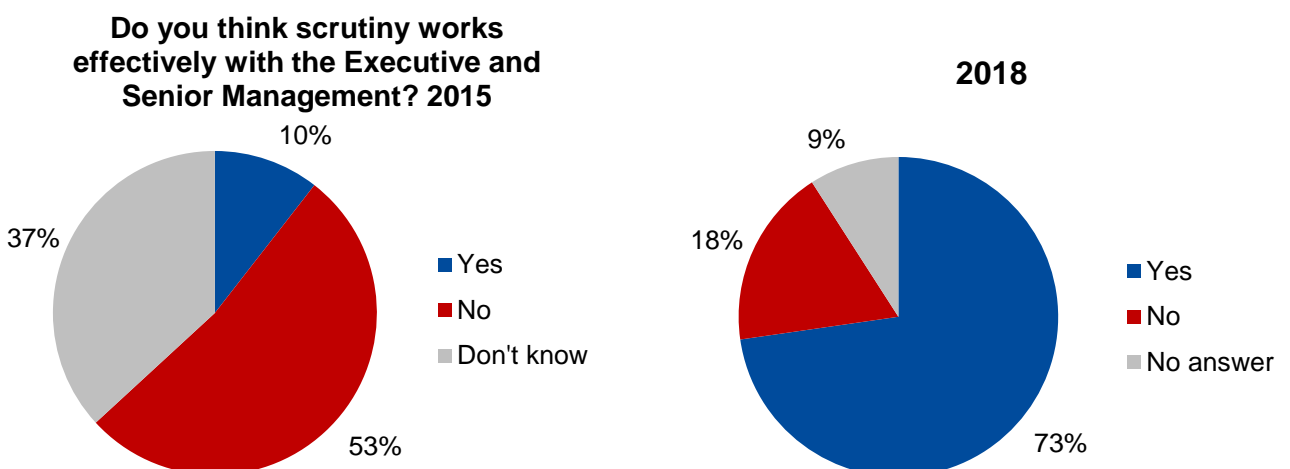
Q2. Do you think external partners are involved in Scrutiny enough?



Over 40% of Members responding to the above question in 2015 said no. In 2018 this had decreased slightly to 36%. This is clearly an improvement but with only 55% saying yes in 2018, there is a clear desire from Members to involve more external partners in Scrutiny. In the comments provided by respondents, one Member recognised their role in involving external partners through discussion and engagement outside of the direct O&S process and another recognised the value of external partner expertise but expressed concern at the time required to resource this.

Attendance at meetings of representatives from partners such as Surrey County Council, Safer Waverley Partnership and health organisations has provided Scrutiny with another perspective through which to challenge and develop the issues at hand. **As the new process is established, there will be opportunities to involve more external partners in the work O&S does at Waverley.**

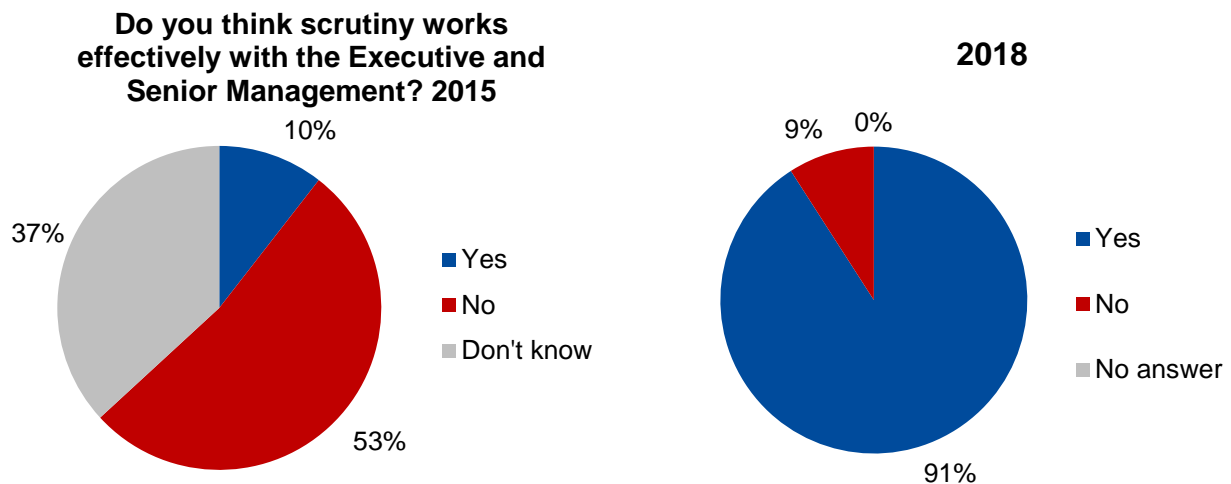
Q3. Do you think Scrutiny works effectively with the Executive?



The 2015 survey contained a combined question asking whether Members felt O&S works effectively with the Executive **and** senior management. This question was split

into two for the 2018 survey and so the results are not directly comparable.

