

To: All Members of the Council

Fiona Cameron, Democratic Services Manager  
& Deputy Monitoring Officer

**Policy and Governance**

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Date: 9 April 2021

Dear Councillor

**COUNCIL MEETING - TUESDAY, 20 APRIL 2021**

A MEETING of the WAVERLEY BOROUGH COUNCIL will be held in the ZOOM MEETING - VIRTUAL MEETING on **TUESDAY, 20 APRIL 2021** at **6.00 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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[www.waverley.gov.uk/committees](http://www.waverley.gov.uk/committees)

## AGENDA

### 1. APOLOGIES FOR ABSENCE

The Mayor to report apologies for absence.

### 2. MINUTES (Pages 9 - 40)

To confirm the Minutes of the Council meeting held on 23 February 2021 and reconvened on 25 February and 22 March.

### 3. DECLARATIONS OF INTEREST

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

### 4. MAYOR'S ANNOUNCEMENTS

### 5. LEADER'S ANNOUNCEMENTS

### 6. QUESTIONS FROM MEMBERS OF THE PUBLIC

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

The deadline for receipt of questions is 5pm on Tuesday 13 April.

The following question has been received from Charles Collins, Savills, Guildford:

“Noting that the Planning Service Plan timetable highlights the review of LPP1 needs to be completed by February 2023, can the Council confirm that the housing numbers informing the review will be based on the current Standard Method figures of 679 homes per annum, plus any unmet needs, and what overall housing figure/ period the Plan review period will cover?”

### 7. QUESTIONS FROM MEMBERS OF THE COUNCIL

To respond to any questions received from Members of the Council in accordance with Procedure Rule 11.2.

The deadline for receipt of questions is 5pm on Tuesday 13 April 2021.

Questions from Cllr Brian Edmonds:

1. What is the current financial loss due to COVID Leisure Centre closures allocated to Waverley Borough Council taxpayers and how much of this loss will be recovered from Waverley Borough Council's Business Interruption Insurance?
2. When will the 10 year plan to deliver Waverley Borough Council's net

zero carbon status by 2030 be available to the public in either Microsoft Project format or similar?

8. MOTIONS

To consider the following motion submitted in accordance with Procedure Rule 12.1.

**This Council is deeply disappointed by the recent Government refusal to allow us to continue with some form of remote meetings which will adversely affect our ability to conduct Council business with efficiency and safely. We urge the government to urgently revisit this decision and continue to allow all levels of local government to continue with the sensible precautions and ability to function safely and democratically during this period.**

Proposer: Cllr John Ward  
Seconder: Cllr Paul Follows

9. EMERGENCY DELEGATION

Given that the ability for the Council to hold remote meetings ends on 7 May 2021, and there is insufficient room in the Council Chamber to hold a meeting of Full Council with appropriate social distancing measures as currently required, the following delegation is proposed as a contingency arrangement in the event of the need arising for an urgent Council decision.

**Recommendation**

Council agrees that, in relation to any meeting of Full Council convened for the period 7 May 2021 – 30 September 2021, in the event that the meeting is not quorate, any decisions identified on the meeting agenda as being **Urgent**, will be delegated (as far as the law allows) to the Chief Executive in consultation with the Mayor and the relevant Committee Chairman (including the Leader of the Council as Chairman of the Executive).

10. PUBLIC SPACE PROTECTION ORDER NO. 3 (ANTI-SOCIAL BEHAVIOUR) 2021 (Pages 41 - 102)

This report provides feedback from the consultation in respect of the draft Public Space Protection Order No.3 (Anti-social Behaviour) 2021 (PSPO) which ran from 1 March 2021 until 2 April 2021. Section 9 of the report and **Annexe B** detail and responds on the feedback from the consultation. Changes have been made to the draft Order where appropriate following that consultation feedback and the final draft of the Order is attached at **Annexe C**.

It recommends the Council approve the amended Order to assist in addressing anti-social behaviour issues which are having a significant detrimental impact on the community in some parts of the borough.

**Recommendation**

That Council approves and makes the Public Space Protection Order No.3 (Anti-social Behaviour) 2021 as set out in **Annexe C** to this report.

11. THE WAVERLEY BOROUGH COUNCIL (OFF-STREET PARKING PLACES) ORDER 2020 (AMENDMENT NO. 1) ORDER 2021 (Pages 103 - 106)

This report requests Council to approve the making of the Waverley Borough Council (Off-Street Parking Places) Order 2020 (Amendment No.1) Order 2021, in order to incorporate the new Brightwells Yard multi-storey car park in the Order.

**Recommendation**

That Council approve the making of the Waverley Borough Council (Off-Street Parking Places) Order 2020 (Amendment No.1) Order 2021, attached as Annexe A to this report.

12. EXE74/20 AFFORDABLE HOUSING SPD

Following the deferral of this item at the Council meeting on 22 March, Cllr MacLeod to provide an update on discussions regarding the proposed amendment submitted by Cllr Mulliner.

13. MINUTES OF THE EXECUTIVE

To receive the Minutes of the Executive meeting held on [DATE], and to consider the recommendations set out within.

13.1 Executive Minutes 2 March 2021 (Pages 107 - 108)

To receive the Minutes of the Executive meeting held on 2 March 2021.

*There are no Part I matters for Council consideration.*

*There shall be no debate on any item contained in Part II of the Minutes, but Members may give notice in writing, by email, or by phone, by noon on the day of the meeting of a statement or question, and give details of any question.*

13.2 Executive Minutes 30 March 2021 (Pages 109 - 120)

To receive the Minutes of the Executive meeting held on 30 March 2021.

*There is one Part I matter for Council consideration:*

**EXE 88/20 Council Tax exemption for young people leaving care [Annexe A, Page number 117]**

Care leavers who are living independently for the first time find managing their own finances extremely challenging, due to issues such as limited family support. This can mean that care leavers may fall into debt and financial difficulty. The Executive recommends to Council a new Council Tax exemption that would ensure that Care Leavers within Waverley do not have to pay

Council Tax up to the age of 25.

### **Recommendation**

The Executive recommends to Council the creation of a new Council Tax exemption for Care Leavers to be applied until the age of 25.

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*There shall be no debate on any item contained in Part II of the Minutes, but Members may give notice in writing, by email, or by phone, by noon on the day of the meeting of a statement or question, and give details of any question.*

#### 13.3 Executive Minutes 6 April 2021 (Pages 121 - 136)

To receive the Minutes of the Executive meeting held on 6 April 2021.

*There is one Part I matter for Council consideration.*

### **EXE 99/20 Governance Matters [Annexe A, Page number 127]**

The purpose of this report is to propose a number of governance changes that are considered to be in the best interests of the Council in order to fulfil the Corporate Strategy 2020-2025, adopted in October 2020. The proposed governance changes seek to respond to and achieve the Council's vision as set out within that strategy, in particular the need to promote:

- 'Open, democratic and participative governance'; and
- 'An effective strategic planning and development management which supports the planning and infrastructure needs of local communities'.

### **Recommendation**

The Executive:

1. RECOMMENDS TO FULL COUNCIL that
  - the temporary WESTERN and EASTERN planning committee arrangements first incorporated into the Constitution on 22 July 2020 by Full Council and extended on 20 October 2020 by Full Council be made permanent (until such time as Full Council resolves to make any further changes to them) with the current Terms of Reference; and
  - the Head of Policy and Governance be authorised to make the corresponding revisions to the Constitution with the Chairman of the Standards Committee.
2. RECOMMENDS TO FULL COUNCIL that it
  - agrees to the principle of moving to a governance structure whereby Waverley Borough Council no longer operates four overview and scrutiny committees but instead operates *two overview and scrutiny committees*, 'corporate' and 'community', and a new *Housing Landlord Services Board* whilst retaining the existing constitutional ability to establish informal OS working groups (as set out in section 4.2); and

- asks the Standards Committee to develop and recommend to Full Council for adoption the necessary proposed constitutional amendments to achieve this change, including terms of reference for the new committees.

3. RECOMMENDS TO FULL COUNCIL that it

- agrees to the principle of moving to a governance structure whereby Waverley Borough Council expands the remit of the existing Standards Committee to become a '*Standards and General Purposes Committee*' which, as well as dealing with the Standards and Constitutional issues it currently does, would also take responsibility for a range of other functions and pick up issues that arise over the course of time that do not obviously sit elsewhere (as set out in section 4.3); and
- asks the Standards Committee to develop and recommend to Full Council for adoption the necessary proposed constitutional amendments to achieve this change.

4. RECOMMENDS TO FULL COUNCIL that it

- agrees to the principle of reintroducing the capacity for *Executive Working Groups* to be constituted in order to shape and drive policy development across a range of portfolio areas (as set out in section 4.4); and
- asks the Standards Committee to develop and recommend to Full Council for adoption the necessary proposed constitutional amendments to achieve this change.

5. RECOMMENDS TO FULL COUNCIL that it

- Asks the Standards Committee to carry out a general and comprehensive review of the Constitution to ensure it remains fit for purpose and to bring forward to Full Council any proposed constitutional amendments arising from its review (as set out in section 4.5).

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*There shall be no debate on any item contained in Part II of the Minutes, but Members may give notice in writing, by email, or by phone, by noon on the day of the meeting of a statement or question, and give details of any question.*

14. MINUTES OF THE LICENSING AND REGULATORY COMMITTEE (Pages 137 - 140)

To receive the Minutes of the Licensing & Regulatory Committee meeting held on 1 March 2021.

*There are no Part I matters for Council consideration.*

*There shall be no debate on any item contained in Part II of the Minutes, but Members may give notice in writing, by email, or by phone, by noon on the day of the meeting of a statement or question, and give details of any question.*

15. MINUTES OF THE AUDIT COMMITTEE (Pages 141 - 146)

To receive the Minutes of the Audit Committee meeting held on 1 March 2021.

*There are no Part I matters for Council consideration.*

*There shall be no debate on any item contained in Part II of the Minutes, but Members may give notice in writing, by email, or by phone, by noon on the day of the meeting of a statement or question, and give details of any question.*

16. EXCLUSION OF PRESS AND PUBLIC

If necessary, to consider the following motion, to be moved by the Mayor:

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

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## Agenda Item 2.

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MINUTES of the WAVERLEY  
BOROUGH COUNCIL held in  
the ZOOM MEETING - Virtual  
Meeting on 23 February 2021  
at 7.00 pm

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- \* Cllr Penny Marriott (Mayor)
- \* Cllr John Robini (Deputy Mayor)

- |                           |                           |
|---------------------------|---------------------------|
| * Cllr Brian Adams        | * Cllr Daniel Hunt        |
| * Cllr Christine Baker    | * Cllr Jerry Hyman        |
| * Cllr David Beaman       | * Cllr Peter Isherwood    |
| * Cllr Roger Blisshen     | * Cllr Jacquie Keen       |
| * Cllr Peter Clark        | * Cllr Robert Knowles     |
| * Cllr Carole Cockburn    | * Cllr Anna James         |
| * Cllr Richard Cole       | * Cllr Andy MacLeod       |
| * Cllr Steve Cosser       | * Cllr Peter Marriott     |
| * Cllr Martin D'Arcy      | * Cllr Michaela Martin    |
| * Cllr Jerome Davidson    | * Cllr Peter Martin       |
| * Cllr Kevin Deanus       | * Cllr Mark Merryweather  |
| * Cllr Simon Dear         | * Cllr Kika Mirylees      |
| * Cllr Sally Dickson      | * Cllr Stephen Mulliner   |
| * Cllr Brian Edmonds      | * Cllr John Neale         |
| * Cllr Patricia Ellis     | * Cllr Peter Nicholson    |
| * Cllr David Else         | * Cllr Nick Palmer        |
| * Cllr Jenny Else         | * Cllr Julia Potts        |
| * Cllr Jan Floyd-Douglass | * Cllr Ruth Reed          |
| * Cllr Paul Follows       | * Cllr Paul Rivers        |
| * Cllr Mary Forszyszewski | * Cllr Penny Rivers       |
| * Cllr Maxine Gale        | * Cllr Anne-Marie Rosoman |
| * Cllr Michael Goodridge  | * Cllr Trevor Sadler      |
| * Cllr John Gray          | * Cllr Richard Seaborne   |
| * Cllr Michaela Wicks     | * Cllr Liz Townsend       |
| * Cllr Joan Heagin        | * Cllr John Ward          |
| * Cllr Val Henry          | * Cllr Steve Williams     |
| * Cllr George Hesse       | * Cllr George Wilson      |
| * Cllr Chris Howard       |                           |

\*Present

### Apologies

23 February 2021 – Cllrs Simon Dear, Chris Howard, Jacquie Keen, and Kika Mirylees

25 February 2021 – Cllrs Jan Floyd-Douglass, Michaela Martin, Kika Mirylees, and  
Richard Seaborne

22 March 2021 – Cllrs Sally Dickson, Chris Howard, Peter Isherwood, Julia Potts, and  
Steve Williams

Prior to the commencement of the meeting on 23 February 2021, prayers were led  
by Qamar Zafar from the Ahmadiyya Association, introduced by Nabeel Nasir.

CNL80/20 APOLOGIES FOR ABSENCE (Agenda item 1.)

- 80.1 Apologies for absence were received from Cllrs Simon Dear, Jacquie Keen and Kika Mirylees.

CNL81/20 MINUTES (Agenda item 2.)

- 81.1 The Minutes of the Meeting of the Council held on 15 December 2020 were confirmed as an accurate record.

CNL82/20 DECLARATIONS OF INTEREST (Agenda item 3.)

- 82.1 Cllrs David Else and Jenny Else declared a non-pecuniary interest in relation to Agenda Item 9.5 (Local government collaboration in Surrey) as a family member was a Waverley officer.
- 82.2 Cllr Christine Baker declared a non-pecuniary interest in relation to Agenda Item 9.3 (Annual Pay Policy Statement) as a family member was a Waverley officer.
- 82.3 Robin Taylor, Head of Policy & Governance, declared an interest in relation Agenda Item 11 (Appointment of a Deputy Electoral Registration Officer), and would leave the meeting during this matter.

CNL83/20 MAYOR'S ANNOUNCEMENTS (Agenda item 4.)

- 83.1 The Mayor reflected on the past year and how difficult it had been for everyone; she hoped that Members, residents, and Waverley staff had kept safe and well, and sent condolences to those who had lost family and friends, or been adversely affected. The Mayor thanked volunteers, healthcare workers, Waverley officers and others, including the BIFFA refuse and recycling collectors, who had gone the extra mile to keep services running and ensure the most vulnerable in the community were supported. As the vaccination programme progressed, it was possible to look forward more positively to the spring and summer.
- 83.2 The Mayor regretted that she had not been able to be as active in her Mayoral year, and in particular had not been able to support her charities as much as she would have liked. She hoped that restrictions would be eased sufficiently in a month or two, to allow some form of event before the end of the civic year.

CNL84/20 LEADER'S ANNOUNCEMENTS (Agenda item 5.)

- 84.1 The Leader opened his announcements by noting the Prime Minister's recent announcement on 'roadmap' for easing lockdown restrictions and the impact on Waverley services. It was noted that the current understanding was that the regulations allowing the council to hold remote meetings would not be extended, and the implications of this for the council was being reviewed and would be discussed with Group Leaders.

The Leader then invited Executive Portfolio Holders to give brief updates on current issues not covered elsewhere on the meeting agenda:

- The garden waste collection service that had been suspended in January due to staffing pressures at the contractor would resume at the beginning of March, and all existing customers of the service would have their annual subscription extended to cover for the closed period.
- Waverley had been awarded a grant from Phase 1 of the Public Sector Decarbonisation Scheme to retrofit the Memorial Hall in Farnham.
- Waverley had appointed a Transport Projects Officer to support the work of the Sustainability Team in promoting sustainable and active travel.
- The Ockford Ridge redevelopment project was continuing apace, with demolition begun on Site B, and the planning application for Site C now submitted.
- Fewer people had presented as homeless in the latest lockdown, and there were four Waverley households in temporary accommodation. Government funding had been received for two modular housing units to provide temporary housing for rough sleepers, and housing officers were working with planning officers to progress this project.
- The Brightwells Yard development was progressing despite the lockdown, but the opening date had been delayed to September 2020.
- There had been over 400 responses to the Local Plan Part 2 consultation, from a wide range of respondents. The responses were being carefully analysed and follow-up meetings arranged with key stakeholders.
- Car parking remained at a very low level, well below 50% of normal, and this would continue to be the case until the lockdown restrictions began to ease later in the spring and summer. The Environmental Health and Economic Development Teams would be working with businesses over the coming months to help them prepare for re-opening.
- Leisure Centres remained closed, but in light of the recent announcement on easing of restrictions officers would be working with Places Leisure to make preparations for the safe re-opening of facilities in early April.
- Service Level Agreements with voluntary organisations supported by Waverley had been extended for 12 months, to enable them to review service delivery and continue to support the most vulnerable in the community.
- The online Planning Portal had experienced a period of poor performance but was now back to normal operations.
- The Communications and Engagement Team would be reviewing the government on the plans for easing lockdown restrictions, and would be developing the appropriate messaging to support local residents in accessing clear and accurate information.

#### CNL85/20 QUESTIONS FROM MEMBERS OF THE PUBLIC (Agenda item 6.)

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

From Mrs Karen Lankester of Godalming:

“How/by whom is the new £10m property investment fund to be managed; what percentage fee will be charged for management and administration?”

Response from Cllr Mark Merryweather, Portfolio Holder for Finance and Property:

“I’d like to unpack the question into its 3 elements which I’ll deal with separately.

**Firstly** - on the existence of a property investment fund, the short answer is that we don’t have one and I’m very happy to clarify that, but as part of our Capital Strategy we do have a property investment strategy, one of the pillars of our MTFP, which is specifically targeted at *capital* investment in assets that generate much needed revenue income and otherwise advance our Corporate Strategy.

We have to do this, reluctantly, to replace the revenue that the Government is – one way or another - denying us. We also have to do this within public sector financial regulations that differ to those in the private sector and where for example even the terms “fund” and “funding” have important differences in meaning. These rules also mean for example that even if we have the “cash”, we can’t use it to spend on services unless appropriate revenue “funding” is also available, but we can use capital funds, and even borrow, to invest in property to generate revenue funds that we can spend on services.

**Second** I’d like to clarify how we do manage our investment properties and other property assets. Our investment property portfolio, which we own directly, is only about 5% of our total property assets: we also own and manage around 5,000 council houses, plus our own estate which includes offices, leisure centres, car parks, sports grounds and pavilions, play parks and all sorts of other community facilities from public halls to youth club huts. All of these we manage ourselves internally, and have dedicated housing and estates teams to do that.

**Third** I’d like to clarify the policies the Council has to govern its investment property activities. They are codified in the Property Investment Strategy I mentioned earlier, which covers all appropriate aspects of this including the legal framework under which our powers are regulated through to the due diligence risk and return appraisals that are required for individual asset assessments. The Property Investment Strategy is reviewed regularly and was last updated by Council in February 2020. It’s public and published on our website, and in fact prior to its final approval, it went through its own governance journey with reviews by the Executive and an Overview & Scrutiny committee. All of these meetings – Council, Executive and O&S – were broadcast to the public on our Council YouTube stream, and the recordings of all of those meetings are still publicly available on demand.

As well as the Policy itself, individual investments are also subject to a process as they arise, although in some cases we are obliged to discuss some details in confidence if they are commercially sensitive for our counterparty. For that reason the Executive has established a cross-party “Advisory Board” to work with Officers to pre-filter opportunities so that only the most appropriate ones advance for consideration. Embedded in this process is

the securing of appropriate independent expert professional advice. The most recent investment decision, which I think may have inspired this question, was made in November and December last year. While these meetings did have to go into confidential session, I was glad to be able to at least introduce the investment in the context of the strategy while we were in public session. These meetings and the relevant reports are again published on our website and they were again broadcast on our YouTube channel where recordings remain available on demand today.”

CNL86/20 QUESTIONS FROM MEMBERS OF THE COUNCIL (Agenda item 7.)

86.1 There were no questions from Members.

CNL87/20 MOTIONS (Agenda item 8.)

87.1 The following motion was moved by Cllr Steve Williams, and seconded by Cllr Ward:

“Waverley Borough Council expresses its support for the Climate and Ecological Emergency Bill and empowers the Leader of the council to write to local MPs and other stakeholders highlighting this council’s support.”