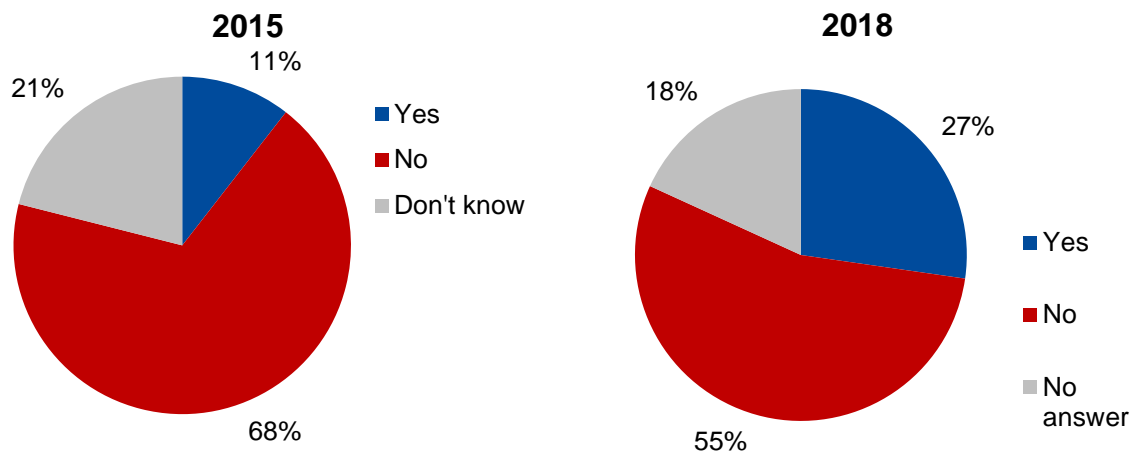
Q4. Do you think scrutiny works effectively with the senior management?



In relation to question 4, 91% of respondents said O&S works effectively with senior management. Although the results of question 3 and 4 are not directly comparable, the increase shows Members have seen a considerable improvement in how effectively O&S works with the Executive and senior management. In the comments on the 2018 survey one respondent showed concern regarding how seriously the Executive takes the O&S process. However, this respondent expressed their belief that the Scrutiny in-depth review working groups could be increasingly effective. Another comment stated that the follow up on recommendations varied (seemingly due to workload of officers). **Whilst there has been a significant increase in the confidence that O&S works more effectively with the Executive and senior management, the survey results have provided useful feedback on how to continue to improve this efficacy, namely following up on recommendations more effectively and showing evidence of the seriousness with which Executive treats O&S outcomes.**

Questions 5, 6 and 7 relate to the second principle of good Scrutiny in that it should 'amplify the voices and concerns of the public'. The questions seek to understand Members' perceptions of how well Waverley's O&S process does this.

Q5. Do you think O&S publicises itself enough to the public?

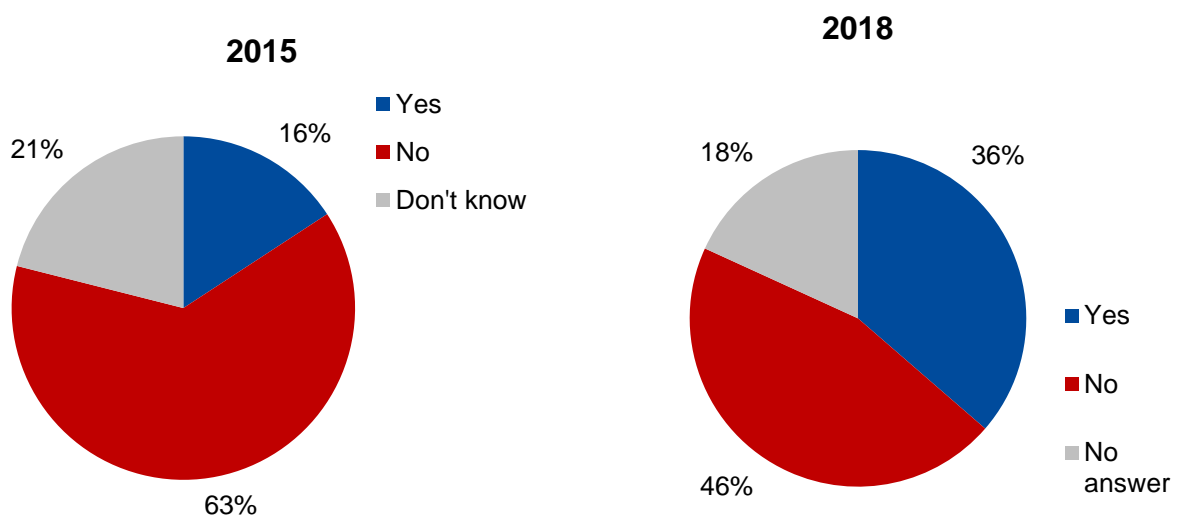


In 2015 68% of respondents said they did not believe O&S publicises itself enough and in 2018 this figure was 55%. **Whilst the results show an increase in the percentage of respondents saying yes, public involvement and representation are clearly areas in which the process could see further improvement.**

Q6. What ways are there to improve interaction with the public?

When asked what ways there are to improve O&S interaction with the public, social media, press releases and website information were all included in multiple comments. One respondent suggested creating short videos containing information on the role of each O&S Committee, something that could be tried in combination with increase use of social media. Webcasting of the Committee meetings was also mentioned as a way for O&S to publicise itself to the public and improve interaction.

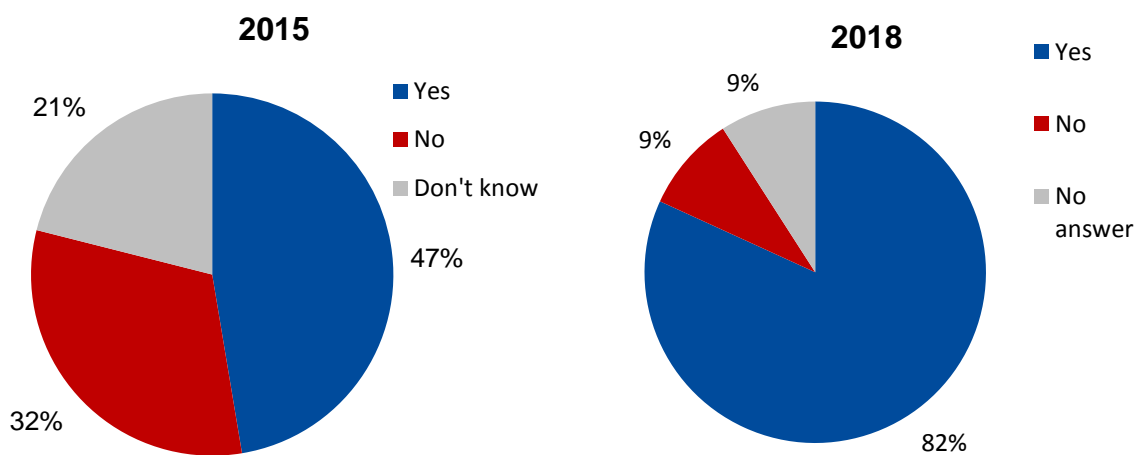
Q7. Do you think the public have been involved in the scrutiny process?



In answer to the third question on whether Members thought the public have been involved in the Scrutiny process, the percentage of respondents responding positively doubled and negatively decreased. **Whilst this is an improvement, there remains just under half of the respondents still saying the public has not been involved in the Scrutiny process and there is clearly opportunity to develop this area of engagement.**

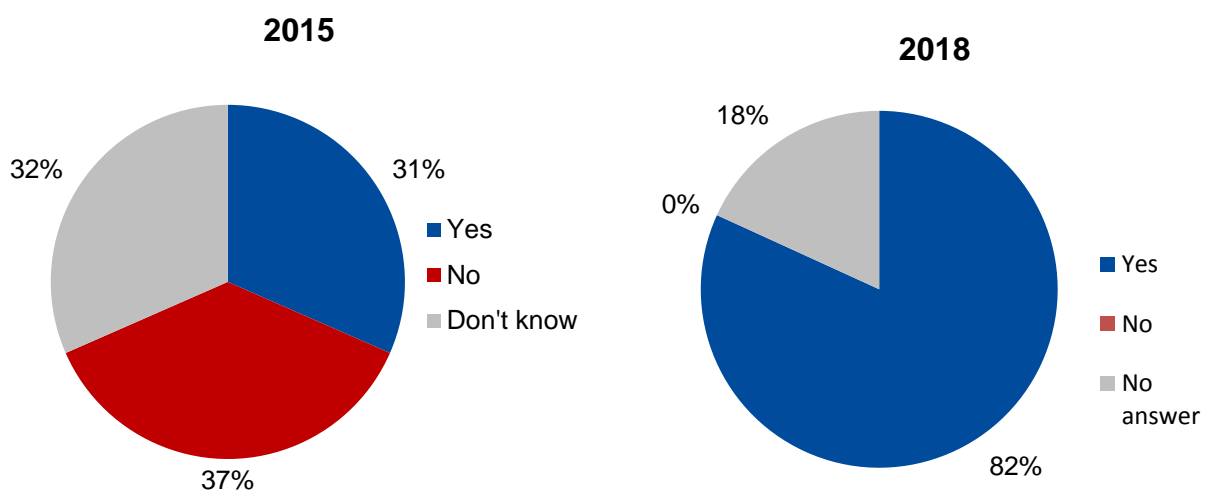
Questions 8, 9 and 10 relate to the third principle of good Scrutiny being 'led by independent minded people who take ownership of the Scrutiny process'.

Q8. Do you think O&S operates with political impartiality?