The Motion was debated by Members. The following Members spoke in the debate: Cllrs Follows, Seaborne, Palmer, Edmonds, Townsend, Mulliner, Cockburn, Hyman, Cosser, Robini, and Williams.

In accordance with Procedure Rule 17.4, a recorded vote was called.

The Mayor put the Motion to the vote, which was carried – votes in favour: 29, votes against 23, abstentions 1.

RESOLVED that Waverley Borough Council expresses its support for the Climate and Ecological Emergency Bill and empowers the Leader of the council to write to local MPs and other stakeholders highlighting this council’s support

For: 29

Cllrs Christine Baker, David Beaman, Roger Blishen, Peter Clark, Richard Cole, Martin D’Arcy, Jerome Davidson, Sally Dickson, Paul Follows, Maxine Gale, Joan Heagin, George Hesse, Daniel Hunt, Andy MacLeod, Penny Marriott, Michaela Martin, Mark Merryweather, Peter Nicholson, Nick Palmer, Ruth Reed, Paul Rivers, Penny Rivers, John Robini, Anne-Marie Rosoman, Liz Townsend, John Ward, Michaela Wicks, Steve Williams, George Wilson

Against: 23

Cllr Brian Adams, Carole Cockburn, Steve Cosser, Kevin Deanus, Brian Edmonds, Patricia Ellis, David Else, Jenny Else, Jan Floyd-Douglass, Mary Forszewski, Michael Goodridge, John Gray, Val Henry, Peter Isherwood, Anna James, Robert Knowles, Peter Marriott, Peter Martin, Stephen Mulliner, John Neale, Julia Potts, Trevor Sadler, Richard Seaborne

Abstentions: 1  
Cllr Jerry Hyman

- 87.2 The following motion was moved by Cllr George Wilson, and seconded by Cllr Paul Follows:

“Waverley Borough Council is concerned to learn that changes to Surrey Fire and Rescue Services appear to have resulted in periods when fire cover for Waverley has been very limited, particularly in the more isolated rural areas at night, we request Surrey County Council to revisit this decision for the safety of our residents.”

The Motion was debated by Members. The following Members spoke in the debate: Cllrs Hyman, Peter Martin, Townsend, Cockburn, Cosser, Mulliner, Robini, MacLeod, Follows, Knowles, Williams, Beaman, Forszowski, Rosoman, Penny Rivers, Potts, Goodridge, and Wilson.

In accordance with Procedure Rule 17.4, a recorded vote was called.

The Mayor put the Motion to the vote, which was carried – votes in favour: 32, votes against 8, abstentions 13.

RESOLVED that Waverley Borough Council is concerned to learn that changes to Surrey Fire and Rescue Services appear to have resulted in periods when fire cover for Waverley has been very limited, particularly in the more isolated rural areas at night, we request Surrey County Council to revisit this decision for the safety of our residents.

For: 32

Cllrs Christine Baker, Roger Blishen, Peter Clark, Martin D’Arcy, Jerome Davidson, Sally Dickson, Brian Edmonds, Patricia Ellis, Paul Follows, Mary Forszowski, Maxine Gale, Joan Heagin, George Hesse, Daniel Hunt, Jerry Hyman, Robert Knowles, Andy MacLeod, Penny Marriott, Michaela Martin, Mark Merryweather, Peter Nicholson, Nick Palmer, Ruth Reed, Paul Rivers, Penny Rivers, John Robini, Anne-Marie Rosoman, Liz Townsend, John Ward, Michaela Wicks, Steve Williams, George Wilson

Against: 8

Cllr Carole Cockburn, Steve Cosser, Michael Goodridge, Peter Isherwood, Anna James, Peter Martin, Julia Potts, Trevor Sadler

Abstentions: 13

Cllrs Brian Adams, David Beaman, Richard Cole, Kevin Deanus, David Else, Jenny Else, Jan Floyd-Douglass, John Gray, Val Henry, Peter Marriott, Stephen Mulliner, John Neale, Richard Seaborne

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At 9.26pm, the Mayor adjourned the meeting for 5 minutes for a comfort break.

At 9.32pm the Mayor resumed the meeting, and in accordance with Procedure Rule 9 moved the motion to continue the meeting beyond 10pm.

Council RESOLVED to continue the meeting beyond the normal finish time of 10pm.

(Cllr George Hesse left the meeting.)

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CNL88/20 MINUTES OF THE EXECUTIVE (Agenda item 9.)

88.1 It was moved by the Leader, duly seconded and RESOLVED that the Minutes of the Executive held on 9 February 2021 be received and noted.

There were seven Part I matters for Council consideration.

CNL89/20 EXE 69/20 GENERAL FUND BUDGET 2021/22 AND MTFP 2021/22 - 2023/24  
(Agenda item 9.1) (Pages 17 - 32)

- 89.1 The Leader of the Council introduced the General Fund Budget 2021/2022 and Medium Term Finance Plan 2021/22 – 2023/24. The budget proposed reflected the financial impact of Covid, and the failure of the government to reimburse the council fully for the extra costs incurred and the unanticipated severe loss of revenue. This was on top of the financial pressures already anticipated, arising from the removal of the Revenue Support Grant, reduction in New Homes Bonus, and iniquitous retention of local Business Rates. The ability of the council to raise investment income had also been restricted by changes to the terms of loans from the Public Works Loan Board.
- 89.2 The Leader invited the Finance Portfolio Holder, Cllr Merryweather, to present the detailed budget proposals. Cllr Merryweather's slides and speech are annexed to these minutes.
- 89.3 The Leader of the Conservative Group, Cllr Potts, addressed the meeting on behalf of the Principal Opposition Group. The Conservative Group recognised the gravity of the council's financial position, and would not be opposing the proposed budget. Cllr Potts had worked with the Leader and Cllr Merryweather on coming to a cross-party agreement on a letter to the Secretary of State, to lobby for a much fairer distribution of business rates. Looking forward, there was considerable uncertainty for the council. Whilst £2.2m of financial compensation had been received from the government, there was still a huge budget gap to fill, and the council's two main sources of income in the form of car parks and leisure centres had fallen off a financial cliff, due to the pandemic. The council could not run at a deficit, and had to balance its budget. Cllr Potts had some concerns that the proposed budget was overly pessimistic; it was recognised that it was not possible to just use reserves built up over years of careful and prudent financial management, and the biggest concern was the financial risk associated with the leisure centres. The council had already paid £2.7m to Places Leisure in compensation but it was vital that the council continued to work closely with Place Leisure to keep to a minimum future compensation payments in order not risk the future of the council's leisure centres. There was an exciting opportunity to work with Places Leisure on a new leisure centre and community hub for Cranleigh, that would respond to changes in the lifestyles of residents as we emerged from the pandemic lockdown; and there would be opportunities for the council to invest in outdoor spaces and other assets

to deliver both a financial benefit and benefit the health and well-being of Waverley communities. In concluding, Cllr Potts, thanked Cllr Merryweather for his informative finance briefings, and officers from across the council who had worked so hard for residents and Waverley communities throughout the year.

- 89.4 The Mayor opened up the debate, and the following Members spoke: Cllrs Follows, Hunt, Edmonds, Mulliner, MacLeod, Wilson, Townsend, Goodridge, Dickson, Baker, Peter Martin, Hyman, Gray, Rosoman, and Forszewski.

(Cllr Jan Floyd-Douglass left the meeting at 10.14pm)

- 89.5 In concluding the debate, the Leader formally moved the recommendations in the report, which were seconded by Cllr Follows.

- 89.6 In accordance with Procedure Rule 17.4, the Mayor called for a recorded vote on the recommendations.

- 89.7 The vote was carried, with votes in favour 49, and against 1. Cllr Hyman abstained on the recommended to increase the Council Tax.

89.8 RESOLVED to:

1. agree a £5 increase in Waverley's Band D Council Tax Charge for 2021/22 with resultant increases to the other council tax bands;
2. agree to make no change to the Council's existing Council Tax Support Scheme and continue to allocate additional Government support to help those council taxpayers most financially affected by the pandemic;
3. agree the proposed Fees and Charges for 2021/22;
4. approve the General Fund Budget for 2021/22 as summarised in Annexe 2, incorporating the baseline net service cost variations included at Annexe 3 and the staff pay award;
5. approve the specific use of reserves to mitigate the Covid-19 uncertainty risk and the estimated reduction in retained business rate funding over the Medium Term Finance Plan period, and the other reserve movements as set out in the annexe 6,
6. approve the General Fund Capital Programme; and,
7. agree to extend the 2020/21 Capital Strategy to cover the period up to the Council meeting in February 2022 at the latest.

For:

Cllrs Brian Adams, Christine Baker, David Beaman, Roger Blishen, Peter Clark, Carole Cockburn, Richard Cole, Steve Cosser, Martin D'Arcy, Jerome Davidson, Kevin Deanus, Sally Dickson, Patricia Ellis, David Else, Jenny Else, Paul Follows, Mary Forszewski, Maxine Gale, Michael Goodridge, John Gray, Joan Heagin, Val Henry, Dan Hunt, Jerry Hyman\*, Peter Isherwood, Anna James, Robert Knowles, Andy MacLeod, Penny Marriott,



Peter Marriott, Michaela Martin, Peter Martin, Mark Merryweather, Stephen Mulliner, John Neale, Peter Nicholson, Nick Palmer, Julia Potts, Ruth Reed, Paul Rivers, Penny Rivers, John Robini, Anne-Marie Rosoman, Richard Seaborne, Liz Townsend, John Ward, Michaela Wicks, Steve Williams, and George Wilson.

\*Cllr Hyman abstained on the resolution to increase Council Tax.

Against: 1  
Cllr Brian Edmonds

The Mayor advised Members that she would next take Agenda Item 10, the Council Tax setting report for 2021/22, as this was a technical report that would enable officers to expedite the Council Tax billing process.

CNL90/20 COUNCIL TAX SETTING 2021/2022 (Agenda item 10.)

- 90.1 The Mayor introduced the Council Tax Setting report. This was a technical report that summarised all of the appropriate budgetary decisions that had been taken to enable the level of Council Tax for 2021/22 to be determined, and specified all of the individual levels of Council Tax for approval by the Council.
- 90.2 The Mayor moved the recommendation, which was duly seconded by the Leader, which was agreed, with all in favour except Cllrs Edmonds and Hyman who asked for their abstentions to be recorded.
- 90.3 RESOLVED that the Council Tax Setting resolutions as set out in the agenda report, are approved.

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At 10.40pm, in accordance with Procedure Rule 9, Council RESOLVED to adjourn the meeting until 7pm on Thursday 25 February 2021.

The Mayor reconvened the meeting of Council at 7pm on Thursday 25 February 2021.

Apologies were recorded from Cllrs Jan Floyd-Douglass, Michaela Martin, Kika Mirylees, and Richard Seaborne.

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CNL91/20 EXE 70/20 HRA BUSINESS PLAN 2021/22 - 2023/24 (Agenda item 9.2)

- 91.1 The Leader of the Council introduced the Housing Revenue Account Business Plan 2021/22 – 2023/24, including the Revenue Budget and Capital Programme for 2021/22, and invited the Housing Portfolio Holder, Cllr Rosoman, to present the detailed budget proposals.
- 91.2 The Leader of the Conservative Group, Cllr Potts, addressed the meeting on behalf of the Principal Opposition Group, who were generally supportive of the proposed business plan and budget.

- 91.3 The Mayor opened up the debate, and the following Members spoke: Cllrs Follows, Cockburn, Palmer, Goodridge, Townsend, Wilson, Hyman, Merryweather, Williams, Mulliner, and Reed.
- 91.4 In concluding the debate, the Leader formally moved the recommendations in the report, which were seconded by Cllr Rosoman.
- 91.5 In accordance with Procedure Rule 17.4, the Mayor called for a recorded vote on the recommendations.

The vote was carried, with votes in favour 53, and none against or abstaining.

91.6 RESOLVED that:

1. the rent level for Council dwellings be increased by 1.25% from the 20/21 level with effect from 1 April 2021 within the permitted guidelines contained within the Government's rent setting policy;
2. the average weekly charge for garages rented by both Council and non-Council tenants be increased by 50 pence per week excluding VAT from 1 April 2021;
3. the service charges in senior living accommodation be increased by 30 pence per week from 1 April 2021 to £19.80;
4. the recharge for energy costs in senior living accommodation be increased by 50 pence per week from 1 April 2021;
5. the revised HRA Business Plan for 2021/22 to 2024/25 as set out in Annexe 1 be approved;
6. the approval change for the fees and charges as set out in Annexe 2 be noted
7. the Housing Revenue Account Capital Programmes as shown in Annexe 3 be approved;
8. the financing of the capital programmes be approved in line with the resources shown in Annexe 4.

For: 53

Cllrs Brian Adams, Christine Baker, David Beaman, Roger Blishen, Peter Clark, Carole Cockburn, Richard Cole, Steve Cosser, Martin D'Arcy, Jerome Davidson, Kevin Deanus, Simon Dear, Sally Dickson, Brian Edmonds, Patricia Ellis, David Else, Jenny Else, Paul Follows, Mary Forszewski, Maxine Gale, Michael Goodridge, John Gray, Joan Heagin, Val Henry, George Hesse, Chris Howard, Dan Hunt, Jerry Hyman, Peter Isherwood, Anna James, Jacquie Keen, Robert Knowles, Andy MacLeod, Penny Marriott, Peter Marriott, Peter Martin, Mark Merryweather, Stephen Mulliner, John Neale, Peter Nicholson, Nick Palmer, Julia Potts, Ruth Reed, Paul Rivers, Penny Rivers, John Robini, Anne-Marie Rosoman, Liz Townsend, John Ward, Michaela Wicks, Steve Williams, and George Wilson.

CNL92/20 EXE 71/20 ANNUAL PAY POLICY STATEMENT 2021/22 (Agenda item 9.3)

- 92.1 The Leader introduced the Annual Pay Policy Statement for 2021/22, which had been circulated in the agenda papers with tracked changes from the previous year. The Leader explained that since publication of the agenda, the government had announced late on Friday 12 February that it would be revoking the Restriction to Public Sector Exit Payments Regulations 2020,

and therefore the second paragraph in the section of the Pay Policy Statement referring to Redundancy arrangements was no longer required.

- 92.2 He proposed an amendment to remove this paragraph, which was duly seconded by Cllr Follows. The Mayor invited speakers on the amendment, and there were none. The Mayor therefore put the amendment to the vote, which was carried unanimously.
- 92.3 The Mayor opened the debate on the Annual Pay Policy Statement 2021/22, as amended, during which the following Members spoke: Cllrs Edmonds, Hyman and Knowles.
- 92.4 At the conclusion, the Mayor moved the recommendation, which was carried unanimously.
- 92.5 RESOLVED that the Annual Pay Policy Statement for 2021/22, as amended, be approved.

CNL93/20 EXE 72/20 LOCAL BOUNDARY COMMISSION ELECTORAL REVIEW 2020-2022  
(Agenda item 9.4)

- 93.1 The Leader of the Council, Cllr John Ward, introduced the proposed submission to the Local Government Boundary Commission for England (LGBCE) on Council Size, to inform the Commission's review of electoral equality in Waverley Borough.
- 93.2 Council noted that the LGBCE had a statutory duty to review every English local authority 'from time to time'. As Waverley had not had an electoral review since 1998 the Commission had advised the Council that a review would commence in 2020 and take effect at the May 2023 elections. The aim of the review was to seek to deliver electoral equality for voters in local elections and would therefore propose new electoral arrangements for:
- The total number of councillors to be elected to the council: council size.
  - The names, number and boundaries of wards.
  - The number of councillors to be elected from each ward.
- 93.3 The Leader had made strong representations to the LGBCE about the timing of the review, given the Council's focus on responding to the Covid pandemic, and the ongoing uncertainty about the impacts of Brexit and possible future local government reorganisation in Surrey. However, it had not been possible to alter the timeframe for the review. A cross-party working group had considered carefully the criteria used by the LGBCE to make their decision on council size: strategic leadership, governance, and community involvement; and also noted that Waverley was out of step with neighbouring boroughs in terms of the ratio of electors to councillors. Whilst there was broad agreement on the benefit of multi-member wards, preferably each with two councillors, there had been a diverse range of views on the preferred number of councillors for Waverley, ranging from 44 to an increase to 62. The proposed council size of 50 councillors was a compromise felt to be supported by a majority of the council and had been reached following

consideration of a number of scenarios, and recognising that retaining the status quo of 57 councillors would still result in changes to ward boundaries.

- 93.4 In the following debate the following Members spoke: Cllrs Follows, Williams, Cosser, Nicholson, Goodridge, Potts, Cockburn, Hyman, Forszewski, Wilson, Davidson, Rosoman, and Beaman. Arguments were made in favour of both a more radical reduction in council size than that proposed, and also retaining the current council size, reflecting the discussions in the working group. It was noted that the council size had not changed in many years, and in a fully-parished district there was a high level of democratic representation. However, there was also concern that reducing the number of councillors would impact on local democracy at a time of increasing elector numbers, and that the rural geography of Waverley favoured a retaining a larger council size. It was noted that the majority of the Conservative Group favoured retaining 57 councillors, and they would be making a separate submission to the LGBCE.
- 93.5 Cllr David Beaman proposed, and Cllr Jerome Davidson seconded an amendment that the Council should agree a proposed council size of 44 councillors.
- 93.6 The amendment was debated and voted upon via a show of hands, the results of which were 7 councillors voting in favour, 39 against, and 3 abstentions. The amendment therefore failed and councillors resumed the debate on the substantive motion, on a council size submission of 50.
- 93.7 Concluding arguments reflected the diversity of opinions previously articulated, whilst noting that it was difficult to provide evidence to support any particular number. In summing up, the Leader noted that there was comfort in the familiarity of the status quo, but change in ward boundaries was inevitable whatever the eventual size of the council; and he had heard no evidence to justify why Waverley should be so out of step with neighbouring councils regarding council size. The LGBCE would make the final decision on the future council size, but among the range of opinions within the council there was a prevailing view in favour of some degree of reduction in council size.
- 93.8 At 9.52pm, in accordance with Procedure Rule 9, the Mayor put the motion that the meeting should continue until 10.30pm and then stand adjourned, which was agreed.
- 93.9 The Leader called for a recorded vote on the recommendation to agree the Council's submission to the electoral review of Waverley Borough Council, including a proposed council size from May 2023 of 50 councillors, which was supported by Cllrs Follows, Williams, Davidson, Potts, and Merryweather. Following the vote, with 30 votes in favour, 21 votes against and no abstentions, the Council
- 93.10 **RESOLVED** that the LGBCE Council Size document be approved as the Council's submission to the electoral review of Waverley Borough Council, including a proposed council size from May 2023 of 50 councillors.

**For: 30**

Cllrs Christine Baker, David Beaman, Roger Blishen, Peter Clark, Richard Cole, Martin D'Arcy, Jerome Davidson, Sally Dickson, Paul Follows, Mary Forszyszewski, Joan Heagin, Daniel Hunt, Jerry Hyman, Jacquie Keen, Andy MacLeod, Penny Marriott, Peter Marriott, Mark Merryweather, John Neale, Peter Nicholson, Nick Palmer, Ruth Reed, Paul Rivers, Penny Rivers, John Robini, Anne-Marie Rosoman, Liz Townsend, John Ward, Steve Williams, George Wilson

**Against: 21**

Cllrs Brian Adams, Carole Cockburn, Steve Cosser, Kevin Deanus, Simon Dear, Brian Edmonds, Patricia Ellis, David Else, Jenny Else, Michael Goodridge, John Gray, Val Henry, Christine Howard, Peter Isherwood, Anna James, Robert Knowles, Peter Martin, Stephen Mulliner, Julia Potts, Trevor Sadler, Michaela Wicks

**Abstentions: 0**

CNL94/20 APPOINTMENT OF A DEPUTY ELECTORAL REGISTRATION OFFICER (Agenda item 11.)

Robin Taylor, Head of Policy & Governance, left the meeting during the course of this item.

94.1 Council noted that the Chief Executive was Waverley's Returning Officer and Electoral Registration Officer. As Returning Officer, the Chief Executive had the power to nominate deputies, and did so in advance of every election. As Electoral Registration Officer, he did not have this direct power: it had to be done by the Full Council as per the [Representation of the People Act 1983 s52\(2\)](#).