The percentage of respondents answering yes to this question increased by 35pp from 2015 to 2018. The percentage of respondents answering no to the question decreased, illustrating that an increase in political impartiality is one of the successes of the new arrangements. **A comment provided for this question recognised the importance of operating with political impartiality and stated that O&S should be about Waverley wide issues.**

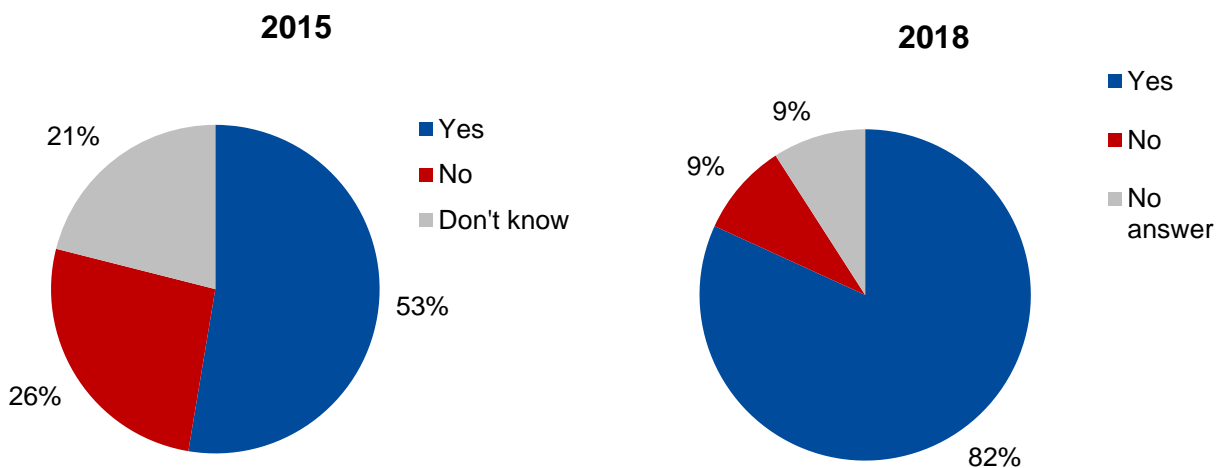
Q9. Do the committees have ownership of their own work programme?



In 2018 all respondents felt that the Committees do have ownership of their work programmes. One of the comments from respondents in 2018 stated that they believed the Committees have ownership of their work programmes 'to a limited degree'.

The 'Committee Work Programme' item on each agenda is intended to give Committee Members ownership of their respective agendas with an opportunity to comment on items coming up, request particular items or suggest the removal of items. **The result of the 2018 survey clearly demonstrates that the feeling of ownership has improved.**

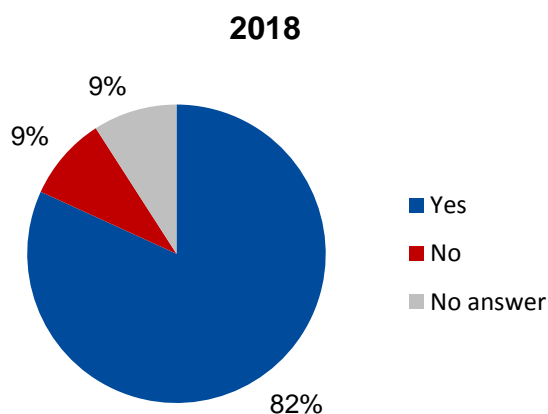
Q10. Do you consider Scrutiny to be a worthwhile and fulfilling role?



The increase of 29pp in respondents answering yes to this question suggests that the new arrangements have improved Members' perception of the value of O&S

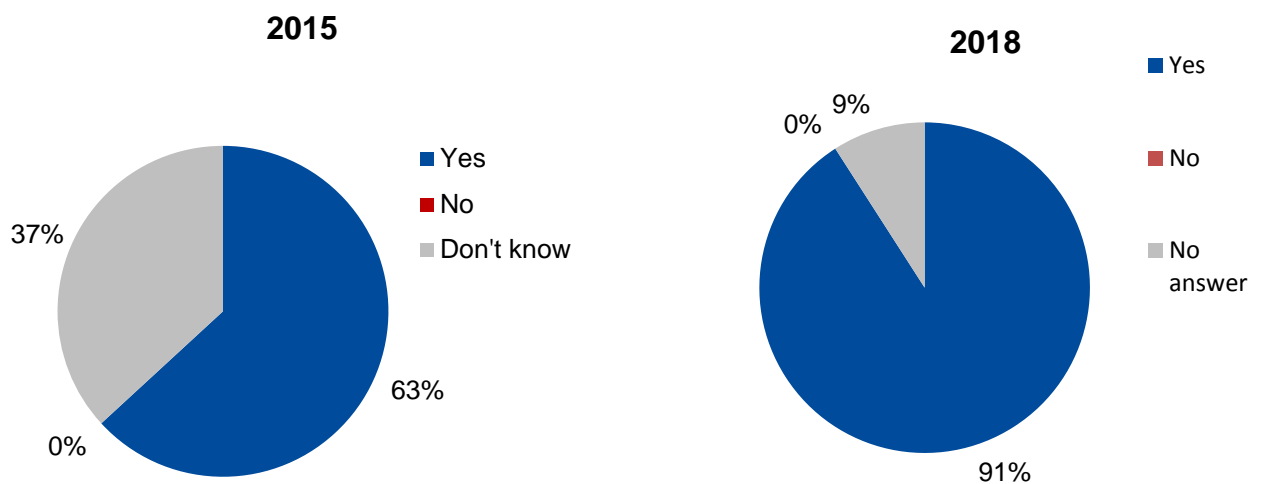
Two comments provided for this question articulated the respondents' beliefs that the changes to the O&S process have positively impacted how worthwhile and fulfilling they feel their role is.

Q11. Do you think Scrutiny results in valuable recommendations and outcomes?



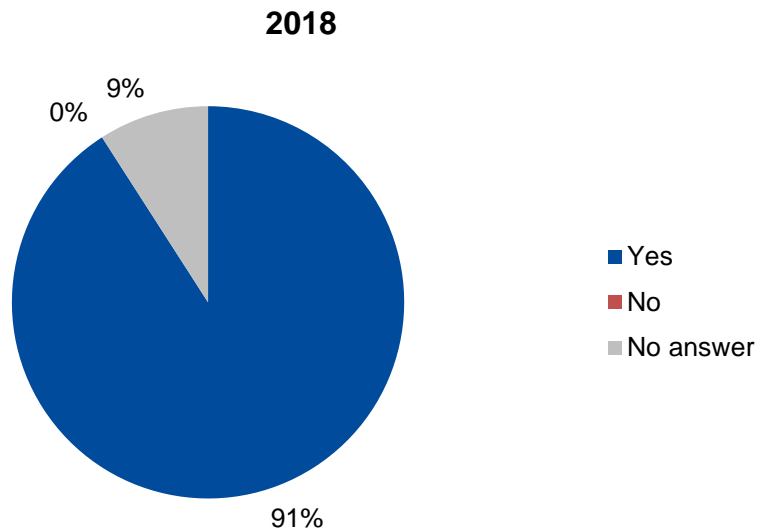
This question was not asked in the 2015 version of the survey. One of the criticisms of the previous O&S process was that items were being brought to Committee after decisions had been made and the opportunity to influence had been missed. Therefore such a high percentage of respondents answering yes to this question suggests the new process has, to some extent, addressed this issue. **One of the comments provided, however, states that the respondent has ‘some concerns that decisions have been pre-determined’ and so whilst the new process has improved perceptions there is still progress to be made. Another respondent commented ‘yes, but not often enough’, demonstrating the point that whilst there have been developments there are still opportunities to improve.**

Q12. Do you think O&S has a constructive working partnership with officers?



In the 2018 survey, all those who responded to question 12 replied that they did feel that O&S has constructive working partnerships with officers. Two respondents' comments attributed this success to the new O&S process. One respondent expressed their view that 'councillors on O&S feel more involved and valued and officers are greatly encouraged by this and are more supportive', demonstrating the fact that effective Scrutiny is in the interests of both officers and Members. **Another comment partly credited the constructive working relationships to familiarisation of Members and officers since the 2015 elections. From this comment one might infer that, depending on the results, the 2019 election could see a fall in the number of respondents answering yes to this question. This, therefore, is an aspect of O&S for officers to bear in mind for the 2019/20 Scrutiny cycle.**

Q13. Do you feel communication between officers and committee members is effective?