94.2 RESOLVED that Robin Taylor, Head of Policy & Governance, be appointed as Deputy Electoral Registration Officer.

CNL95/20 EXE 73/20 LOCAL GOVERNMENT COLLABORATION IN SURREY (Agenda item 9.5)

95.1 The Leader of the Council briefed Members on the findings of the KPMG report commissioned by the eleven Surrey Districts and Boroughs on opportunities for collaborative working, and preliminary discussions held with the leadership at Guildford Borough Council on closer co-operation between the two councils.

95.2 The Mayor invited Members to discuss these matters and the following Members spoke: Cllrs Potts, Jenny Else, Michael Goodridge, Follows, Robini, Seaborne, and Cosser.

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At 10.35pm, in accordance with the earlier resolution, the Mayor adjourned the meeting until a date to be advised.

The Mayor reconvened the meeting of Council at 6pm on Monday 22 March 2021.

Apologies were recorded from Cllrs Sally Dickson, Chris Howard, Peter Isherwood, Julia Potts, and Steve Williams.

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- 95.3 The discussion on local government collaboration resumed, with comments from Cllrs Nicholson, Knowles, Mulliner, and Cosser. In concluding the discussion, the Leader emphasised his intention to be open and transparent in the progress of talks with Guildford, and to keeping Towns and Parishes involved as well. He agreed on the importance of a partnership with Guildford being a true equal partnership, and in this potentially being the foundation for a unitary proposal when that matter came forward again. He noted that there continued to be interest in working outside the county boundary, although this had not been welcomed by civil servants; and the response to proposals from Cumbrian councils would be carefully scrutinised for any change in position.
- 95.4 RESOLVED to note the final KPMG report and the current status of discussions with Guildford Borough Council.

CNL96/20 EXE 74/20 AFFORDABLE HOUSING SUPPLEMENTARY PLANNING DOCUMENT (SPD) (Agenda item 9.6)

- 96.1 Cllr MacLeod introduced the Affordable Housing Supplementary Planning Document (SPD), which had been prepared jointly by the Planning and Housing Delivery Teams to provide guidance for developers on the council's expectations in relation to the provision of affordable housing as part of housing developments. The SPD had been subject to public consultation, and scrutiny at Housing Overview & Scrutiny Committee, and had a broad level of support.
- 96.2 The Mayor opened up the debate to Members, and Cllr Mulliner proposed an amendment to strengthen the wording of paragraphs 93 and 94 of the SPD, in order for the council to protect its position with developers who sought to reduce their affordable housing contribution for viability reasons after planning permission had been granted.
- 96.3 Members debated the amendments and whilst sympathetic with the aim, noted that the wording of the SPD would need to be carefully considered to ensure that it would withstand challenge. Therefore, the Leader proposed, it was duly seconded by Cllr Mulliner, and unanimously
- 96.4 RESOLVED that further consideration of the Affordable Housing SPD would be deferred to the next meeting of Council, to allow officers to consider the wording proposed by Cllr Mulliner and report back to Council.

CNL97/20 EXE 75/20 ICT STRATEGY 2021-2024 (Agenda item 9.7)

- 97.1 Cllr Clark, Portfolio Holder for IT and Business Transformation introduced the ICT Strategy 2021-2024.
- 97.2 The Mayor opened up the debate, and the following Members spoke: Cllrs Goodridge, Adams, Cole, Gray, Neale, Peter Martin, D'Arcy and Cockburn. Cllr Clark agreed to respond to a number of technical questions off-line.

97.3 The Mayor moved the recommendation to approve the ICT Strategy, which was carried unanimously.

97.4 RESOLVED that the ICT Strategy 2021-2024 be approved.

CNL98/20 MINUTES OF THE LICENSING AND REGULATORY COMMITTEE (Agenda item 12.)

98.1 It was moved by Cllr Knowles, the Chairman of the Committee, duly seconded and RESOLVED that the Minutes of the Licensing and Regulatory Committee held on 10 December 2020 be received and noted.

There were no matters for Council consideration in Part I, and no requests to speak on Part II matters.

CNL99/20 MINUTES OF THE STANDARDS COMMITTEE (Agenda item 13.)

99.1 It was moved by Cllr Robini the Chairman of the Committee, duly seconded and RESOLVED that the Minutes of the Standards Committee held on 1 February 2021 be received and noted.

There were two matters for Council consideration in Part I.

CNL100/20 STD 40/20 LGA NEW MODEL CODE OF CONDUCT (Agenda item 13.1)

100.1 Cllr Robini advised that the Standards Committee had considered the new Model Members Code of Conduct that had been developed by the Local Government Association in response to recommendations of the 2019 report by the Committee on Standards in Public Life on Local government ethical standards. The new Model Code was developed in consultation with the sector, and the LGA have committed to undertaking an annual review to ensure it continued to be fit-for-purpose.

100.2 The new Model Code did not place new obligations on Waverley Members, but reinforced obligations in relation to civility and respect, bullying and harassment, and application of the Code in relation to all forms of communication and interaction.

100.3 The Standards Committee recommended that Waverley adopt the new Model Code in full, and that the Monitoring Officer arrange councillor briefings on the Code.

100.4 There were no speakers on the matter and the Mayor moved the recommendation that the LGA New Model Code of Conduct be adopted.

100.5 RESOLVED that:

1. the new LGA model code be adopted without any local amendments; and
2. the Monitoring Officer arrange councillor briefings on the new model code.

CNL101/20 STD 41/20 AMENDMENTS TO THE VIRTUAL MEETING PROCEDURE RULES  
(Agenda item 13.2)

- 101.1 Cllr Robini introduced the recommendation from the Standards Committee to amend the Virtual Meeting Procedure Rules to restrict the use of the Zoom 'chat' function by Members during committee meetings
- 101.2 The Standards Committee recommended that Council adopt Virtual Meeting Procedure Rule 9, relating to the use of chat functions during Council meetings.
- 101.3 With the agreement of the Mayor, Cllr Cosser commented on the matter discussed by the Standards Committee in relation to the Scheme of Delegation, which had arisen over the Broadwater Park Golf Club lease. Cllr Cosser reiterated concerns expressed in previous meetings that officers using delegated powers had departed from a decision taken by the Executive. He was concerned about the lack of transparency, and the precedent it set. Cllrs Follows and Merryweather challenged the accuracy of Cllr Cosser's assertion, explaining that the decision by the Executive had been 'to proceed with due legal process' with a view to granting a lease. The council had not been able to complete the necessary legal steps with the counterparty to enable the lease to be granted. The matter had been thoroughly scrutinised at the Value for Money Overview & Scrutiny Committee call-in meeting. The Mayor ended the discussion on this matter; however, Cllr Peter Martin spoke to add the support of the Conservative Group to Cllr Cosser's comments.
- 101.4 In relation to the recommendation from the Standards Committee, relating to the use of online chat functions during meetings, Members supported the proposal.
- 101.5 The Mayor moved the recommendation, which was agreed unanimously.
- 101.6 RESOLVED that the Virtual Meeting Procedure Rules be amended to include VMPPR 9, to require that participants and observers at council and committee meetings refrain from using the Zoom chat facility other than to draw attention of the chairman or committee officers to any technical issues.

The meeting concluded at 7.30m on Monday 22 March 2021.

Mayor



Annexe A

**Council 23 February 2021**

Presentation by Cllr Mark Merryweather on the General Fund Budget and Medium Term Financial Plan (to be read in conjunction with the attached slides).

**Budget & MTFP**

[Slide 1] This item is the General Fund Budget for our next financial year 2021/22 and 4-year Medium Term Financial Plan through to 2024/25 as proposed in the report on pages 21-86 of your packs.

[Slide 2] Firstly just a quick orientation...

Our Council balance sheet comprises our Net Assets that are the “embodiment” of our Total Reserves, the definition and uses of which are highly regulated.

The subject of this item is only our General Fund, which sits in our suite of so-called usable reserves and funds everything we do except for our Council housing, which is funded in its own dedicated ringfenced “Housing Revenue Account” which is the next item on our agenda tonight.

Our General Fund reserves also separate revenue from capital funding because generally we are not allowed to fund revenue expenditure from capital reserves, although we are allowed to fund capital expenditure from revenue funds as well as from capital receipts and grants – something that I’ll return to later. Balances on these “earmarked” reserves arise where spends are spread over time or delayed, often beyond the year in which the earmark is made.

[Slide 3] To put next year’s budget proposals into context we also need to reflect on the discussions we’ve had throughout this financial year – which isn’t over yet - as the Covid pandemic has evolved.

This time last year, pre-Covid, we considered a budget and MTFP that was already under cost and income pressures outside of our control, principally due to planned government cuts to New Homes Bonus and what’s left of our share of Business Rates, and all in the face of structural net cost inflationary pressures. Pre-Covid, we already expected these to increase by on average nearly £1.5m each year over the 4 year horizon and we’d identified measures to compensate for that informed not least by the 2019 Budget Consultation and elections.

[Slide 4] Covid struck in March, and in August we estimated our gross financial losses in this year alone to be £6.6m, due more to lost income than the extra costs of the huge demands responding to the pandemic made on our resources.

Still back in August, because “confirmed” Government financial support at that time was less than a quarter of that loss, we had to leverage further emergency savings which covered nearly half of the balance: and for the remainder, we identified earmarked reserves which could be commandeered in the event that further Government support wasn’t received. We agreed then that if further Government support was received, it would be applied first to reducing these reserve drawdowns...

[Slide 5] Since then, 2 things: the Government's additional "lost income" grant has emerged, but so also has the sheer scale of the extended impact of Covid on our finances into next year and beyond. So, while we expect the additional Government support for this year to be around £2.2m, given the sustained Covid losses we expect beyond this year, we believe that it is premature to use all of that £2.2m wholly to offset reserve drawdowns this year, and propose instead that £2m of it be repurposed to next year as a Covid Risk Reserve, thereby maintaining the principle that we established for this year's Contingency Budget by rolling it forward into next year.

[Slide 6] So turning then to the detail of next year's budget, I'll start first with Net Service Cost, where Covid still dominates.

Of the gross budgetary pressures for the whole year, £3.8m are Covid related, and almost entirely income losses, against which to date the Government has only committed to compensate us for those impacting the first quarter of the year.

Of course we still face the ongoing structural net cost inflationary pressures for the whole year identified in prior years. While we continue to pursue the MTFP workstreams started in prior years, some of the potential benefits of these are now also being threatened by Covid, most significantly our property investment strategy which will also be severely impaired by Government changes to Public Works Loan Board eligibility: so much so that we've halved our growth target for that accordingly.

[Slide 7] Beyond our Net Service Cost, even after allowing for the suspension of non-essential capital and reserve contributions and the release of £1m from the proposed Covid Risk Reserve, we still have little choice but to increase our share of Council Tax by the £5 Band D equivalent, albeit thankfully being able to maintain our Council Tax Support Scheme.

[Slide 8] Beyond next year, in fact we expect Covid to impact at least until 2024. Assuming that the Government still takes what's left of our Business Rates and New Homes Bonus, and that our underlying structural cost pressures remain, so we'll need to draw down fully on the remaining Covid Risk Reserve and identify and secure further savings or additional income increasing on average by £1m each year over the 4 year MTFP horizon.

[Slide 9] I'd like to briefly comment also on Covid's knock-on effects on our General Fund capital investment programme: that is, for this budget, specific to our own capital investment on our own General Fund assets, but not other infrastructure investment which is funded elsewhere beyond this budget.

As Annexe 5 explains, General Fund revenue contributions are only one of many sources of funding for capital spending, which otherwise include for example capital receipts (from the sale of our own assets) to external sources including grants, and s106 and CIL contributions from developers.

Even before Covid, it was recognised – for example by the BSWG - that structural budgetary pressures could have a knock-on effect on capital contributions, but now in the absence of sufficient Government support, Covid has exhausted all but essential General Fund revenue capacity to contribute to capital projects, at a time when the competition for capital funding is increasing, not least because of our commitment to dealing with the Climate Change emergency.

However, the funding landscape for capital projects was already evolving pre-Covid too, for example with the introduction of CIL to name just one, and the team has already started the huge effort of identifying and securing appropriate alternative funding to replace whatever is lost from General Fund revenue due to Covid.

[Slide 10] So, while we press ahead with the existing MTFP workstreams, we believe it is important to refresh on the 2019 budget consultation given the experience of Covid and we are looking at how best to do that.

In the meantime, we'll continue to press as hard as ever for a fairer sustainable funding structure from the Government – both for Covid and for the structural flaws we believe exist in the Business Rate system, and I'm pleased to note that we have agreement to a cross-party letter to the Government on that.

We'll review capital projects needing revenue funding to seek suitable alternatives; we're re-assessing our earmarked reserves, and we're identifying other sustainable strategic initiatives including collaboration opportunities with willing partners.

[Slide 11] Uncertainty pervades the proposed budget and MTFP. As a Council we may still have to deal with economic consequences of Brexit on top of Covid. The same applies to our residents and especially those who now, or soon may need to depend on us or our partners for services and support. And for this we must not only plan on the basis that the dysfunctional funding system in which we are expected to operate will continue, but also that the Government will pursue regulatory changes that impair our ability to compensate for it.

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# General Fund

## 2021/22 Budget

### Medium Term Financial Plan 2021/22 – 2024/25



**Council**  
**23 February 2021**

# Reserves: General Fund Revenue



Council Balance Sheet 31 March 2020		£000s
Long-Term Assets		561,614
Net Cash and Current Assets		45,558
Long-Term Borrowing and Other Liabilities		<u>(239,551)</u>
		<u><b>367,621</b></u>
Financed by:		
Usable Reserves:		
<b>General Fund:</b>		
<b>Non-earmarked:</b>		
Revenue		<b>(3,200)</b>
Capital		<b>0</b>
<b>Earmarked:</b>		
Revenue		<b>(8,002)</b>
Capital		<b>(3,526)</b>
Capital Grants Unapplied		(5,791)
Capital Receipts:		
General Fund:		
Non-earmarked		(3,119)
Earmarked		(3,090)
HRA		(17,572)
HRA		(32,000)
Unusable Reserves		<u>(291,321)</u>
		<u><b>(367,621)</b></u>

Reserve funding regulations are an additional dimension to financial transactions in assets & liabilities.

## GF Revenue Account Budget:

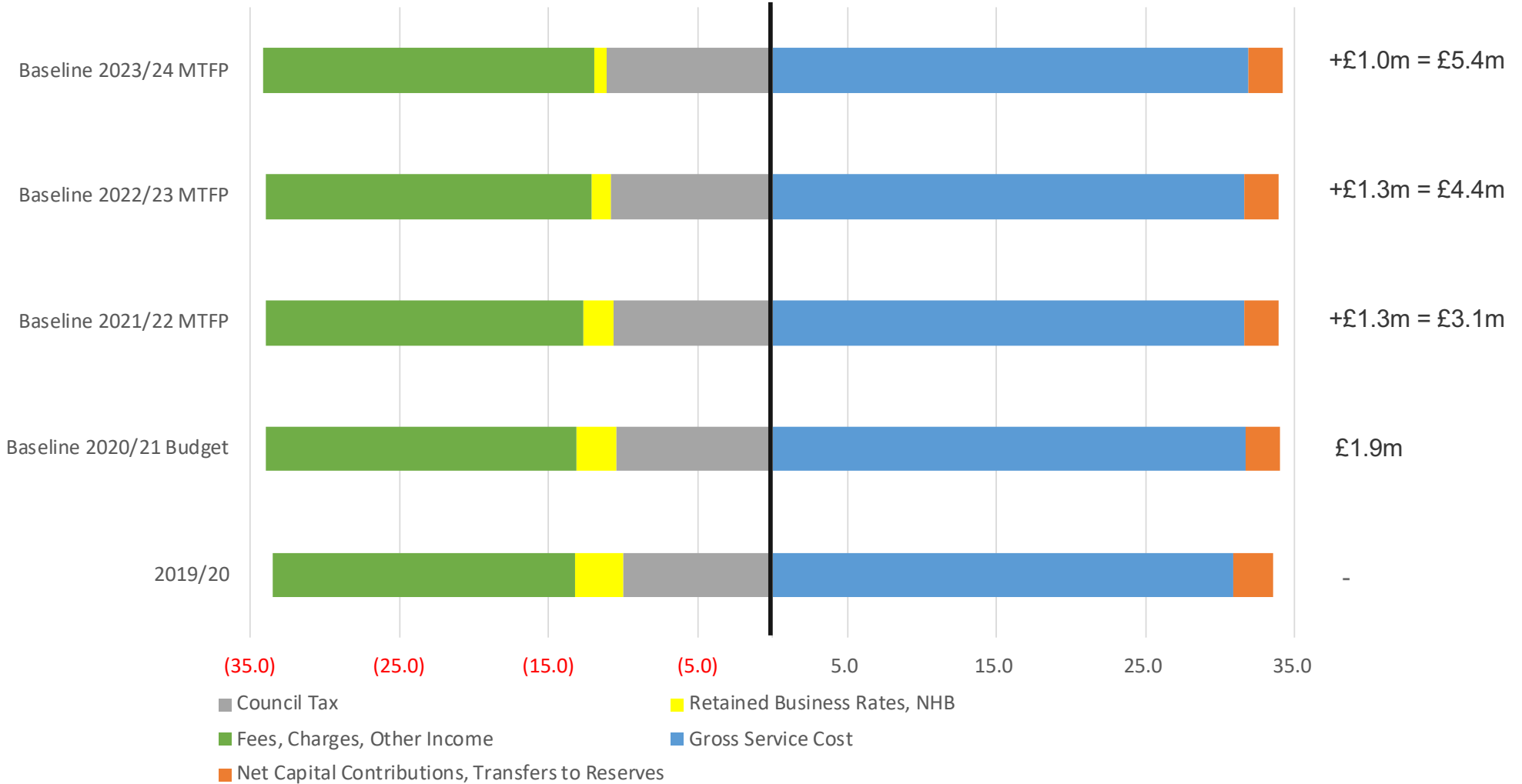
- Minimum (emergency) balance (£3.2m)
- Balanced in-year - 2020/21:
  - income (+£33.6m)
  - expenditure (-£33.6m)
- “Expenditure” includes in-year earmarks: transfers to other GF reserves for *contributions* to capital & revenue spending in current & future years

# February 2020: Pre-Covid Baseline



Baseline (February 2020) Medium Term Financial Plan  
(Gross Service Cost £m)

“Resolved”  
Budget Gap



# August 2020: Covid Variances & Contingency Revised Budget 2020/21

£000s	2020/21	Pressures:	Measures:			2020/21
	Baseline Budget	Gross Losses	HMG Grants	In-Year Savings	Reserve Drawdowns	Approved Contingency Budget
<b>Total Net Service Cost</b>	11,345	6,636	(1,507)	(1,273)	174	15,376
<b>Contributions to Reserves</b>						
Revenue Contribution to Capital Programme	1,050			(472)		578
Climate Change Project Reserve	200					200
Property Investment Reserve	260			(260)	(418)	(418)
Investment Property Void Provision	0				(425)	(425)
Local Plan Part 2 Costs	40			(40)		0
Borough Election reserve	30					30
Business Rate Equalisation reserve	210			(210)	(649)	(649)
Flexible Homeless Support Grant					(474)	(474)
Emergency Funding					(17)	(17)
Brightwells Dogflud CP					(296)	(296)
Placeshaping					(188)	(188)
SANG Site Acquisition reserve					(200)	(200)
General Fund working balance					(206)	(206)
Capital Receipts (to Business Transformation)					(174)	(174)
<b>Transfer to / (from) MTFP Covid Risk Reserve</b>						
Contingency for target achievement						
Annual target for further recurring savings						
Net Specific Reserve Movements	1,790	0	0	(982)	(3,048)	(2,240)
<b>Total</b>	<b>13,135</b>	<b>6,636</b>	<b>(1,507)</b>	<b>(2,255)</b>	<b>(2,874)</b>	<b>13,135</b>
<b>Financed by:-</b>						
Council Tax	10,114					10,114
- collection fund adjustments	117					117
- base increase						
- rate increase	194					194
Retained Business Rates	1,850					1,850
New Homes Bonus	860					860
	13,135	0	0	0	0	13,135

Gross impact

In-year emergency savings...

HM Government LA "cost" grant & contingent use of Reserves absent further HM Government support...