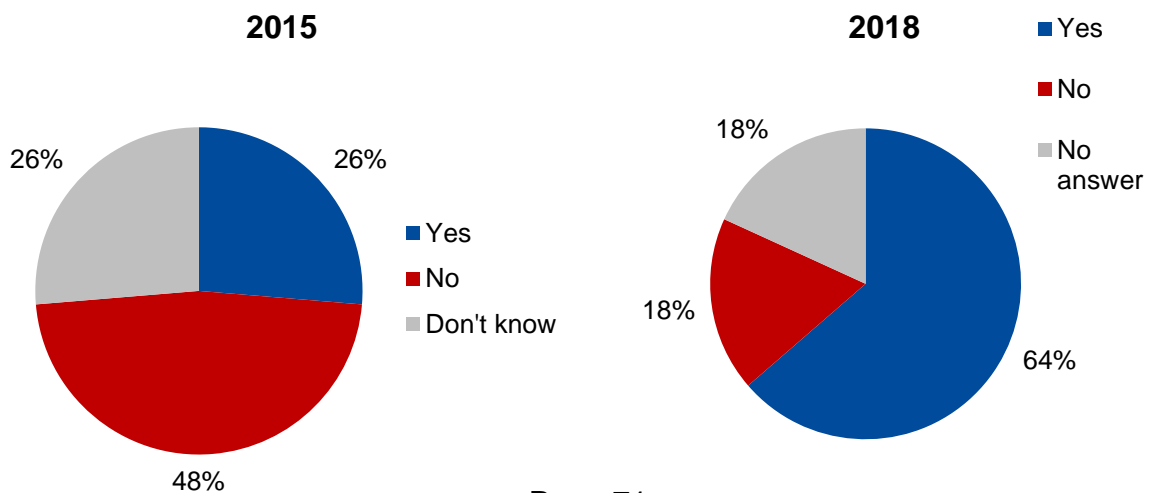


This question was not asked in the 2015 version of the survey. In 2018 all those responding to the question agreed that there was effective communication between officers and committee members. In their comment for this question, one respondent recognised that much of the communication will be between officers and the Chair and Vice Chair, stressing that the role of the Chair in communicating with their Committee Members is vital. **The relationship between Chair and committee members is very important to increase Member engagement and involvement in the work programme.**

Scrutiny Driving Improvement

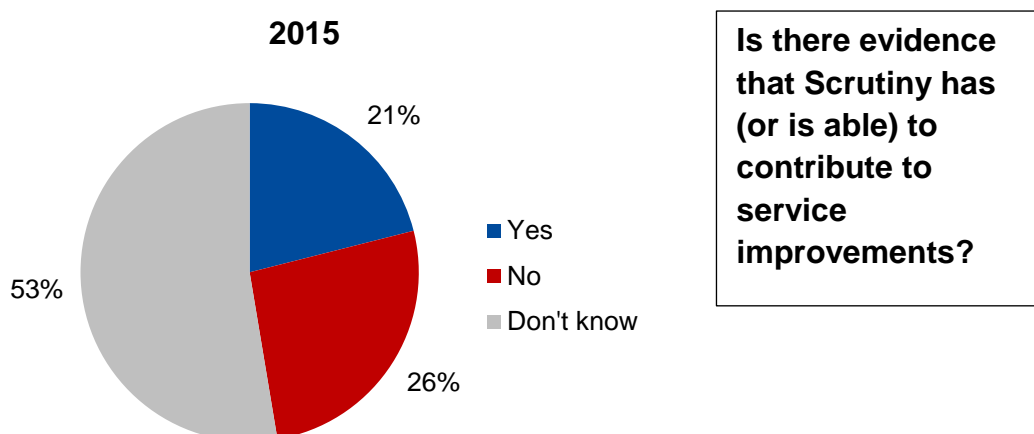
Three questions were asked to assess Members' views on whether the fourth principle of good Scrutiny is being observed in that it 'drives improvement in public services'.

Q14. Do you think the O&S function is integrated with corporate processes?



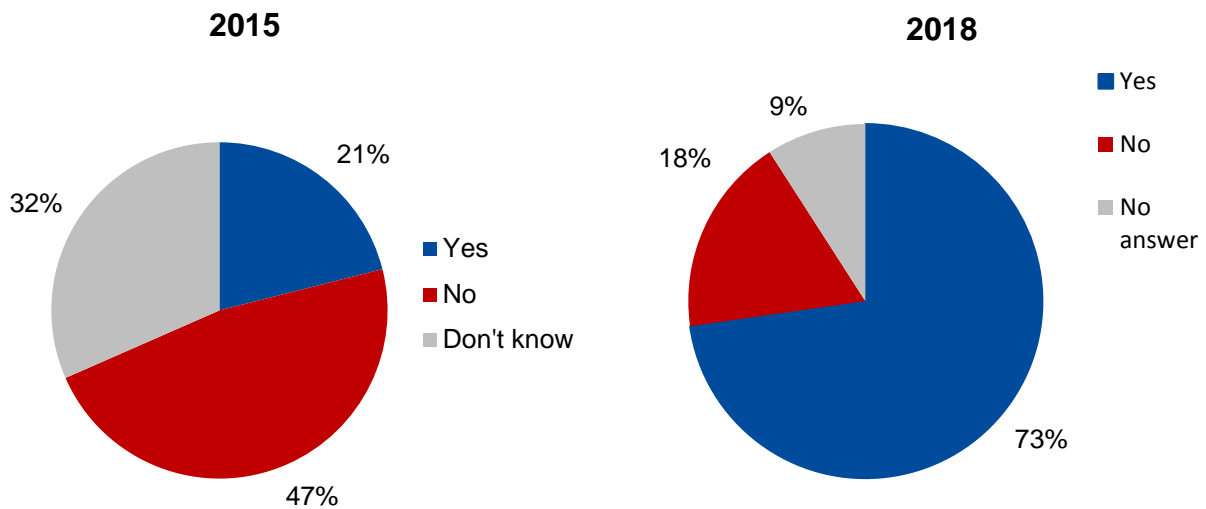
Almost half of respondents in 2015 said they did not think O&S was integrated with corporate processes with the others split evenly between yes and don't know. 64% of respondents answered yes in 2018, with 18% answering no. Whilst the increase in yes answers is positive, 18% of respondents in 2018 and 26% in 2015 did not answer the question or answered don't know, suggesting the meaning of the question was not very clear. **The respondents' comments to this question recognised the integration to some degree but expressed that there were improvements still to be realised, particularly in terms of the stage at which issues are brought to O&S and their potential to influence these issues.**

In 2015 respondents were asked 'is there evidence that Scrutiny has (or is able) to contribute to service improvements? In 2018 the survey asked **What evidence is there that Scrutiny has (or is able to) contribute to service improvements?** and narrative responses were given.