# Updated 2020/21 Budget Outturn

£000s	2020/21 Baseline Budget	2020/21 Approved Contingency Budget	2020/21 Updated Outturn	2021/22 MTFP & Budget Draft
<b>Total Net Service Cost</b>	11,345	15,376	13,251	13,661
<b>Contributions to Reserves</b>				
Revenue Contribution to Capital Programme	1,050	578	578	880
Climate Change Project Reserve	200	200	200	0
Property Investment Reserve	260	(418)	(418)	0
Investment Property Void Provision	0	(425)	(300)	0
Local Plan Part 2 Costs	40	0	0	0
Borough Election reserve	30	30	30	30
Business Rate Equalisation reserve	210	(649)	(649)	0
Flexible Homeless Support Grant		(474)	(474)	0
Emergency Funding		(17)	(17)	0
Brightwells Dogflud CP		(296)	(296)	0
Placeshaping		(188)	(188)	0
SANG Site Acquisition reserve		(200)	(200)	0
General Fund working balance		(206)	(206)	0
Capital Receipts (to Business Transformation)		(174)	(174)	0
<b>Transfer to / (from) MTFP Covid Risk Reserve</b>			2,000	(1,000)
Contingency for target achievement				111
Annual target for further recurring savings				(195)
<b>Net Specific Reserve Movements</b>	1,790	(2,240)	(115)	(174)
<b>Total</b>	13,135	13,135	13,135	13,487
<b>Financed by:-</b>				
Council Tax	10,114	10,114	10,114	10,308
- collection fund adjustments	117	117	117	46
- base increase				28
- rate increase	194	194	194	277
Retained Business Rates	1,850	1,850	1,850	1,850
New Homes Bonus	860	860	860	978
	13,135	13,135	13,135	13,487

Government Covid support in 2020/21 increased ("lost income" grant £2.2m)

Covid impact survives into 2021/22 and beyond. Lost income grant only committed to 1Q21/22...

£2m of 2020/21 lost income grant repurposed to offset Covid pressures 2021/22 and beyond...

# Service Cost Variances 2021/22



**Covid impact survives into 2021/22 and beyond.  
Total increase in baseline Net Service Cost: £2.3m**

£000s	2020/21	Pressures (Annexe 1):				Measures (Annexe 1):		2021/22
	Baseline	£3,998				-£2,801		MTFP &
	Budget	Covid		Structural		Baseline	Grants	Budget
		Losses	Grants	Losses	Capital	MTFP		Draft
2020/21 Baseline Net Service Cost	11,595							11,595
<b>Budget &amp; MTFP Update (Feb-20):</b>								
Contingency budget on going impact - costs		126						126
Housing Benefit Admin Grant				0				0
Treasury management interest				298				298
One-off capital receipts funding for BT team					(220)			(220)
Unavoidable budget adjustments				347				347
Investment Property income target						(150)		(150)
HoS Cost Review sustainable savings						(563)		(563)
Business Transformation						(294)		(294)
Commercial Strategy						(280)		(280)
Use of homelessness grant to fund service							(282)	(282)
	<b>11,595</b>	<b>126</b>	<b>0</b>	<b>645</b>	<b>(220)</b>	<b>(1,287)</b>	<b>(282)</b>	<b>10,575</b>
<b>Budget &amp; MTFP Update (Feb-20):</b>								
Staff Vacancy Target	(250)							(250)
Inflation Provision -costs & pay				603				603
Covid-19 impact provision		1,000						1,000
Contingency budget on going impact - income		2,650						2,650
Covid-19 LA Grant			(457)					(457)
Income Claim (3 months announced)			(460)					(460)
<b>Total Net Service Cost</b>	<b>11,345</b>	<b>3,776</b>	<b>(917)</b>	<b>1,248</b>	<b>(220)</b>	<b>(1,287)</b>	<b>(282)</b>	<b>13,661</b>

Net Covid impact £2.9m after lost income grant & other support

Non-Covid pressures, pre-existing and new, offset by combined measures

# Other Variances 2021/22

**Total increase in baseline Net Service Cost: £2.3m.**

**Contributions to other Reserves suspended.**

**£1m of Covid Reserve (repurposed lost Income Claim) released.**

**Council Tax rate increase £5 Band D rather than 1.9%.**

£000s	2020/21 Baseline Budget	Pressures (Annexe 1): £3,998				Measures (Annexe 1): -£2,801				Additional Measures	2021/22 MTFP & Budget Draft
		Covid		Structural		Baseline MTFP	Grants	In-Year Savings	Council Tax & Grants		
		Losses	Grants	Losses	Capital						
<b>Total Net Service Cost</b>	11,345	3,776	(917)	1,248	(220)	(1,287)	(282)	0	0	(2)	13,661
<b>Contributions to Reserves</b>											
Revenue Contribution to Capital Programme	1,050							(170)			880
Climate Change Project Reserve	200							(200)			0
Property Investment Reserve	260							(260)			0
Local Plan Part 2 Costs	40							(40)			0
Borough Election reserve	30										30
Business Rate Equalisation reserve	210							(210)			0
<b>Transfer to / (from) MTFP Covid Risk Reserve</b>										(1,000)	(1,000)
Contingency for target achievement				111							111
Annual target for further recurring savings										(195)	(195)
Net Specific Reserve Movements	1,790	0	0	111	0	0	0	(880)	0	(1,195)	(174)
<b>Total</b>	13,135	3,776	(917)	1,359	(220)	(1,287)	(282)	(880)	0	(1,197)	13,487
<b>Financed by:-</b>											
Council Tax	10,114								194		10,308
- collection fund adjustments	117								(71)		46
- base increase									28		28
- rate increase	194								83		277
Retained Business Rates	1,850										1,850
New Homes Bonus	860								118		978
<b>Total</b>	13,135	0	0	0	0	0	0	0	352	0	13,487

# Proposed MTFP 2021/22 – 2024/25



£000s	2020/21	2021/22	2022/23	2023/24	2024/25
	Baseline Budget	MTFP & Budget Draft	MTFP	MTFP	MTFP
<b>Total Net Service Cost</b>	11,345	13,661	13,479	12,836	12,407
<b>Contributions to Reserves</b>					
Revenue Contribution to Capital Programme	1,050	880	880	880	880
Climate Change Project Reserve	200	0	0	0	0
Property Investment Reserve	260	0	0	0	0
Local Plan Part 2 Costs	40	0	0	0	0
Borough Election reserve	30	30	30	93	30
Business Rate Equalisation reserve	210	0	(700)	(700)	(400)
<b>Transfer to / (from) MTFP Covid Risk Reserve</b>		(1,000)	(670)	(330)	0
Contingency for target achievement		111	111	111	111
Annual target for further recurring savings		(195)	(945)	(1,311)	(1,585)
Net Specific Reserve Movements	1,790	(174)	(1,294)	(1,257)	(964)
<b>Total</b>	13,135	13,487	12,185	11,579	11,443
<b>Financed by:-</b>					
Council Tax	10,114	10,308	10,308	10,308	10,308
- collection fund adjustments	117	46	3	100	150
- base increase		28	28	28	28
- rate increase	194	277	482	692	906
Retained Business Rates	1,850	1,850	1,150	450	50
New Homes Bonus	860	978	214	1	1
<b>Total</b>	13,135	13,487	12,185	11,579	11,443

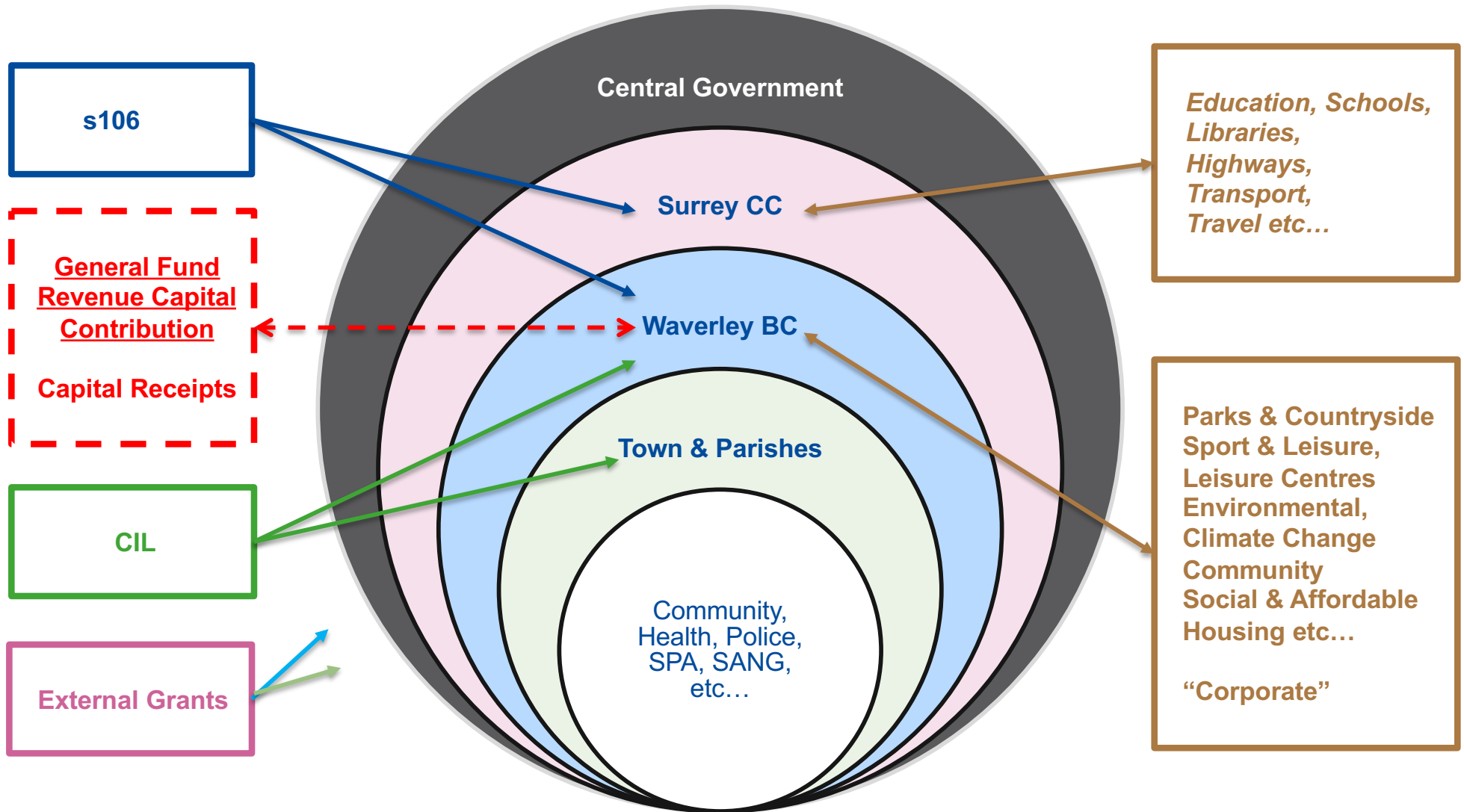
Baseline Net Service Cost contracts as Covid pressures dissipate (income recovers) and MTFP measures overtake structural cost pressures.

Additional recurring savings are targeted.

Non-essential contributions to capital and other reserves remain suspended. Business Rate Equalisation Reserve is partly released. Covid Reserve is utilised.

WBC loses NHB and remaining share of BR.

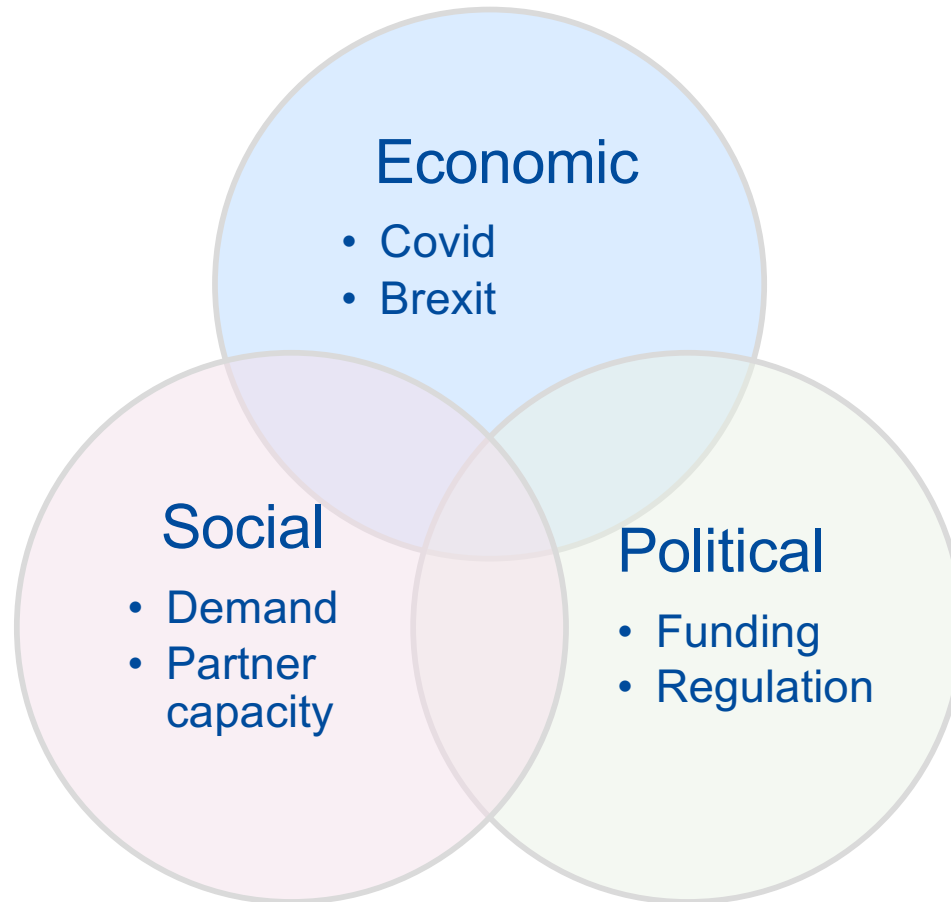
# Capital Programme



# Budget Strategy

- **Existing workstreams**
  - MTFP (& Capital Strategy), Consultation
- **HM Government**
  - Covid, Business Rates & Council Tax
- **Capital projects & funding**
- **Reserves**
- **Collaboration and others**

# Uncertainty



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**WAVERLEY BOROUGH COUNCIL**

**COUNCIL**

**20 APRIL 2021**

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**Title:**

**Public Space Protection Order No.3 (Anti-social Behaviour) 2021**

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**Portfolio Holder: Cllr. Nick Palmer Portfolio Holder for Operational and Enforcement Services**

**Head of Service: Richard Homewood, Head of Environmental & Regulatory Services**

**Key decision: Yes**

**Access: Public**

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**1.0 Purpose and summary**

1.1 This report provides feedback from the consultation in respect of the draft Public Space Protection Order No.3 (Anti-social Behaviour) 2021 (PSPO) which ran from 1 March 2021 until 2 April 2021. Section 9 of the report and **Annexe B** detail and responds on the feedback from the consultation. Changes have been made to the draft Order where appropriate following that consultation feedback and the final draft of the Order is attached at **Annexe C**.

1.2 It recommends the Council approve the amended Order to assist in addressing anti-social behaviour issues which are having a significant detrimental impact on the community in some parts of the borough.

**2.0 Recommendation**

2.1 That Council approves and makes the Public Space Protection Order No.3 (Anti-social Behaviour) 2021 as set out in **Annexe C** to this report.

**3.0 Reason for the recommendation**

3.1 To ensure Waverley Borough Council and authorised persons (enforcing officers) including police officers and PCSO's of Surrey Police have the appropriate range of powers to deal with various forms of anti-social behaviour taking place within the borough.

**4.0 Background**

4.1 The Anti-social Behaviour, Crime and Policing Act 2014 (ASBCPA 2014) introduced a range of new anti-social behaviour (ASB) powers for dealing with street scene issues, including Public Spaces Protection Orders (PSPOs), Community Protection Notices (CPNs), and Civil Injunctions (CIs). Many of the

powers are available to a range of agencies including local authorities, the Police, and social landlords.

- 4.2 According to the Home Office guidance: "Public spaces protection orders are intended to deal with a particular nuisance or problem in a particular area that is detrimental to the local community's quality of life, by imposing conditions on the use of that area which apply to everyone. They are designed to ensure the law-abiding majority can use and enjoy public spaces, safe from anti-social behaviour". In accordance with the legislation, Waverley Borough Council is able to make PSPOs where certain conditions are met.
- 4.3 The test for determining if a PSPO is appropriate is designed to be broad and focus on the impact anti-social behaviour is having on victims and communities. A PSPO can be made by the Council if they are satisfied on reasonable grounds that the activities carried out, or likely to be carried out, in a public space:-
- have had, or are likely to have, a detrimental effect on the quality of life of those in the locality;
  - is, or is likely to be, persistent or continuing in nature;
  - is, or is likely to be, unreasonable; and
  - justifies the restrictions imposed.
- 4.4 The Council can make a PSPO on any public space within its own area and consideration should be given to how the use of powers may impact on vulnerable members of society and displacement effects of any order. The definition of public space is wide and includes any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission, for example a shopping centre.
- 4.5 The PSPO can be drafted to address the individual issues being faced in a particular public space or it can include multiple restrictions and requirements in one Order. It can prohibit certain activities, such as the drinking of alcohol, as well as placing requirements on individuals carrying out certain activities, for instance making sure that people walking their dogs keep them on a lead (as in an earlier PSPO made by the Council). PSPOs can be used more flexibly to deal with a wider range of local issues such as aggressive begging, the use of psychoactive substances etc.
- When deciding what to include, the Council should consider scope. The PSPO is designed to make public spaces more welcoming to the majority of law abiding people and communities and not simply restrict access. Restrictions or requirements can be targeted at specific people, designed to apply only at certain times or apply only in certain circumstances. In establishing which restrictions or requirements should be included, the Council should ensure that the measures are necessary to prevent the detrimental effect on those in the locality or reduce the likelihood of the detrimental effect continuing, occurring or recurring.
  - The maximum duration of a PSPO is three years but they can last for shorter periods of time, where appropriate. At any point before expiry, the Council can extend a PSPO by up to three years if they consider that it is necessary to prevent the original behaviour from occurring or recurring. They should also consult with the local police and any other community representatives

they think appropriate, which has been carried out both independently of, and as part of the consultation process.

- A PSPO can cover a number of different restrictions and requirements so there should be little need to have overlapping orders in a particular public space. However, if a new issue arises in an area where a PSPO is in force, the Council can vary the terms of the order at any time. This can change the size of the restricted area or the specific requirements or restrictions.
- As well as varying the PSPO, a Council can also seek to discharge it at any time. For instance when the problem has ceased to exist or the land ceases to be classified as a public space.
- It is an offence for a person, without reasonable excuse, to do anything that the person is prohibited from doing by a PSPO, or fail to comply with a requirement to which the person is subject under a PSPO.
- Depending on the behaviour in question, the enforcing officer could decide that a fixed penalty notice (FPN) up to £100 would be the most appropriate sanction. In making the decision to issue a FPN, the officer should consider that if issued, payment of the FPN would discharge any liability to conviction for the offence. However, where the FPN is not paid within the required timescale, court proceedings can be initiated (prosecution for the offence of failing to comply with the PSPO).
- The guidance states that: "Although PSPOs are made by the Council in an area, enforcement should be the responsibility of a wider group. Council officers will be able to enforce the restrictions and requirements, as will other groups that they designate, including officers accredited under the community safety accreditation scheme. In addition, police officers and PCSOs will have the ability to enforce the order".

4.13 There are legal tests and a legal process to be followed for consulting on and making a PSPO. The fundamental question to consider is do we have evidence of anti-social behaviour (ASB) associated with public spaces in Waverley that needs to and can be addressed by PSPO's?

4.14 The issues can range from irresponsible dog ownership (already subject to existing PSPO's) to street drinking and substance abuse, and the associated anti-social behaviour which can blight public areas such as the town centres, parks and open spaces and shopping precincts.

## 5.0 **Demonstrating the need for a Public Space Protection Order (PSPO) in respect of Anti-social Behaviour.**

5.1 Members will recall that in 2018 and 2019 the Council consulted on and introduced Public Space Protection Orders in respect of dog fouling and dog control issues.

5.2 At that time, work had also started with Surrey Police, through the Safer Waverley Partnership, on a draft PSPO in relation to anti-social behaviour issues that were being experienced at the time in some parts of the borough. On reviewing the evidence on and the scale of anti-social behaviour at the time and the alternative powers available to the Police to deal with the issues of concern (e.g. Dispersal

Orders), it was agreed not to proceed with the proposed PSPO in relation to anti-social behaviour.

5.3 More recently there has been an increasing incidence of anti-social behaviour in the Godalming area related to street drinking, substance abuse and general rowdiness which are having a negative impact on community well-being, crime and disorder, the sustainability of the local economy and potential impact on external investment from businesses considering opening in Waverley.

5.4 Through the Waverley Safety Partnership, the Council and Surrey Police have reviewed evidence and scale of recent anti-social behaviour in certain parts of the borough and it is felt that the introduction of a PSPO in respect of anti-social behaviour may be appropriate to address issues in certain areas of the borough.

5.5 The anti-social behaviour being experienced within the Godalming geographical area includes:

- large groups gathering outside Bowring House making residents feel intimidated due to the noise and foul language. Criminal damage being caused in the vicinity of Bowring House and St John's Church which includes graffiti, broken windows, mirrors smashed in the church toilets, the church door being spat on, plants pulled up in the Churchyard and water thrown from the font. Evidence of drug misuse has been found in the Churchyard. There have also been reports of youths intimidating users of the Church and hall.
- Both Waitrose and the Co-op retail outlets have suffered shoplifting. The staff have been assaulted and subjected to threatening, abusive and intimidating behaviour causing them to fear for their safety.
- Criminal damage has been caused to the defibrillator unit attached to the William Noyce Centre, and there have also been reports of verbal abuse and intimidation of the public, and drunkenness.
- South West Trains have reported verbal abuse and threatening behaviour to passengers and staff, illegal access to the driver's cab on occasion where use has been made of the PA system and the horn sounded. Items have been thrown from and at trains causing health and safety issues. Rail staff are understood to be feeling stressed and anxious about being at work and the behaviour reported is having an impact on customer satisfaction.

5.6 Surrey Police has collated significant evidence of the impact of anti-social behaviour on the community. This evidence includes impact statements from:

- Town Clerk, Godalming Town Council
- Waitrose Godalming
- South West Trains (Stagecoach South Western Trains Limited)
- Bowring House
- Broadwater School
- British Transport Police
- Farncombe Day Centre
- Jeremy Hunt MP
- The Mayor of Godalming
- St John's Church
- Surrey Police Superintendant

- Surrey Police Contact Centre
- Wilfred Noyce Centre

Over the last 2 years, the Police have recorded 246 incidents relating to anti-social behaviour (ASB) in Farncombe and 99 in Godalming.

5.7 It is considered therefore that there is sufficient evidence of the need for an PSPO to be considered in respect of anti-social behaviour taking place within the Godalming geographical area.

5.8 There have also been anti-social behaviour issues over a wider area of the borough in relation to bonfires and BBQs being lit on Council owned and managed land and often left unattended or unextinguished. This has been particularly problematical at Frensham Pond and other leisure, parks and open green spaces. Lighting fires and BBQs and leaving them unattended in such natural environments can have disastrous consequences for wildlife and the environment as was demonstrated by the heathland fires at Thursley Common, in May of last year.

5.9 The draft order therefore includes a clause on the prohibition of bonfires and BBQs on all Council owned parks and open spaces across the borough without the consent of the Council. This would not therefore represent a complete ban but would allow them under controlled conditions where appropriate and agreed in advance with the Council.

## 6.0 **Proposed Public Space Protection Order.**

6.1 The original draft of the PSPO in respect of anti-social behaviour in the Godalming geographical area and in respect of bonfires and BBQs on Council owned or managed land borough wide is attached as **Annexe A** to this report. Members will note it sought to address a number of aspects of anti-social behaviour, these include:

- consumption of alcohol in a public place resulting in alcohol related disorder – PSPOs restricting the consumption of alcohol in public places are intended to replace designated public place orders (DPPO's under the Criminal Justice and Public Order Act 2001);
- use of drugs, 'legal highs' and other intoxicating substances; and
- general anti social behaviour causing harassment alarm and distress
- graffiti, fly posting or defacement of property
- Irresponsible lighting and lack of control of bonfires and BBQ's on Council owned / managed parks and open spaces

6.2 The area of concern to consult on and for clauses A to D of the proposed Order is the Godalming geographical area bounded by the red line on the plan attached as part of **Annexe A** to this report. Clause E, in relation to Bonfires and BBQs would apply to Council owned or managed parks and open spaces borough wide.

## 7.0 **Relationship to the Corporate Strategy and Service Plan**

7.1 The recommendations of this report will help support the Corporate Strategy's aims to 'improve the health and well-being of our residents and communities' and 'taking action to protect the environment'.

## **8.0 Implications of decision**

### **8.1 Resource (Finance, procurement, staffing, IT)**

- 8.1.1 Whilst Council officers can enforce any PSPO it is important to note that other agencies, particularly Surrey Police would also be able to enforce any PSPO made and issue Fixed Penalty Notices (FPN's). Given the nature of the ASB and the likely times it will occur, it is most likely that Surrey Police would lead on enforcement where an order is made. Environmental Enforcement Officers will be trained in the enforcement of the new PSPO where appropriate along with their existing enforcement of the PSPOs relating to dog fouling and dog controls
- 8.1.2 IT systems for issuing FPN's are already in place in relation to environmental offences and the existing PSPO's. Additional coding and scripts would need to be added for any new PSPO and if the number of Waverley front line officers expands, then additional hardware will be required for each officer (hand held device and mobile printer.) The estimated cost of the hardware is £1,300 per officer.
- 8.1.3 Additional and updating training will be required but this will need to be planned for as part of Waverley's business case for the implementation of the outcome of the inspection and enforcement review, the outcome of the formal consultation process, and in partnership with Surrey Police.

### **8.2 Risk management**

- 8.2.1 There is a risk of challenge following the making of any PSPO but officers consider at this stage that the evidence available is sufficient to proceed to PSPO.

### **8.3 Legal**

- 8.3.1 As set out within the report, a local authority can make a PSPO in accordance with section 59(4) ASBCPA 2014 if satisfied on reasonable grounds that certain conditions (set out within the report) are met.
- 8.3.2 Before making a PSPO, a local authority must observe certain 'necessary consultation publicity and notification requirements' Upon making, 'necessary publicity' requires the text of the order to be published and legislation specifies notification requirements.
- 8.3.3 Details of the consultation that has been undertaken and the feedback from it and commentary on that feedback is set out in section 9 below.
- 8.3.4 Legal proceedings can be brought to challenge the validity of an Order on specific grounds by interested persons on the basis that the local authority did not have the power to make the Order or to include particular requirements or prohibitions and or where the legal procedural requirements were not met. In addition, by judicial review on public law grounds.
- 8.3.5 Non compliance with any PSPO made is an offence and a person (without reasonable excuse) will be liable on summary conviction to a level three fine in the Magistrates Court. A FPN may be offered as an alternative to prosecution in order to discharge any liability for conviction (to a maximum of £100).

## **8.4 Equality, diversity and inclusion**

- 8.4.1 An equality impact assessment has ensured that no particular group or individual will be disadvantaged by this Order to a greater extent than any other group or individual.

## **8.5 Climate emergency declaration**

- 8.5.1 Waverley has in place climate change and sustainability strategies which bring together work in relation to air quality, green spaces and waste. The Council seeks to improve and protect natural environments including green and open spaces and the proposed PSPO will address and support some key climatic targets on air quality and waste to enable and support the community. This is in line with the Council's vision to promote and sustain a sense of responsibility for our environment, and linked to the wider objective of promoting biodiversity and protecting our planet.

## **9.0 Consultation and engagement**

- 9.1 There has been extensive initial informal consultation over several months with Surrey Police and engagement with Godalming Town Council and other partners and agencies listed in 5.6 above.

- 9.2 The draft PSPO has also been subject to formal public consultation, in line with legal requirements. All borough councillors, town and parish councils and a range of other agencies were written to on 1 March 2021 and invited to comment. The proposals were publicised on social media and press releases and the proposals were also posted on the council's website. The closing date for feedback on the proposals was 2 April 2021.

- 9.3 The proposals were also considered by the Environment Overview and Scrutiny Committee on 15 March 2021 and the Community Well Being Overview and Scrutiny Committee on 16 March 2021.

- 9.4 There were a number of responses from the public, from Councillors and from some Town and Parish Councils. These responses are set out in **Annexe B** to this report along with comments from the council in reply. The Council is grateful for this feedback and has taken it into account, where considered appropriate, when finalising the wording of the Order.

- 9.5 There was overall support for the principle of the Order along with some reservations and concerns about its meaning and application. Some key themes and concerns emerged from the comments received, namely:

- Displacement of anti-social behaviour to parishes adjoining the Godalming geographical area;
- The need for a joined up approach with other agencies to support young people and avoid criminalising them.
- Who will enforce it and how will it be enforced

## **Concerns re displacement of Anti-social Behaviour from the Godalming geographical area.**

- 9.6 Potential displacement of anti-social behaviour to areas surrounding the Godalming geographical area was raised by some Councillors and Parish Councils and was discussed at length at the two Overview and Scrutiny Committees. Detailed comments on this are set out in the table in **Annexe B**.
- 9.7 These concerns were discussed with Officers from the Surrey Police Neighbourhood teams which cover Godalming and the surrounding parishes. They advised that to try and understand whether action on ASB in the Godalming geographical area has previously resulted in displacement, they had reviewed all the ASB incidents recorded over the last 24 months in Milford and Witley, to clarify whether the perpetrators of ASB in the Godalming/Farncombe areas are travelling further afield. Whilst Covid had clearly had an impact on ASB during the last year, the figures between March 2019 and March 2020 did not reflect an ASB problem in Milford and Witley to the extent that was being experienced in Farncombe during the same period.
- 9.8 Whilst the Police appreciated the concerns expressed, it is impossible to predict the impact that the PSPO is going to have on neighbouring villages as this is the first time that one will be in place. Should displacement occur, then the Police will have a range of other powers which can be used to deal with any incidents including Dispersal Orders, Step Letters, Acceptable Behaviour Contacts and Criminal Behaviour Orders (CBO) as well as their existing powers to police criminal offences.
- 9.9 The Police went on to advise that if and when the PSPO has been granted, any impact on other areas will be closely monitored. If ASB escalates and other measures such as Dispersal Orders etc. mentioned in 9.8 above are ineffective, then consideration can be given to the area of the existing PSPO being extended (varied) as required.
- 9.10 The Police are keen to reassure the community that if the PSPO is granted, the Waverley Safer Neighbourhood Police Team will continue to focus their patrols in areas where ASB is occurring including working with people to divert them away from disruptive activities.
- 9.11 It was also emphasised that the Police and the Council see this PSPO as a pilot where there is sufficient evidence to support a PSPO. If problems with ASB arise elsewhere and if after reviewing other measures which have been taken to deal with it, a PSPO is considered the appropriate route then either an extension (variation) of the PSPO or the introduction of a similar one can be considered.

## **The need for a joined up approach with other agencies to support young people and avoid criminalising them.**

- 9.12 It is important to emphasise that the proposed Order is not specifically targeting young people or any particular group of people. It will apply equally to everyone in the community.
- 9.13 It is also important that the Order is not seen in isolation but as part of a range of measures to address ASB issues which have occurred. The Police have been



working closely with this Council, Godalming Town Council, Surrey County Council and other agencies to explore all ways to address the underlying issues.

- 9.14 At the height of the recent ASB issues recorded in Farncombe, a public meeting was called. That meeting identified three key strands to explore in support of action to address the problems of ASB. These were:
- Social/youth engagement activity;
  - Local participation, engagement and participation.
  - Strengthen enforcement powers.
- 9.15 The first strand is at the Town Council level and a youth services working group is exploring options to bring forward. A Farncombe Community Team was created but unfortunately, due to Covid, all the diversionary activities and street patrols that were due to commence in April 2020 have been delayed.
- 9.16 The second strand has been some of the work of the Safer Waverley Partnership to engage with the local community, to work with social and community workers and to get local people cleared (in a safeguarding sense) to work more directly on the ground. Much of this has also been delayed by covid, but the safeguarding work has continued and this is likely to be able to resume in full quite soon. This strand has also been to communicate the facts and figures of ASB and to encourage proper reporting to the police. Essentially to restore faith in community policing and also to make the distinction between ASB and just groups of 'children being children'..
- 9.17 The third strand, which is this consultation on the proposed PSPO is a legal avenue which a Borough Council can implement (assuming the relevant test is met) to improve the quality of life of those within its area and which may equally empower the police with additional enforcement tools. The consultation has been important because the Council needs to understand if this is something the community really needs as well as to understand the views and experiences of the community .

### **Who will enforce it and how will it be enforced**

- 9.18 Whilst Council officers can enforce any PSPO it is important to note that other agencies, particularly Surrey Police Officers and PCSO's would also be able to enforce any PSPO made and issue FPN's. Given the nature of the ASB and the likely times it will occur it is most likely that Surrey Police would lead on enforcement where an order is made. Officers will be authorised under the legislation as Surrey Police Officers or by the Council.
- 9.19 Environmental Enforcement Officers and other front line Council officers will not be authorised until they have had appropriate formal enforcement training and instruction on the application of the provisions in the Order.
- 9.20 In accordance with the Statutory Guidance on ASB issued by the Home Office, Officers will be taking an incremental approach to enforcement which would normally always start with an informal warning and requests to stop whatever is the cause of anti-social behaviour before a more formal approach to enforcement is taken.

## **Other issues arising form consultation feedback**

- 9.21 Following the consultation and a review of evidence base, it is proposed that the provisions in relation to Flyposting and graffiti will be wremoved from the Order.
- 9.22 It is also proposed that the word ‘annoyance’ be removed from sections C1 and d) a.(under Offences) of the Order as it is considered too vague and open to misinterpretation.
- 9.23 A number of drafting, typographical and grammaticval corrections have been made to the Order in response to the feedback. The final draft of the Order is attached as **Annexe C** to this report.

## **10.0 Other options considered**

- 10.1 The Police have used and reviewed the effectiveness of a range of other powers to control anti-social behaviour, including Dispersal Orders, Acceptable Behaviour Contracts, Step Letters and Criminal Behaviour Orders, but none of these are considered to have had or be able to have the same comprehensive impact in addressing anti-social behaviour as a PSPO could have.

## **11.0 Governance journey**

- 11.1 Report to Council – 20 April 2021

## **Attachments**

- Annexe A Initial draft Public Space Protection Order – Anti-social Behaviour for consultation
- Annexe B Feedback from Consultation
- Annexe C Final draft Public Space Prtoection Order – Anti-social Behaviour

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### **CONTACT OFFICER:**

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Agreed and signed off by:  
Legal Services: date  
Head of Finance: date  
Strategic Director: date  
Portfolio Holder: date



**The Anti-Social Behaviour, Crime and Policing Act 2014  
The Public Spaces Protection Order (No 3) – Waverley Borough Council 2021**

In exercise of the power under Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 (the Act) being satisfied that the conditions set out in Section 59 of the Act have been met Waverley Borough Council (in this order called “the Authority”) hereby makes the following Order.

This Order comes into effect on (enter date) 2021 for a period of 3 years.

Sections A to D of this Order relate to the ‘Restricted Area’ known as Godalming Town Council area as defined on the attached plan at Appendix 1 (‘map1’).

Section E of this Order relates to all Waverley Borough Council owned parks and open spaces within the Waverley Borough Council area (the Restricted Areas) listed at Appendix 2.

The effect of the Order is to impose the following prohibitions at all times within the relevant Restricted Areas.

BY THIS ORDER

**A Prohibition on Drinking in Public Place by Direction within the Restricted Area (specified at Appendix 1 – known as the Godalming Town Council area)**

1. All persons may be restricted from drinking alcohol in any public place located within the Restricted Area (specified at Appendix 1 (map 1) by the direction of an authorised person. This provision does not apply to alcohol being consumed within premises licensed under the Licensing Act 2003 or S115E of the Highways Act 1980
2. Where an authorised person reasonably believes that a person is consuming alcohol or has been consuming alcohol in the restricted area and that the consumption of alcohol is, or is likely to contribute to anti-social behaviour as defined in C below; or where an authorised person reasonably believes that a person intends to consume alcohol in circumstances which would be a breach of this Order, then the authorised person can take the following steps;
  - I. To prohibit the person from consuming alcohol or anything which the authorised person reasonably believes is an alcoholic beverage in breach of this Order; and,

# ORIGINAL DRAFT

- II. To require that the person must surrender any alcohol, or anything, which the authorised person reasonably believes to be alcohol, that is in the person's possession including a container for alcohol.
- III. Disposal of the alcohol may be undertaken by the authorised person in whatever way he or she thinks fit.

## **B Prohibition on use of Drugs, Psychoactive substances (so-called 'Legal Highs') or other intoxicating substances within the Restricted Area specified at Appendix 1 – (map 1) known as the Godalming Town Council area).**

1. All persons are prohibited from ingesting, inhaling, injecting or smoking, any substance that has the capacity to stimulate or depress the central nervous system in any public place within the Restricted Area (specified at Appendix 1 (map1)).
2. This prohibition does not apply where:
  - i. The substance is used for valid and demonstrable medicinal purpose;
  - ii. The substance is given to an animal as a medicinal remedy
  - iii. The substance is a cigarette (tobacco) or vaporiser; or
  - iv. The substance is a food product regulated by food, health and safety legislation.
3. Persons within this area who breach this prohibition shall surrender the drugs, psychoactive substances or other intoxicating substances in his/her possession to an authorised person.
4. For the purposes of the above prohibitions, an 'Authorised Person' means a constable, a Police Community Support Officer or a person so authorised by Waverley Borough Council.
5. Disposal of the drug, psychoactive substance or other intoxicating substance may be undertaken by the authorised person in whatever way he or she thinks fit.

## **C Prohibition on Anti-Social Behaviour within the Restricted Area specified at Appendix 1 – (map 1) known as the Godalming Town Council area).**

1. Within the Restricted Area (see Appendix 1 (map1)), all persons are prohibited from:
  - i. intentionally or recklessly, shouting, swearing, screaming, being verbally abusive or acting in a manner to cause, or likely to cause, annoyance, harassment, alarm or distress to any person;
  - ii. acting or inciting others to act in an anti-social manner that is likely to cause harassment, alarm or distress.

## **D Prohibition of Graffiti, Fly Posting or defacement of property within the Restricted Area specified at Appendix 1 – (map 1) known as the Godalming Town Council area).**

1. All persons are prohibited from applying graffiti, fly posting, affixing any notice, picture or sign on any structure, object or surface e.g. underpasses, walls, trees, bridges, street furniture, signs etc., temporarily or permanently, without the permission of the owner, with the exception of notices authorised or issued by a local authority.

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## **E Prohibition of unauthorised bonfires and BBQs on land within the Restricted Areas (specified at Appendix 2, which represent parks and open spaces owned or managed by Waverley Borough Council within the Waverley Borough Council administrative area).**

1. All persons are prohibited from lighting bonfires or BBQs on land owned or managed by Waverley Borough Council within the Restricted Areas specified at Appendix 2 without the consent of the Council.
2. Where a bonfire or BBQ is permitted at a site, all persons are prohibited from leaving that bonfire or BBQ unattended whilst alight and shall completely extinguish that bonfire or BBQ before leaving the fire site.

## **EXEMPTIONS**

Nothing in Prohibition A, 1 (alcohol) shall apply to:

- a). Premises authorised by a premises licence to be used for the supply of alcohol;
- b). Premises authorised by a club premises certificate to be used by the club for the supply of alcohol;
- c). A place within the curtilage of premises within paragraph (a) or (b)
- d). Premises which by virtue of Pt 5 of the Licensing Act 2003 may at the relevant time be used for the supply of alcohol or which, by virtue of that Part, could have been so used within 30 minutes before that time;
- e). A place where facilities or activities relating to the sale or consumption of alcohol are at the relevant time permitted by virtue of a permission granted under S115 of the Highways Act 1980 (highway related uses);
- f). Council-operated licensed premises- (i) When the premises are being used for the supply of alcohol, or (ii) Within 30 minutes after the end of a period during which the premises have been used for the supply of alcohol.