In the 2018 survey seven of the nine (78%) respondents who commented on this question listed positive outcomes O&S has had in the past year. Two respondents answered 'very little' and 'none' and the rest skipped this question. In the list of positive outcomes provided, Members referred to housing repairs, waste and recycling, the apprenticeship scheme, leisure centres, housing design standards and staff turnover. Two Members explicitly expressed the view that O&S now has the opportunity to influence the work of the Executive, and make recommendations, before it meets. Each of the four Committees has its own work programme and in-depth Scrutiny reviews and each Member, therefore, will have a different experience of Scrutiny. Further analysis of the views of respondents by Committee would provide more indication of the effectiveness of each Committee in delivering service improvements. Future developments and areas for improvement could then be broken down by Committee. However, all responses to the survey are anonymous.

Q16. Do you think O&S fulfils its policy review and development roles?



When asked if they feel O&S fulfils its policy review and development roles, there was an increase of 52pp from 2015 to 2018. The percentage of those who answered no decreased significantly.

It is worth noting the useful role O&S committees have in policy development, and each of the O&S Committees has received policy based items in the past year. **Whilst 73% is a good figure, one area for improvement is to ensure all O&S Members feel engaged in policy development particularly in the work of the various working groups established to undertake in-depth reviews.**

Q17. What do you feel O&S has achieved over the last 12 months?

Respondents were asked what they felt O&S had achieved over the last 12 months and their replies fell into three categories: deliverables (tangible outcomes such as reports or recommendations); improvements in ways of working; and impact on Executive decisions.

Respondents cited in-depth Scrutiny reviews including the Leisure Centre review, the Housing Design Standards review, Waste and Recycling Contracts review and Health Inequalities review as achievements of the last 12 months.

Some respondents expressed their view that O&S Members now have more meaningful participation with their expertise being used more effectively and working effectively as a team with officers.

One respondent felt that the outcomes of Executive had been improved through the work of O&S and another that the Executive better realised the importance of O&S.

In addition to completing the survey, Members were also encouraged to share their reflections more generally on the last 12 months of O&S.

One Member, who had taken part in two in-depth Scrutiny working groups in the first 12 months of the new O&S process, expressed their view that the support from officers had been brilliant and it had been a pleasure to work with their fellow colleagues in small groups. This Member said they found the working groups very interesting and worthwhile and believed they would make a valuable contribution to the way the Council operates and provides its services, hugely benefitting the residents of Waverley.

Q18. Are there any further improvements in the O&S process you would like to see?

One respondent expressed their concern at the resourcing levels of Scrutiny and emphasised the need for permanent officer Scrutiny support. Another respondent suggested putting the work programmes of the Committees in a more prominent place on the website for residents to access, a potential way to improve public engagement mentioned earlier in this report.

Finally, this comment was made in relation to the impact O&S has had on Executive considerations and enthusiasm of O&S Members:

'I would like to see some evidence that the work being carried out by the O&S committees is better appreciated by the Executive and that the hard work carried out by the enthusiastic councillors and very supportive officers is seriously taken into account when decisions are made. I fully acknowledge that there are many other factors to be taken into account by the Executive and senior management but Waverley should take advantage of the enthusiasm of back benchers who really want to make a difference. The support from officers associated with O&S has been excellent.'

Conclusion

The survey outcomes show that the new arrangements have resulted in O&S Committee Members feeling more involved in the Scrutiny process and more able to exercise effective Scrutiny.

One of the criticisms of the previous approach to O&S was that there was a lack of opportunity to influence decisions before they are made. Although the survey results show this perception has reduced, it is important to continue to ensure there are opportunities for O&S committees to influence items on the agendas. Additionally, following up on recommendations effectively and demonstrating the seriousness with which the Executive treats O&S outcomes are important ways to demonstrate the impact of O&S.

Public engagement and involvement was also highlighted as an area for improvement. As the new process is embedded, opportunities for promoting awareness of the work and role of O&S need to be embraced in order to increase levels of public engagement and involvement.

Working with, and involving, external partners and the general public are areas which the respondents to the latest survey felt could be improved. As the new process continues to be embedded opportunities to involve these groups will be actively pursued.

Officer Reflections

Alex Sargeson, Scrutiny Policy Officer (2017/18)

This was the first Council year (2017-2018) that the new O&S arrangements were implemented; new Committees were designed, and a greater focus was given on creating an O&S that adds value to the policy decisions of the Executive and informs the direction of the Council. This was also the first year that Members on O&S had a dedicated Officer support, as recommended by a member-led review on the O&S arrangements (2016).