## **OFFENCES**

- a) If, without reasonable excuse, a person is found to be in breach of any of the prohibitions or requirements in respect of activities A-to E above, they will commit a criminal offence for which the maximum penalty upon summary conviction is a fine not exceeding level 3 on the standard scale.
- b) In respect of activity A above, namely the consumption of alcohol in a public place, within the Restricted Area in Appendix 1 it is an offence if a person:

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- a. Refuses to stop drinking alcohol or hand over any containers (sealed or unsealed) which are believed to contain alcohol, when required to do so by an authorised officer in order to prevent public nuisance or disorder;
  - b. Continues to drink, consume or otherwise ingest alcohol when asked not to do so by an authorised officer;
  - c. Fails to surrender any alcohol in his or her possession when asked to do so by an authorised officer;
  - d. Consumes alcohol following a verbal warning by an authorised officer to stop;
  - e. Continues to drink alcohol when asked to stop by an authorised officer, or;
  - f. Fails to surrender any alcohol in their possession when asked to do so by an authorised officer.
- c) In respect of activity B above, namely the use of drugs, psychoactive substances (so-called 'Legal Highs') or other intoxicating substances in a public place, within any area specified in Appendix 1 it is an offence if a person:
- a. Ingests, inhales, injects, smokes or otherwise uses any drugs, psychoactive substances (so-called 'Legal Highs') or other intoxicating substances;
  - b. Continues to ingest, inhale, inject, smoke or otherwise use any drugs, psychoactive substances (so-called 'Legal Highs') or other intoxicating substances when asked by an authorised officer to stop;
  - c. Fails to surrender any drugs, psychoactive substances (so-called 'Legal Highs') or other intoxicating substances when asked to do so by an authorised person.
- d) In respect of activity C above, namely Anti-Social Behaviour, it is an offence if a person within any Restricted Area specified at Appendix 1:
- a. intentionally or recklessly, shouts, swears, screams, is verbally abusive or acts in a manner to cause, or likely to cause, annoyance, harassment, alarm or distress to any person.
  - b. acts or incites others to act in an anti-social manner that is likely to cause harassment, alarm or distress.
- e) In respect of activity D above, namely applying graffiti, fly posting or defacing property, it is an offence if a person within any Restricted Area specified at Appendix 1:
- a. applies graffiti or fly posting, or affixes any notice, picture or sign on any structure, object or surface e.g. underpasses, walls, trees, bridges, street furniture, signs etc., temporarily or permanently, without the permission of the owner.
- f) In respect of activity E above, namely lighting bonfires or BBQs, it is an offence if a person within any Restricted Area specified at Appendix 2:
- a. Lights a bonfire or BBQ on land owned or managed by Waverley Borough Council without the consent of the Council.
  - b. Leaves a bonfire or BBQ unattended whilst alight;
  - c. Fails to fully extinguish a bonfire or BBQ before leaving the fire site;

# ORIGINAL DRAFT

- g) A person will commit an offence if they incite or encourage others to commit any act prohibited by this Order’.
- h) In the event of any such a failure, a person will commit a criminal offence for which the maximum penalty upon summary conviction is a fine not exceeding level 2 on the standard scale.

## FIXED PENALTIES

- a) An authorised person may issue a fixed penalty notice (FPN) of up to £100 to anyone he or she has reason to believe has committed any of the offences as described above.
- b) A FPN is a notice offering the person to whom it is issued the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty to a local authority specified in the notice.
- c) Where a person is issued with a FPN under this section in respect of an offence;
  - i) No proceedings may be taken for the offence before the end of the period of 14 days following the date of the notice, and
  - ii) The person may not be convicted of the offence if the person pays the fixed penalty before the end of that period.
- i) A FPN will give reasonably detailed particulars of the circumstances alleged to constitute the offence, it will state the period during which proceedings will not be taken for the offence; it will specify the amount of fixed penalty; it will state the name and address of the person to whom the fixed penalty may be paid and specify the permissible methods of payment.

THE COMMON SEAL of  
WAVERLEY BOROUGH COUNCIL  
Was hereunto affixed the [                    ]

Authorised signatory

ORIGINAL DRAFT

DRAFT



# ORIGINAL DRAFT

Appendix 1 – restricted area applicable to prohibitions A B C and D (with red boundary line) which represents the Godalming Town Council area



# ORIGINAL DRAFT

***Appendix 2 – restricted areas applicable to prohibition E (Park and Countryside sites owned and managed by Waverley Borough Council) within the Waverley Borough Council administrative area***

Site Name	Locality	Town
Alfold Common	Alfold	Cranleigh
Baynards	Cranleigh	Cranleigh
Bedlow Lane open space	Cranleigh	Cranleigh
Cranleigh Common & High Street	Cranleigh	Cranleigh
Cranleigh Mead Open Space	Cranleigh	Cranleigh
Gaston Gate	Cranleigh	Cranleigh
Guildford Road	Cranleigh	Cranleigh
Guildford Road (junction Smithwood Common)	Cranleigh	Cranleigh
Guildford Road (Smithwood Avenue - Common)	Cranleigh	Cranleigh
Guildford Road (Strathavon Close)	Cranleigh	Cranleigh
Lashmere Recreation Ground	Cranleigh	Cranleigh
Lucks Green	Cranleigh	Cranleigh
Queensway	Cranleigh	Cranleigh
Queensway Allotment Gardens	Cranleigh	Cranleigh
Queensway Open Space	Cranleigh	Cranleigh
Smithwood Common Road	Cranleigh	Cranleigh
Summerlands Open Space	Cranleigh	Cranleigh
Dunsfold Common	Dunsfold	Cranleigh
Bulls Head Green	Ewhurst	Cranleigh
Downhurst Road Open space	Ewhurst	Cranleigh
Ellens Green	Ewhurst	Cranleigh
Ewhurst Green	Ewhurst	Cranleigh
Ardarth	Shamley Green	Cranleigh
Bisney Cottage	Shamley Green	Cranleigh
Grist Hill	Shamley Green	Cranleigh
Lords Hill Common	Shamley Green	Cranleigh
Norley Common	Shamley Green	Cranleigh
Shamley Green Common	Shamley Green	Cranleigh
Stroud Common	Shamley Green	Cranleigh
Blackheath Common	Wonersh	Cranleigh
Blackheath Grove	Wonersh	Cranleigh
Phillips Hatch	Wonersh	Cranleigh
Wonersh Common	Wonersh	Cranleigh
Badshot Lea Green	Badshot Lea	Farnham
Badshot Lea Orchard	Badshot Lea	Farnham
Badshot Lea Pond	Badshot Lea	Farnham
Badshot Lea Recreation Ground	Badshot Lea	Farnham

# ORIGINAL DRAFT

Boundstone Recreation Ground	Boundstone	Farnham
Ten Acres	Boundstone	Farnham
Bourne Recreation Ground	Bourne	Farnham
Burnt Hill A	Bourne	Farnham
Burnt Hill B	Bourne	Farnham
Stream Farm Close/Sturt Walk	Bourne	Farnham
Compton Recreation Ground	Compton	Farnham
Abbots cottages	Dockenfield	Farnham
Abbots cottages Woodland	Dockenfield	Farnham
Bealeswood Common	Dockenfield	Farnham
Beldhams Road Open Space	Farnham	Farnham
Borelli Walk	Farnham	Farnham
Farnham Memorial Ground	Farnham	Farnham
Farnham Park	Farnham	Farnham
Farnham Skate park	Farnham	Farnham
Langham Recreation Ground	Farnham	Farnham
Laurel Grove	Farnham	Farnham
Mardens Recreation Ground	Farnham	Farnham
Middlefield	Farnham	Farnham
Morley Road Recreation Ground	Farnham	Farnham
Paradise Wood	Farnham	Farnham
Roman Way Play Area	Farnham	Farnham
Sheephouse	Farnham	Farnham
Shepherd & Flock	Farnham	Farnham
Snayles Lynch	Farnham	Farnham
St Andrews Churchyard	Farnham	Farnham
Thurbans Play Area	Farnham	Farnham
Weydon Lane Tip	Farnham	Farnham
Frensham Common & Flashes	Frensham	Farnham
Frensham Green & War Memorial	Frensham	Farnham
Peakfield Playing Field	Frensham	Farnham
Hale Recreation Ground	Hale	Farnham
Hale Reeds	Hale	Farnham
Oast House Crescent Recreation Ground	Hale	Farnham
Old Park Close	Hale	Farnham
Park View Estate	Hale	Farnham
Sandy Hill (old BMX track site)	Hale	Farnham
Sandy Hill Open Space	Hale	Farnham
Sandy Hill Top field	Hale	Farnham
Heath End Recreation Ground	Heath End	Farnham
Moons Hill Recreation Ground	Rowledge	Farnham
Rowledge Recreation Ground	Rowledge	Farnham
Runfold Recreation Ground	Runfold	Farnham
Shepherds Way	Tilford	Farnham

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Tilford LNR	Tilford	Farnham
Monkton Lane (football ground)	Weybourne	Farnham
Six Bells Allotments	Weybourne	Farnham
Six Bells Grazing land	Weybourne	Farnham
Wentworth Close Play Area	Weybourne	Farnham
Weybourne Allotments	Weybourne	Farnham
Weybourne LNR	Weybourne	Farnham
Weybourne Recreation Ground	Weybourne	Farnham
Westfield Lane	Wrecclesham	Farnham
Wrecclesham Recreation Ground	Wrecclesham	Farnham
Binscombe Open space	Binscombe	Godalming
Broad Acres	Binscombe	Godalming
Long Gore Woodland	Binscombe	Godalming
Longbourne Green	Binscombe	Godalming
Birtley Green	Bramley	Godalming
Birtley road Cemetery	Bramley	Godalming
Chestnut Way Recreation Ground	Bramley	Godalming
Rooks Hill	Bramley	Godalming
Rushett Common	Bramley	Godalming
The Coombes (woodland)	Bramley	Godalming
Elstead Green (Village Green)	Elstead	Godalming
Elstead Moat	Elstead	Godalming
Springfield Estate (inc Quillets)	Elstead	Godalming
Thursley Rd Cemetery	Elstead	Godalming
Westbrook Green	Elstead	Godalming
Broadwater Park	Farncombe	Godalming
Broadwater Park Golf Course	Farncombe	Godalming
Canon Bowrings Recreation Ground	Farncombe	Godalming
Combe Rd Recreation Ground	Farncombe	Godalming
Guildford Rugby Club (Broadwater Park)	Farncombe	Godalming
St Johns the Evangelist Church	Farncombe	Godalming
The Glade Open Space	Farncombe	Godalming
The Oval	Farncombe	Godalming
Aarons Hill open space including woodland	Godalming	Godalming
Bargate Woodland	Godalming	Godalming
Burys Field	Godalming	Godalming
Crownpits Recreation Ground	Godalming	Godalming
Holloway Hill Recreation Ground	Godalming	Godalming
Home Farm Plantation	Godalming	Godalming
Lammas Lands	Godalming	Godalming
Ockford Ridge	Godalming	Godalming
Phillips Memorial Park	Godalming	Godalming
St Peter & St Pauls Churchyard	Godalming	Godalming
Hascombe Recreation Ground	Hascombe	Godalming

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Amberley Copse	Milford	Godalming
Shackleford Heath Common	Shackleford	Godalming
Mare Hill Common	Witley	Godalming
Beacon Hill Recreation Ground	Beaconhill	Haslemere
Eight Acres Woodland - West	Beaconhill	Haslemere
Eight Acres Woodland/Play area	Beaconhill	Haslemere
Tilford Road/Marchants Hill	Beaconhill	Haslemere
Chiddingfold Common	Chiddingfold	Haslemere
Chiddingfold Recreation Ground	Chiddingfold	Haslemere
Harts Grove	Chiddingfold	Haslemere
Stephens Field	Chiddingfold	Haslemere
Clammer Hill	Grayswood	Haslemere
Grayswood Common - North	Grayswood	Haslemere
Grayswood Common - nr Grayswood Church	Grayswood	Haslemere
Grayswood Common - South	Grayswood	Haslemere
Grayswood Recreation Ground	Grayswood	Haslemere
St Georges Wood	Grayswood	Haslemere
Aitken house woodland	Haslemere	Haslemere
Border Road Estate Play area	Haslemere	Haslemere
Derby Rd Cemetery	Haslemere	Haslemere
Haslemere Skatepark	Haslemere	Haslemere
Haslemere War Memorial Recreation Ground	Haslemere	Haslemere
Haste Hill Common	Haslemere	Haslemere
High Lane Recreation Ground	Haslemere	Haslemere
Sandrock	Haslemere	Haslemere
Shepherd's Hill	Haslemere	Haslemere
Sicklemill Woodland	Haslemere	Haslemere
St Bartholomews Cemetery	Haslemere	Haslemere
St Bartholomew's Green	Haslemere	Haslemere
St Bartholomews Green (Church Hill Garden)	Haslemere	Haslemere
St Stephen's churchyard	Haslemere	Haslemere
Sunvale Avenue Open Space	Haslemere	Haslemere
Sunvale/Shottermill Cemetry	Haslemere	Haslemere
Weycombe Road Cemetery	Haslemere	Haslemere
Weydown Common	Haslemere	Haslemere
Woolmer Hill Recreation Ground	Haslemere	Haslemere
Woolmer Hill Woodland North	Haslemere	Haslemere
Woolmer Hill Woodland South	Haslemere	Haslemere

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	Source	Comments	Response from Council and Police
1.	Borough Councillor	As a Borough Councillor, I believe that all wards within Waverley Borough Council should be covered by this Order. All wards experience some type of the ASB listed... I think Parish Councils should be consulted too.	The rationale behind proposing the Godalming Town Council area as a first step are set out in the report under section 9. All Town and Parish Councils were written to as part of the consultation process
2.	Borough and Parish Councillor	Summary – Concern about displacement to adjoining areas around Godalming TC area. – detailed correspondence attached to this table	The response to concerns about displacement is set out in the report under section 9.
3.	Member of the public	These anti-social proposals all sound excellent, and are long overdue. I hope they will also include Milford in their boundary? There have also been many issues at Jubilee Field - I would hope it would also be included in the protection area.	Milford will not be included in the initial boundary of the order in relation to ASB. The reasons for this and an explanation of how the Police and council would deal with ASB issues in the Milford area is set out in section 9 of the report
4.	Member of the public	<p>Volunteer gardening for Waverley is a pleasure I and my fellow Egardener's have enjoyed for five years or more pruning the roses weeding digging cutting grasses clearing the ponds tidying borders and many more tasks BUT the last two years have been horrendous. Individuals have broken and thrown and climbed onto the roof of the cloisters at Phillips memorial and thrown tiles into pond there is always broken roof tiles and broken glass bottles and pulling the wisteria down setting fire to the roots of trees throwing alcohol bottles and cans and have even used the cloisters for a toilet and we have found numerous used drug needles in the gardens which we have had to dispose of The pleasure has gone we have complained to no avail all we get is we need evidence!! so put cameras in put more policing in the areas recruit bobbies on the beat put them in youth detention centres don't threatened them with things that never happen they laugh in your face they swear they threatened they spit they don't care</p> <p>One person had their hedge set on fire, one had wing mirrors ripped from her car and another had their computer yanked out of her hand getting off the train and ran off with it and the vicar had his church windows smashed he has had to do a Go Fund to get them replaced these people should be made to do National service and pay for their crimes and pay for the damage as well</p> <p>I have seen first-hand the shoplifting from the co-op I have seen them threaten people and loitering in the street and intimidating behaviour They take great delight in being famous for their escapes and dead chuffed at being called the GU7 gang</p> <p>They are also notorious in Broadwater park for various vandalism so they are not limited to one area it is the whole of Farncombe and Godalming and beyond</p>	The proposed PSPO is not to be seen in isolation. It should be seen as one of a range of tools the Police and Councils have to address anti-social behaviour. The range of enforcement powers the police are using and the other work the councils and the Police are doing with other agencies and voluntary groups to engage with people and provide opportunities for leisure activities are set out section 9 of the report.

		How they have been allowed out by their parents and then congregate in groups whilst the rest of us are shielding and not allowed is beyond me What will happen NOTHING	
5.	Member of the public	Recent attacks on animals and people locally with air weapons and catapults also must be included in the anti-social moves. Attacks at allotments in Farncombe and Witley, Broadwater Lake and Secretts Farm pond as reported on social media, and kids with catapult attacking chickens at Greenoaks School (members of the traveller community) as reported by my wife to the police in late 2020.	The proposed PSPO is not to be seen in isolation. It should be seen as one of a range of tools the Police and Councils have to address anti-social behaviour. The range of enforcement powers the police are using and the other work the councils and the Police are doing with other agencies and voluntary groups to engage with people and provide opportunities for leisure activities are set out section 9 of the report.
6.	Member of the public	After reading the ASB proposal I feel inclined to comment. I work at a school. We often take children on learning walks to enhance their class learning. We have been studying the Titanic this term and took a bubble of year 1 children to see the Jack Philips memorial. Luckily I checked out the site before allowing the children through. There was a trail of vomit leading to a group of 6/7 men drinking alcohol and using drugs at 10.15am. Our learning walk was to pay respect to a local hero. The children were very disappointed they couldn't complete the walk. My adult son has been insulted, intimidated and threatened by a younger group of youths before lockdown on the train and while out and about after college. The allotments have been damaged causing a lot of distress to a vulnerable lady. I have found bottles of high-volume alcohol and security tags hidden under the pine tree in the alleyway running from the Mila cafe. Please allow the police to have the authority to control the behaviour and support the culprits of this behaviour. There is a cry for help which is not being heard.	These are the types of issues which the Order is intended to assist the Police to deal with, alongside their other powers and the collaborative work they are doing with the councils to engage with all sectors of the community as set out in section 9 of the report.



7.	Member of the public	<p>I for one am very disheartened with the lack of response from council and police to date, my property has been targeted since July of 2020 for god knows what reason. I've had stones thrown at windows concrete lumps thrown at rear of property and tiles smashed 2 slashed tyres car door kicked in and dog mess thrown at the windows. This is especially occurrent during the lighter evenings and can sometimes be a couple of times a week, The alley is where the troublesome kids exit from once they've caused trouble up by the church, they use this route to walk to Broadwater golf club and stay there till late in the evening. Police have been notified of incidents relating to myself. This has all stressed me out so much I sit indoors of an evening with the blinds drawn shut fearing and objects thrown at my windows would send shards of glass all over my living area, it's now come to a point where I have asked to be transferred to another property, I have lived here for 50 years but I don't want to live where this gang of adolescents are intent in ruining our lives and property for their "so called entertainment " the sooner I can be moved the better or even close off the alleyway it serves no purpose other than ingredient to cause mayhem.</p>	<p>These are the types of issues which the Order is intended to assist the Police to deal with, alongside their other powers and the collaborative work they are doing with the councils to engage with all sectors of the community as set out in section 9 of the report.</p>
8.	Member of the public	<p>As a resident of Farncombe, I would like to thank the Council for taking these issues seriously and to give my complete support for this order.</p>	
9.	Member of the public	<p>Hello I read announcement regarding the anti social behaviour and this email address where we can comment if we feel any areas have been left out. I had spoken to surrey police and the new officer who was in charge of the new additional local officers covering our area of Farncombe.</p> <p>Other areas not covered in the order that I feel you should be aware of is a key area being Broadwater Park. One of the key areas they like to hang out in (especially when the weather is not great) is in the old golf area within the park and especially the sheltered area near the old club house. They use this area for taking drugs and I have mentioned this to the police.</p> <p>Other issues to ensure are covered in the PSPO please based on what they have done below using motorbikes in broadwater park, causing distress to many people who are trying to enjoy the park threatening another child with a gun (however it turned out to be a fake gun) starting fires (one was started in an alley way that burnt a fence down of a house and in turn got so close to a childrens nursery they had to evacuate Damage to cars, damage to the cricket equipment at Broadwater mass gathering in the golf area where a young girl was being beaten up</p> <p>All of the above was reported to the police</p>	<p>Broadwater Park and the Golf Club are included in the proposed PSPO as they are within the borough boundary.</p> <p>Section C of the proposed Order provides a prohibition on anti-social behaviour that is likely to cause harassment, alarm or distress and this could be applied to the use of motorcycles and the other issues you raise if they cannot be dealt with under other laws.</p>

		<p>It is great news that we have this order, however this will only work if there are police actually patrolling the area. There was a police car once in the car park but he was sitting in the car park which is no good if the residents of Farncombe and Godalming want to feel that something is being done. We need to see them patrolling, visiting the areas that are known to be frequented by them so why was that not being looked at. Perhaps because it was raining? I was also advised by the officer, that indeed the parents had been visited but all but one said oh its just kids being kids. I was also told that yes they were frustrated too but it doesn't help that the younger officers just want to give chance after chance and have a different attitude to the older policemen as such. This is so frustrating as if you are old enough to do the crime then you are old enough to take the consequences of this.</p> <p>Residence are simply fed up and have very little faith right now so please, please, let this be put into force with a zero tolerance policy. The so called camera by the toilets was put up but on such a low mast of course broken within a few days.</p>	
10.	Member of the public	<p>I'm dumbfounded these anti social issues have not been resolved by the Police and offenders dealt with in an appropriate way, despite numerous and overwhelming reports of repeat offending by (sometimes) named individuals. Anything that can bring this dreadful situation to a satisfactory conclusion is urgently required. Please do something to stop these individuals continuing to get away with this criminal behaviour. We need our town back now before it slides into a 'no go area!</p>	<p>These are the types of issues which the Order is intended to assist the Police to deal with, alongside their other powers and the collaborative work they are doing with the councils to engage with all sectors of the community as set out in section 9 of the report.</p>
11.	Member of the public	<p>Good morning</p> <p>I wanted to start by saying I am in support of the spirit of the order. I have the following 5 comments on the draft:</p> <p>1) I believe that the term 'authorised person' should be defined within the document, and should include the groups of people that have been designated and the reasons behind their inclusion. It should also include provisions on if/how local members of the community can become an 'authorised person'.</p> <p>2) I believe that an appeals process for people who have been wrongly fined should be included, and other 'checks and balances'.</p> <p>3) I believe that the order should describe punishments for repeat offenders.</p>	<p>1). Enforcement will be carried out by Police Officers, PCSO's and /or Authorised Officers of Waverley Borough Council. An authorised officer is an officer authorised by the council or by the Police to use the powers in the Order. Officers will not be authorised until they have had appropriate formal training and instruction on enforcement and the application of the Order.</p> <p>2). The appeal process will be clearly set out in the Fixed Penalty Notice when it is issued.</p> <p>3). The Fixed Penalty Notice is an alternative to prosecution and is issued at the discretion of the authorised officer. In the case of repeat offending, the authorised officer may choose not to offer this opportunity to discharge liability to conviction and prosecute the offender in the Magistrates Court instead.</p>

		<p>4) I believe that text should be added to the order that would allow members of the public to see the number of fines and dispersal orders issued per street.</p> <p>5) The order should make it clear if any 'authorised persons' would be working on commission.</p>	<p>4). Performance of the Order will be monitored and reported on a regular basis to provide this information. This data will not be available until after the Order takes effect.</p> <p>5). Authorised officers will not be paid commission for issuing Fixed Penalty Notices</p>
12.	Member of the public	<p>Thanks for taking this forward. I am not in favour of the proposals in respect of alcohol consumption in public. Any proposal which is 'grey' and leaves interpretation to enforcing officers will create more problems than it solves.</p> <p>Given much of the anti social behaviour is by youths, I am surprised to see no proposals/sanction which are aimed at the parents and careers of those engaged in anti-social behaviour</p>	<p>It is essential that authorised officers have discretion so that law-abiding citizens enjoying the parks and open spaces in Waverley are not unduly penalised. The proposed Order does not ban all people from consuming alcohol in a public place. The powers will only be used if the consumption of alcohol is felt to be the cause of or is contributing to anti-social behaviour.</p> <p>A PSPO can only impose a prohibition on specified things being done and requirements that certain things be done by persons carrying on activities in a particular area (targeting those responsible and not a third party). Section 9 of the report sets out the other community based measures in place to address ASB within Waverley.</p> <p>Special procedures for dealing with any persons under the age of 18 in accordance with the recommendations of the Department for Environment Food and Rural Affairs (DEFRA) will be implemented to ensure compliance with the duties under the Children Act 2004.</p>
13.	Member of the public	<p>I have read the proposals regarding tackling the anti-social behaviour in Waverley and can understand the need to address the problem. However a punitive and confrontational approach will not lead to a transformation that is needed particularly at a time where there has been a big impact on our young people through the lockdown period and disillusionment and disaffection both from the educational angle and also from frustration at very limited opportunities for sport.</p> <p>Trinity Trust Team and the Community Youth Forum are working towards positive solutions providing diversionary activities of a positive nature and also looking towards a supervised 'hang out' space.</p>	<p>The proposed PSPO is not to be seen in isolation. It should be seen as one of a range of tools the Police and Councils have to address anti-social behaviour. The range of enforcement powers the police are using and the other work the councils and the Police are doing with other agencies and voluntary groups to engage with people and provide opportunities for leisure activities are set out section 9 of the report.</p>

		<p>The reduction in funding and lack of youth facilities is partly to blame for the situation within which we find ourselves and we need to share the responsibility for the problems that we now face - Waverley Borough Council and central government included.</p> <p>Could Waverley B C put together a positive working group to address the underlying problems rather than penalising and criminalising our young people. This is a society problem and a dis-ease that needs a healing dimension rather than compounding sadness and discouragement. The mental health of young people is at a very low ebb and the suicide rate frighteningly high.</p> <p>I would be more than happy to discuss this further with Waverley Borough Councilors and the Godalming Town Council. I would particularly like to engage 281 young people to join in a 14-18 project directed to assist young people. As a catalyst the Borough Hall has been booked for 14th November for a showing of the 1917 film by Sam Mendes. The purpose would be for our young people to consider carrying the name and memory of one of our young people who gave their lives in the two world wars and to receive a named identity military dog tag to take with them on their life journey and to make something of their own life to keep the memory alive. Additionally to research the young person who they carry regarding where they lived in Godalming, which school they went to and perhaps what expectations they might have had?</p> <p>Sam Mendes, George Mackay and Dean-Charles Chapman have expressed their willingness to assist in this venture and to consider attending showing of the film. The 14-18 group are also offering an early response listening service for meeting any distressed young person plus friend or family member.</p>	
14.	Member of the public	<p>In principle, I support these proposals. However, I recommend we provide young people with suitable recreational and support facilities as well.</p> <p>From articles I have read, various reasons for violence are cited:</p> <ul style="list-style-type: none"> <li>• Inappropriate attempts to handle emotions</li> <li>• The influence of one's peers</li> <li>• Having a lack of attention or respect</li> <li>• Having low self-worth</li> <li>• Experiencing abuse or neglect/Adverse Childhood Experiences (ACEs)</li> </ul>	<p>The proposed PSPO is not to be seen in isolation. It should be seen as one of a range of tools the Police and Councils have to address anti-social behaviour. The range of enforcement powers the police are using and the other work the councils and the Police are doing with other agencies and voluntary groups to engage with people and provide opportunities for leisure activities are set out section 9 of the report.</p>

		<ul style="list-style-type: none"> <li>• Witnessing violence in the home, community, or media</li> <li>• Access to weapons</li> <li>• Substance abuse</li> <li>• Mental illness</li> <li>• Poverty</li> <li>• Exclusion from school, society, democratic processes</li> <li>• Physiological factors</li> </ul> <p>Therefore, organisations such as the Violence Reduction Unit in London have adopted a ‘Public Health’ approach to preventing violence, whereby all facets of public support services are co-ordinated and resources are provided to the community to find ways to address the underlying causes. For example, in Brixton, the Christian International Peace Service has been providing mentoring to young people at risk of exclusion from school, emergency family support during the pandemic to provide food and access to laptops for children to do their school work, a youth experience club, a girls’ group and various holiday excursions and activities. One of last year’s highlights was that the young people created and acted in their own film ‘What happened to Karen’, giving them a greater sense of self-worth and confidence about their future potential.</p>	
15.	Member of the public	<p>While I fully agree with your concern at the anti-social behaviour in the remarkable Borough in which I have lived for most of my life, and in no way condone the incidents which you describe or their serious effect on our citizens, I am most disappointed at the punitive, negative and dated approach which you plan to take to resolve the situation and which I cannot support.</p> <p>These problems are due to a small minority of our young people and yet you plan to bring in measures which will make all our young people see our elected representatives as 'anti-youth'. UK and international studies in youth work since the 1950s have shown that such an approach as you propose only serves to make matters worse not better and drive the perpetrators even further down the spiral of disaffection and towards a life of crime. If you are bored, broke, unemployed, have nowhere to 'hang out' and are looking for excitement a Fixed Penalty Notice can be seen a badge of honour, then if you don't pay because you have no money and get a criminal record what prospects of employment do you have ? Banning activities in parks will only drive them into other, more vulnerable and less visible places. I am sure you have seen the increase in national concern about young people's mental health which you do not address.</p> <p>Your proposals will have financial consequences for the Council. How much better to spend those funds on positive incentives. Godalming Town Council</p>	<p>The proposed PSPO is not to be seen in isolation. It should be seen as one of a range of tools the Police and Councils have to address anti-social behaviour. The range of enforcement powers the police are using and the other work the councils and the Police are doing with other agencies and voluntary groups to engage with people and provide opportunities for leisure activities are set out section 9 of the report.</p> <p>At a community meeting in Farncombe which over 200 people it was agreed that a range of measures would be explored. There were three key strands to this</p> <ol style="list-style-type: none"> <li>1. Social/youth engagement activity;</li> <li>2. Local participation, engagement and participation.</li> <li>3. Strengthen enforcement powers.</li> </ol> <p>1. At the town council level there is a youth services working group that is exploring options to bring forward. It is likely anything really meaningful it proposes will require more funding than Godalming Town Council has means of raising additional</p>

		<p>has a working group on such an approach. Youth work in Surrey has lost over 70% of its funding in the past 10 years, yet voluntary workers in Godalming still do a terrific job. The Guide and Scout movements have waiting lists of young people but need leaders and finance for meeting places. Cadets are thriving. Godalming Scouting has a specific recruitment programme for older members in problem areas. The Canoe Club offers adventure on the river. The Trinity Trust undertakes one to one youth work already in Farncombe, Skillway has helped 800 disaffected young people develop skills for work.</p> <p>If you seek to support and enhance the work of those trained to deal with these issues face to face and importantly work with the young people themselves I have every confidence that you will see excellent result.</p>	<p>funds are being considered. The Town council It is also continuing to provide grants to groups (such as) the scouts.</p> <p>2. The Safer Waverley partnership is engaging with the local community, to work with social and community workers and to get local people cleared in a safeguarding sense to work more directly on the ground. Much of this work has been delayed by covid, but the safeguarding work has continued and this is likely to be able to resume in full quite soon. Work is also ongoing to communicate the facts and figures of ASB and also to encourage proper reporting to the police. Essentially to restore faith in community policing.</p> <p>3. This consultation on a PSPO is a further measure to assist the police with enforcement. It is a consultation in part because that is what the law requires but also because we want to understand if this is something the community really wants and really needs.</p>
16.	Member of the public	<p>Whilst walking my dog today at Broadwater I was asked by some other dog walkers to put a squirrel out of its misery as it had been hit by something from a catapult. Two youths were seen shooting the squirrel and photos were taken of the individuals.</p> <p>I took the squirrel to a place that looks after wildlife and have been informed since that the squirrel later started haemmoraging from its ear and has subsequently been put to sleep.</p> <p>The photos of the individuals responsible have been passed on to the police and I seriously hope they are dealt with.</p> <p>What type of degenerate shoots innocent animals and leaves them in distress and pain. Please be Aware there are some idiots out there that could either deliberately or inadvertently hit your pet or children with their catapults.</p> <p>Seriously this needs to be stopped a catapult is technically a firearm and needs to be reported on 999 to the police</p>	<p>These are the types of issues which the Order is intended to assist the Police to deal with, alongside their other powers and the collaborative work they are doing with the councils to engage with all sectors of the community as set out in section 9 of the report.</p>
17.	Member of the public	<p>I fully support the measures planned that one hopes will go towards addressing the growing anti-social behaviour occurring in Farncombe and Godalming. I consider them proportionate and fair and of no detriment to normal law abiding citizens.</p>	<p>These are the types of issues which the Order is intended to assist the Police to deal with, alongside their other powers and the collaborative work they are doing with the councils to</p>

		<p>At the Canon Bowring Recreation Ground we see and hear the damage being done by groups of teenagers who congregate around the playground in the summer evenings. This impacts on all age groups and is a stain on our community that needs tackling firmly.</p> <p>The ASBSPPO will give a better legal power to the authorities but on its own this isn't enough. Community policing and visibility in and around the hot spots must be increased. The park has two entrances and we have seen the police arrive at one, usually in Lower Manor Road, only to see the culprits escape running out the entrance into Wolsely Road. A targeted and planned approach occasionally seems only obvious?</p> <p>Our parks and gardens have been a welcome refuge to many during the pandemic and visited for recreation and well being. They are a treasured resource and something to be cherished and invested in by town and borough alike. I hope that funding can be earmarked to ensure the standard of care is improved so more can enjoy our parks and open spaces in years to come.</p>	engage with all sectors of the community as set out in section 9 of the report.
18.	Member of the public	Hello, I fully support these proposals.	
19.	Member of the public	<p>I would like to provide my comments on the proposal. In principal I am broadly supportive.</p> <p>However, my only concern is regarding the first part of your plan listed - prohibition of drinking (I'm surprised this is first on the list and not antisocial behaviour such as vandalism, spitting, littering, etc). I appreciate that the intention isn't to criminalise normal folk that are enjoying themselves without bothering others. What concerns me is that there's a lot of discretion given to the "authorised person".</p> <p>In this day and age there are an increasing number of individuals that choose not to participate in social drinking and actively discourage it / consider it antisocial (for various reasons). My concern is that such an individual can easily confiscate / dispose of an individuals or group's beverages on a whim with no over-sight.</p> <p>Personally, I think it would be appropriate that an authorized person must first inform the person(s) that they are considered to be causing a nuisance and</p>	<p>Enforcement will be carried out by Police Officers, PCSO's and /or Authorised Officers of Waverley Borough Council. An authorised officer is an officer authorised by the council or by the Police to use the powers in the Order. Officers will not be authorised until they have had appropriate training and instruction on the Order.</p> <p>Part of that training will be taking an incremental approach to enforcement which would normally always start with an informal warning and request to stop whatever is the cause of anti-social behaviour before a more formal approach to enforcement is taken.</p> <p>The decision to dispose of alcohol and what to dispose of will be at the officer's discretion and dependent on how the person involved responds to the authorised officer's request to stop drinking.</p>

		<p>instruct them to cease consuming. Only IF an individual goes on to ignore this should the authorised person be able to confiscate the beverages.</p> <p>Also, I think disposal should be limited to open or damaged containers. If somebody is having a picnic/celebration in the park, the authorised person should not be able to dispose of all unopened beverages (which could amount to a considerable amount [quantity/value]).</p> <p>I hope that this is something that can be considered for the final draft.</p>	
20.	Member of the public	<p>I've been disturbed to hear about the antisocial behaviour towards wildlife in the area this last week and want to find out what is being done to stop the perpetrators? They killed swans at Secrett's last weekend and a few days ago killed a squirrel at broadwater park with a BB gun or catapult device. This behaviour has been going on too long and is abhorrent. Would it be possible to have extra patrols round the lake?</p>	<p>These are the types of issues which the Order is intended to assist the Police to deal with, alongside their other powers and the collaborative work they are doing with the councils to engage with all sectors of the community as set out in section 9 of the report.</p>
21.	Borough Councillor	<p>A necessary and appropriate measure, that has become more often required during the current Pandemic. The "Officers" have a very large area in which to respond</p>	
22.	Member of the public	<p>This really is a classic case of shutting the gate after the horse has bolted by Waverley.</p> <p>What Authority personnel is going to be around at 891011 12 o'clock at night to catch these offenders who are blatantly taking advantage of the lack of policing around the Waverly area The Phillips memorial and along the river way are the most likely areas where you can expect to be abused , and another hotspot is the back of Godalming railway station New Way.out of sight out of mind!</p> <p>The Phillips urinal is an utter disgrace every time I walk past it there is rubbish everywhere drinking swearing taking the tiles off the roof and verbally swearing at passers-by no matter how old or how young.</p> <p>They are totally out of control they have no regard for anybody not even the law who they seem is just a laugh and the more in trouble they get the higher their status in front of their friends how can you police this scum...It will take more than a few threats of taking the alcohol away or fining them.</p> <p>Il would find the parents no matter what the status or low income there on find the parents make them go down and clean up the rubbish and do repairs that their kids have caused and also would bring the kids round to the victims and make them apologise.</p>	<p>The proposed Order will be enforceable by the Police and the local authority. The Police would therefore be able to use these powers 24 hours per day if necessary.</p>



23.	Member of the public	I fully support a public space protection order, as described and set out by Oaul Follows.. Excellent proposals, too many low level aggressions in Godalming which has enhanced during lockdown. Particularly request a facility for Lois , no defecating or urinating in the park/allotments please.	
24.	Member of the public	Just to say that I am in full support of the proposals. Small group of people causing sustained disruption and distress over a long period of time. Action really is needed in a proportionate way as proosed.	
25.	Member of the public	I am a resident of Farncombe and would like to comment on the PSPO proposal. I have noticed very minimal anti-social behaviour in the area where I live, but appreciate there may have been more significant issues elsewhere. However, reading the proposal I am not sure what is likely to be achieved by this. Firstly, how realistic it is going to be to 'police' every green space listed. Secondly, even if this were possible, what does this proposal offer over existing powers police have to deal with legitimately intimidating and illegal behaviour rather than 'likely to cause annoyance' (which is incredibly subjective)? I feel the proposal is completely over the top, unlikely to put off people who are likely to behave in genuinely threatening ways, and cause the majority of local people who do not behave in this manner to be restricted in using their green spaces at a time when it will be valued more than ever.	The BBQ and Bonfire restriction applies to the green spaces listed in the schedule and this restriction will normally be enforced by local authority authorised officers such as the rangers who routinely visit these areas. The other restrictions in the Order would only apply to the Godalming geographical area.
26.	Member of the public	I would like to totally support this consultation. As a previous Town Councillor, I was witness to anti social behaviour in my ward of Binscombe and aware of it also in Farncombe and Godalming Town centre. I was a volunteer on a community consultation group underGTC in 2019 and very supportive on the actions suggested which included youth engagement, working in schools with parents and students, plus measure suggested in this consultation document.	These are the types of issues which the Order is intended to assist the Police to deal with, alongside their other powers and the collaborative work they are doing with the councils to engage with all sectors of the community as set out in section 9 of the report.
27.	Member of the public	I understand that several people have highlighted anti social behaviour instances in the area which resulted in damage and verbal abuse.  The proposal seems a good idea to define or at least to a guideline of what an anti social behaviour instance is. This can be useful to police officers and to residents to help addressing these issues.  However I feel that the proposal needs to be very careful on putting into key points sentences like 'making residents feel intimidated due to noise and foul language'.	Thank you for your support for the proposed Order and your feedback. This will be taken into account when finalising the wording of the final draft of the Order.