O&S at Waverley faced challenges, but Members have had an appetite to change how Scrutiny functions and equally, Officers understood the value of a Scrutiny system that lends itself as a resource to assist the Council in producing quality reports that inform policy. The current O&S system is now a process that is Member-led, but Officer supported; has strengthened its policy development capacity by producing more effective policy recommendations to the Executive and others, and is more strategically focused in how Scrutiny can add value to Executive's objectives and the Council's Corporate Priorities.

During this past year there has been a greater emphasis on 'pre-decision' Scrutiny; looking at decisions before they have been made in order for members to input, influence decisions, and where necessary improve them. Additionally, Members have been encouraged to put a greater emphasis on balancing their work programmes to ensure it reflects the issues and concerns of local residents. For instance, the Community Wellbeing Committee looked in-depth at the health inequalities within the Borough which covered and identified a range of issues concerning the health and wellbeing of residents; the Value for Money and Customer Service Committee examined the anticipated impact of Universal Credit and advised on the merit of the creation of a property company and subsequently the property investment strategy; the Environment Scrutiny Committee looked at the impact of Surrey County Council's proposals to change the services at Community recycling centres, and separately looked in-depth at the Council's Waste, Recycling and Street Cleaning Contract; and Housing reviewed in-depth the Council's Housing Design Standards for New Council Homes, and also looked at how the Homelessness Reduction Act would affect Waverley's most vulnerable residents.

Yasmine Makin, Policy Officer Scrutiny (2018)

As Graduate Management Trainee I joined the Scrutiny team in September 2017. The new process had only been in place for a few months and each Committee had met only once. All the work that had been undertaken to contribute to the development of the new process was evident in the enthusiasm shown by both officers and Members; there was a real sense of change. Almost one year later I have been formally in post as Policy Officer for Scrutiny for nearly two months and

have seen that sense of change affect not only the work the Committees have embarked upon but also the approach both officers and Members take to Scrutiny.

Good practice tells us that O&S should be Member-led. Whilst officers and Members are still adapting to this new driving force of O&S, a good proportion of agenda items have been at the request of Members informed by strategic curiosity and constructive desire to enhance the output of the Council. The move from officer-led to Member-led has had an encouraging start but there is more opportunity to develop this and include items on Committee meeting agendas at the request of Members, resulting in more engaged debate and valuable outcomes.

One of the major successes of the new process is how items are brought to O&S before decisions have been made by the Executive; thus the O&S Committees exercise 'pre-decision' Scrutiny much more effectively. The in-depth working groups have also been a success of the new Scrutiny arrangements. O&S has been able to develop and inform policy through Committee meetings but particularly through these working groups. This is a change to the previous way of working that has enabled O&S to act as a resource for the Council and ultimately improve service delivery to residents.

A broader range of issues has been considered by the O&S process. In my opinion this is a result of both the influence of the first Policy Officer for Scrutiny, Alex Sargeson, and the interest of Members to look less internally and more at issues which affect our residents. This welcome change does require a shift in not just the approach of Members but also that of officers; it necessitates the acceptance and use of alternative sources of information to support the work of Scrutiny. As O&S progresses, more contacts and working relationships with external agencies will be formed to allow for these alternative sources to be utilised. This is one of the clear areas for improvement after one year of the new arrangements.

Conclusion

Cllr John Ward

The first year of the new O&S arrangements has been very productive and the results of the survey show that Members have seen an improvement in the effectiveness and value of Scrutiny.

A major area of success has been the policy development side of the O&S work. The in-depth reviews have contributed enormously to the work of the Council and have helped forge a firmer relationship with the Executive. These reviews have all been conducted with good cooperation between councillors of all parties and officers involved. The working groups have invariably led to recognisable improvements to outcomes in the areas of study.

The work of the O&S committees and reduction in committee size has also strengthened Members' level of service knowledge and in turn officers have been able to benefit from drawing on the expertise of Members.

Although, disappointingly, fewer Members took part in the repeat of the 2015 Survey, the results were generally very encouraging. It was particularly pleasing to see that a very high percentage of respondents felt that the new Committees were working more effectively with the Council's Executive and senior management.

Areas for improvement were highlighted through the survey, these being: publicising the work of O&S; increasing engagement/involvement with/from the public; and increasing liaison with external bodies such as other councils, emergency services and infrastructure suppliers. Consistent and well publicised webcasting and more effective use of social media, the press and the website could contribute to improvement in this element of Scrutiny.

Overall the re-organization of Waverley's O&S arrangements has led to a successful and productive year with the Committees not only **scrutinising** already-made decisions but actively **overviewing** the Executive process pre-decision, often by in-depth reviews of important matters.

Officer Contact

Yasmine Makin
Policy Officer for Scrutiny
01483 523078
yasmine.makin@waverley.gov.uk

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