		<p>Feelings are personal and cannot be quantified and they are also derived by personal bias. What for me is not intimidating for another person can be an aggressive and threatening behaviour which may end up in nothing.</p> <p>I would suggest to focus on behaviours that can be quantified like damage and putting people in real risks.</p>	
28.	Member of the public	<p>I am fully supportive of anything that can be done to increase powers of the police or authorised individuals to address these issues.</p> <p>Anti social behaviour is an issue local people feel very strongly about, and although we're not often around individually to confront it when it happens, we have to collectively give Police and other agencies the right powers to deal with it. Specifically, we must send a message to those very few individuals and families who think they can do as they like with impunity that we won't tolerate it. I have two early teens sons and it worries me that they may not be able to safely move around the town when they get older and need more independence, it's a concern.</p>	Thank you for your support for the proposed Order
29.	Member of the public	<p>I do not think it will work at all, mainly because of the penalties i.e "An authorised person may issue a fixed penalty notice (FPN) of up to £100". The officer issuing a fixed penalty will at best be laughed at.</p> <p>Most of the culprits of problems in Farncombe are young teenagers. They do not carry around £100 and even if they did would not hand it over. Last year I had the misfortune to meet four members of the so called 'GU7 gang'. They had been damaging cars at St John's St Farncombe and were proceeding with damage to the church fence, in full public view. One or two have had exclusion orders of e.g. St John's St. But with no enforcement it is again ineffective as punishment or deterrent.</p> <p>I am not saying the proposal should not go ahead, just that it is not enough to <u>deter</u> local crime, and it should not be glossed over that it is crime. The other notable culprits are wilfully damaging parked cars or threatening people in The Bury's or Broadwater park. There is not enough Police force to stop them, even if there was they are never going to pay a fine.</p> <p>The ONLY thing that will be an effective deterrent is if <u>arrests are made</u>, culprits <u>named and shamed</u> in e.g. the local paper, and a least mandatory community order imposed, along with court costs.</p>	<p>Thank you for your feedback on the proposed PSPO. The proposed PSPO is not to be seen in isolation. It should be seen as one of a range of tools the Police and Councils have to address anti-social behaviour. The range of enforcement powers the police are using and the other work the councils and the Police are doing with other agencies and voluntary groups to engage with people and provide opportunities for leisure activities are set out section 9 of the report.</p>

		<p>Waverly needs an intelligence officer(s). Most of these culprits are known by e.g. school members and teachers.</p> <p>Waverly needs to be proactive in chasing down these culprits and arresting them. Waverly does, unfortunately, need more surveillance cameras. And finally I would suggest legal help for victims of crime. Unfortunately these criminals will get a free lawyer. In court the victim will be more on trial than the culprits as well as the threat of later harassment once their address becomes known.</p> <p>Farncombe has a particular problem of many footpaths near the village center. After committing vandalism it is very easy to get off the street and watch police cars, or Fire Brigade. A well placed mobile surveillance camera or foot patrol would pay dividend.</p>	
30.	Member of the public	<p>On review of the proposals have any considerations been given to other services/sites that the people causing the antisocial behaviour can access - drugs support/alcoholism services/youth orientated organisations to provide better and more focused guidance, activities and rehabilitation?</p> <p>Additionally I would raise a number of occasions recently when accessing play parks with my young child that the Holloway Hill play park and Philips memorial play park have been over run with teenagers using the sites to smoke or to use the equipment to a degree that they could be damaged or put young children using the sites at risk of injury and being scared. Improved clarity on who should access these sites and presence of officers in the parks areas would likely be of benefit.</p>	<p>The proposed PSPO should not be seen in isolation. It should be seen as one of a range of tools the Police and Councils have to address anti-social behaviour. The range of enforcement powers the police are using and the other work the councils and the Police are doing with other agencies and voluntary groups to engage with people and provide opportunities for leisure activities are set out section 9 of the report.</p> <p>These are the types of issues which the Order is intended to assist the Police to deal with, alongside their other powers and the collaborative work they are doing with the councils to engage with all sectors of the community as set out in section 9 of the report</p>
31.	Farnham Community Team	<p>We have no particular issue or concern with the PSPO itself but we do have issues and concerns with the reasons given under the title - Current anti-social behaviour.</p> <p>The anti-social behaviours cited appear to be historic and pre-pandemic. The Farncombe Community Team was established to address these behaviours in a positive way.</p> <p>Is there clear evidence that, since 2019 there have been youths gathering outside residential properties or on the station or trains or in St John's Church, Farncombe?</p> <p>If not, is the proposed order appropriate and proportionate to the issues currently being experienced - the answer has to be No.</p>	<p>Surrey Police have provided evidence and data which demonstrates that there is a significant level of anti-social behaviour in the Godalming Town Council area compared to other parts of the borough which is why the Order is being proposed. The Police are seeking these additional as part of a package of measures to address the issues.</p> <p>The proposed PSPO should not be seen in isolation. It should be seen as one of a range of tools the Police and Councils have to address anti-social behaviour. The range of enforcement powers the police are using and the other work the councils and the Police are doing with other agencies and voluntary groups</p>

		In our opinion the youths who behaved anti-socially then have either grown up and/or moved on and this order will affect and label another generation of youths who have done nothing socially or anti-socially and so is unjustified.	to engage with people and provide opportunities for leisure activities are set out section 9 of the report.
32.	Member of the public	In C1 section please consider deleting the word 'annoyance' as it's too subjective and not a serious enough affect on someone.	Thank you for your feedback. We will consider your suggestion when reviewing the wording of the final draft of the order
33.	Member of the public	I support the introduction of the proposed PSPO as drafted and hope it will be implemented in the near future to support our police force.	Thank you for your support for this proposal
34.	Cranleigh Parish Council	The Parish Council is supportive of the proposed PSPO No. 3. The Parish Council would like to know more about how the PSPO will be enforced. Please can someone contact me with further details?	Enforcement will be carried out by Authorised Police Officers and /or Authorised Officers of Waverley Borough Council. An authorised officer is an officer authorised by the council or by the Police to use the powers in the Order. Officers will not be authorised until they have had appropriate formal training and instruction on enforcement and the application of the Order. Part of that training will be taking an incremental approach to enforcement, in accordance with Home Office Guidance which would normally always start with an informal warning and request to stop whatever is the cause of anti-social behaviour before a more formal approach to enforcement is taken. An Officer will contact you to discuss in more detail how the proposed Order would be enforced.
35.	Witley Parish Council	Detailed letter of response attached below	Thank you for your feedback on the proposed Order. It does not propose a complete ban on the consumption of alcohol. Authorised officers would only intervene and use these powers if the alcohol consumption was considered to be the cause of or contributing to anti-social behaviour. Changes have been made to the wording of the Order to clarify this.  The intention is that Section C would apply to N <sup>2</sup> O containers.  Concerns have been expressed about displacement. The Police have acknowledged this concern and have outlined how they would deal with it should it occur. This is set out in section 9 of the report.

36.	Borough and Parish Councillor	<p>I think the ban on BBQ's and Fires is a must and very sensible. However, I see a problem with the ASBPSPO across Godalming Town Council Area. Which covers most of Farncombe and all of Godalming up to the Squires Garden Centre in the direction of Milford.</p> <p>As I read through the document in the link, it is interesting to note that lots of the problems are occurring near or in railway stations, Farncombe and Godalming, so the youths causing most of the bother are familiar with train journeys and some incidents have occurred when they are travelling back from Guildford. Farncombe and Godalming don't even have their ticket offices open so hopping on for a free ride is not out of the new ASBPSPO Area is not out of the question. If you think about it, Milford and Witley stations are only one or two stops away for the individuals to move their antics to.</p> <p>Not forgettg that Milford has 4 outlets for purchasing alcohol and Witley. Along with some very nice open spaces to gather. We should also remember that youths from Godalming area already travel to Milford Station for Rodborough School as the catchment area is quite wide spread. If the youths are stopped from congregating in Godalming and Farncombe it doesn't take a genius to realise they will move down the road, or line to where there is less policing anyway and they won't have the ASBPSO order over their heads.</p> <p>I remember a while back when the Police had a clampdown on underage drinking in Guildford and Godalming, there were a lot of problems with alcohol and drug use around Haslemere Station, I think it was unmanned at night back then, with the youths travelling to pubs where they were not known and could be served. So with my Milford Ward hat on, I would like to know firstly when this topic was discussed as I am unaware of it going through Committees as the Street Trading Order did. Would it be possible to add Milford and possibly Witley to the red area for the ASBPSPO?</p> <p>I suspect you might say that you need evidence of incidents to bring an order of this kind, however, I believe prevention is better than cure and if we allow the troublemakers to cause problems in other areas rather than clamping down on them with the necessary legal processes and eliminating other sensitive areas then we are letting down our residents.</p> <p>Regarding Godalming Town Council Area being covered by an ASBPSO order, I don't think this will cause any problems in Cranleigh, Dunsfold, Chiddingfold, Bramley, Farnham etc. etc. so WBC Councillors will probably not take too much notice of it. The link here is the railway – it is possible that Haslemere might have something to say but who knows. I do know however that Witley Ward Councillors are also very concerned by the new order which will just redistribute the ASB across the Borough.</p>	<p>Your concerns about potential displacement have been discussed with Surrey Police and more detailed commentary is set out in section 9 of the report.</p> <p>If ASB escalates and Dispersal Orders etc. are ineffective, then consideration can be given to the area of the existing PSPO being extended as required.</p> <p>The Police are keen to reassure you that if the PSPO is granted, the Waverley Safer Neighbourhood Police Team will continue to focus their patrols in areas where ASB is occurring and working with people to divert them away from disruptive activities.</p> <p>This PSPO is seen as a pilot and we need to start with a manageable area, where there is sufficient evidence to support a PSPO. If problems with ASB arise elsewhere and if after reviewing all of the options for dealing with it, a PSPO is the most appropriate route then we can consider extending the existing PSPO or introducing a similar one.</p>
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37.	Member of the public	<p>I wish to comment on the proposals since I live in Milford in the Waverley Borough.</p> <p>The proposals seem very fair but I would like them to be extended to Milford where we have had our own issues of anti-social behaviour including attacks on the wildlife at Secretts, verbal abuse from youths when passing on the streets, and motorbikes being ridden over Rodborough and Milford commons.</p>	<p>Your concerns about potential displacement have been discussed with Surrey Police and more detailed commentary is set out in section 9 of the report.</p> <p>If ASB escalates and Dispersal Orders etc. are ineffective, then consideration can be given to the area of the existing PSPO being extended as required.</p>
38.	Member of the public	<p>The order proposed is welcome. However, the displacement of the offenders into other areas is a worry. Witley and Milford villages will be most vulnerable as they are in walking distance of the boundary of this order and easily accessible by bicycle or train. We already know the offenders are using the trains to move to other areas. There needs to be a quick solution in place should the troubles spill out into other villages for this new order to be extended without lengthy consultations etc.</p>	<p>Your concerns about potential displacement have been discussed with Surrey Police and more detailed commentary is set out in section 9 of the report.</p> <p>If ASB escalates and Dispersal Orders etc. are ineffective, then consideration can be given to the area of the existing PSPO being extended as required.</p>
39.	Member of the public	<p>I would like to write in support of the proposed measures to tackle the anti-social behaviour within Waverley. Luckily I haven't been a recipient of said behaviours but have witnessed the damaging effect it is having on the community - both to persons and to property/spaces.</p> <p>There is a definite sense of frustration that these issues aren't being dealt with in a way that is having an effect on the people carrying out these behaviours. I would support giving authorised persons more powers to tackle the behaviours and reduce the negative effect it is having on the community. The powers are not draconian nor inflexible that it won't adversely affect people enjoying themselves, but simply a tool to stop or prevent those extreme behaviours we have witnessed over the last couple of years</p>	<p>Thank you for your support for this proposal</p>
40.	Member of the public	<p>I agree with new ASBPBO</p>	<p>Thank you for your support for this proposal</p>
41.	Member of the public	<p>Prohibition of bonfires and BBQs. It would be helpful to distinguish here between disposable and portable barbecues. While people are only allowed to meet outside, there is going to be a huge demand to eat outside, too. The main issue seems to be people buying disposable barbecues and then walking off and leaving them alight, whereas if you invest in a portable barbecue, there's more chance of bringing a bottle of water to put it out so that it's cool enough to take home and use again. Obviously you can't have people barbecuing anywhere and everywhere, but it would make sense to encourage responsible use by</p>	<p>Whilst your comments are noted, all types of BBQ can present a risk in parks and open spaces and especially our heathland areas if not used responsibly. There is provision in the order for authorised officers to grant permission for BBQs in appropriate circumstances.</p> <p>The Anti-social behaviour provisions are of a standard format used by local authorities across the country. Some changes are</p>

		<p>permitting portable barbecues in more locations than disposable ones. Another helpful move would be permitting more pop up/mobile catering in public spaces eg at weekends, so people have alternatives readily available.</p> <p>- Antisocial behaviour. Presumably this is 'standard' wording? And presumably a lot is down to the initiative of the attending officer. However, as it reads there is no difference in offence or penalty between a group habitually making a disturbance outside a vulnerable person's home with the intent of terrorising them, and a couple having a couple of drinks too many in the park and having a very loud argument. I'm not sure that making it illegal to shout in Godalming is the spirit of this order.</p> <p>- Graffiti and fly posting. Is this going to make it illegal to put up a poster for eg a lost cat? As long as these are removable and not too large, I don't think anyone objects to them.</p>	<p>proposed in response to feedback from the consultation to make it clearer that they are not absolute bans.</p> <p>Following the consultation the proposed restrictions on fly posting and graffiti are to be withdrawn from the Order.</p>
42.	Member of the public	I support the principle of the proposed order as taking no action is likely to lead to continued anti-social behaviour and/or vigilante groups taking matters into their own hands. The success of any order will depend on the availability of officers to enforce it.	Thank you for your support for this proposal
43.	Member of the public	<p>I am writing to put forward my support for this proposal. These additional powers will allow for police to help to combat the antisocial behaviour in and around Godalming.</p> <p>In addition to this, it would be important to know what community support measures are in place to help prevent this kind of behaviour becoming the problem it has. It is just as, if not more important that families are supported and funding is directed into longer term solutions.</p>	<p>Thank you for your support for this proposal.</p> <p>The proposed PSPO should not be seen in isolation. It should be seen as one of a range of tools the Police and Councils have to address anti-social behaviour. The range of enforcement powers the police are using and the other work the councils and the Police are doing with other agencies and voluntary groups to engage with people and provide opportunities for leisure activities are set out section 9 of the report.</p>
44.	Member of the public	<p>I was shocked to learn, at the community meeting held at St John's Church in October 2018, how limited the Police Force is in how they can respond to the anti social behaviour we've been experiencing in Farncombe.</p> <p>Although I fully accept that there are cultural and socio-economic factors at play behind some of the behaviours, I firmly support the implementation of the PSPO.</p>	Thank you for your support for this proposal
45.	Chiddingfold Parish Council	Detailed letter of response attached below	Concerns have been expressed about displacement. The Police have acknowledged this concern and have outlined how they

			<p>would deal with it should it occur. This is set out in section 9 of the report.</p> <p>Thank you for the point of clarification on Section E, it should be owned OR managed.</p> <p>Thank you for your points of clarification on the Appendix. We have checked these with the Parks and Open Spaces Team and corrected them accordingly in the final draft.</p> <p>The Council will consider the inclusion of non WBC sites in a review of the Order and consult further with all Town and Parish Councils.</p> <p>Thank you for identifying some minor typographical errors and making a few suggestions for changes to wording etc. These will be considered when compiling the final draft of the proposed Order for consideration by the Council.</p>
46.	Godalming Town Council	<p><b><u>Working Group on Waverley Borough Council Public Spaces Protection Order Number 3</u></b></p> <p>1. The Working Group welcomes initiatives that will help address the anti-social behaviour committed by a small number of individuals which has significantly affected many members of our community.</p> <p>2. We recognise that the police are requesting the introduction of a Public Spaces Protection Order to support their efforts in tackling this problem in an effective and timely manner.</p> <p>3. We believe that while provision for public safety is very important, measures to provide for it must not undermine the rights which individuals have to freedom of expression. Therefore, any measures which impinge on those rights should only be taken if found to be necessary, and the measure should as far as possible be consistent with those rights.</p> <p>4. We believe that the extension of police and council authority to tackle this problem, most of which is criminal behaviour under existing legislation, would be unlikely to be required if there was sufficient police resource and rapid processing of cases in the judicial system, both of which had been undermined prior to the COVID emergency by Government cuts.</p> <p>5. Further, we believe that the most effective means of reducing anti-social behaviour are by engaging constructively with people before they become alienated, disruptive and criminalised. Unfortunately, many services which previously existed to tackle these issues with people across different age</p>	<p>The proposed PSPO is not to be seen in isolation. It should be seen as one of a range of tools the Police and Councils have to address anti-social behaviour. The range of enforcement powers the police are using and the other work the councils and the Police are doing with other agencies and voluntary groups to engage with people and provide opportunities for leisure activities are set out section 9 of the report.</p> <p>It is certainly not the intention that the Order will undermine peoples' right to freedom of expression. People's rights will be respected and the powers would only be used in cases where behaviour is such to cause alarm, fear or distress amongst the wider community.</p> <p>The Police and the Council will deploy available resources efficiently and effectively to address these issues.</p> <p>We would emphasise again that the proposed Order must not be viewed in isolation but as part of a range of measures aimed at engaging with all sectors of the community. To this end WBC will work closely with GTC, SCC the Police and voluntary organisations to support a range of engagement and support activities with the use of enforcement powers seen as a last resort.</p>



	<p>groups, have been removed or made much less effective by Government cuts. We therefore recommend that Godalming Town Council continue its policy of aiming to extend Youth Provision, as one area where the Town Council can play a positive role in reducing the factors that drive some individuals towards anti-social behaviour.</p> <p>6. We recognise the need for the suggested PSPO as a hopefully short-term means of addressing issues which are symptoms of deeper problems which require longer term solutions.</p> <p>7. However, we believe that the PSPO should be drafted in line with certain guidelines:</p> <ul style="list-style-type: none"> <li>• it should be proportionate, in that it avoids the risk of criminalising normal activities, and avoids any bias in whom it may target as possible offenders; and</li> <li>• it should be accurate and specific in terms of its language, references and alignment with existing legislation.</li> </ul> <p>We do not believe that the current draft of the PSPO sufficiently meets these criteria, and so we have recommended specific changes, which are set out in Appendix 1 below.</p> <p>We recognise that the suggested drafting changes may not be the most effective legal means of achieving the joint objectives of Waverley Borough Council and Godalming Town Council, given that they have been drafted by lay persons. We are happy to continue discussions on the detailed drafting of the PSPO.</p> <p>8. Further, we believe that the operation of the PSPO should be reviewed regularly to ensure that it is meeting its objectives. Although we recognise the need for it to cover a three-year time frame for logistical reasons, we believe that it should be formally reviewed on an annual basis to check its efficacy and proportionality. Such a review should include input from council officers, the police, and other specified “authorities” involved in the operation of the PSPO, as well as the local community, local businesses, and those working with groups and individuals at risk of marginalisation. We would also like the first review to look at the impact of the youth engagement activities of the Farncombe Community Team which we hope will lead to a reduction in ASB.</p>	<p>The draft PSPO Order is based on a number of similar Orders introduced by local authorities across the country. It is considered proportionate and applies to the whole community irrespective of age, race, religion etc.</p> <p>We welcome feedback from Godalming Town Council, have reviewed the recommended changes to the Order and the typographical and grammatical errors and where appropriate have amended the wording of the final draft of the Order.</p> <p>We recognise the need for the application and effectiveness of the Order to be reviewed and will consider the frequency and nature of these reviews in consultation with partner agencies.</p>
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9. We are also concerned at the heavy emphasis in the background papers on identifying youth as the culprits. We are not clear that the evidence supports this, and are concerned at the further stigmatisation of a group who have suffered badly in the COVID crisis, and who are often unfairly treated from day to day.

10. From our meeting with Neighbourhood Sergeant, Claire Sutherland, she explained the positive progress from the 'Farncombe Community Team' in planning youth activities due to begin when the first lockdown started. We encourage all concerned to pick up this valuable work as lockdown eases.

11. We also believe that there is a need for effective communication of the PSPO, its objectives and its likely impact, including reassurances from Claire Sutherland that "nobody going about their normal lawful business will ever have anything to worry about".

**APPENDIX 1.**

**Suggested Detailed Changes to WBC Draft PSPO**

See table below at end of Annexe A. These have been considered and the Order amended as considered appropriate

## Annexe B



ASB PSPO  
Waverley Borough Council  
The Bury  
Godalming  
Surrey  
GU7 1HR

31<sup>st</sup> March 2021

Dear Sirs

Witley Parish Council supports the proposed Public Space Protection Order that is proposed for Godalming. We fully understand that the issues being experienced there, particularly in respect of Anti-Social Behaviour, require urgent action.

We are pleased to see that the new regulations about drinking in public places will only be called into play when drinking is causing unacceptable behaviour. We would not want a blanket ban on all drinking in public places, which would impact people who are enjoying a drink responsibly as, say, part of a picnic in the park.

In the section on drugs, we would like to see specific reference to the use of N<sup>2</sup>O canisters.

We support the ban on bonfires and BBQs in all WBC parks and green spaces, including Mare Hill in our parish.

Our primary concern is the possibility of the displacement of ASB from Godalming to Milford and Witley. We would ask that this be kept under review, possibly with a more robust reporting system. It is our perception that currently not all incidents of ASB that are reported from our area reach the appropriate people.

If there is an increase in ASB in our villages, we ask that resources be made available to deal with it. An extension to cover Milford and Witley could also be considered.

I trust you will take these comments into consideration, should you wish to discuss this response further please do not hesitate to contact me.

Yours faithfully

Sarah Nash  
Clerk to Witley Parish Council

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Council Office Milford Village Hall Portsmouth Road Milford Surrey GU8 5DS Tel: 01483 422044  
Clerk to the Parish Council: [clerk@witley-pc.gov.uk](mailto:clerk@witley-pc.gov.uk) Assistant Clerk: [asst.clerk@witley-pc.gov.uk](mailto:asst.clerk@witley-pc.gov.uk)

*Incorporating the villages and hamlets of Brook, Eton, Milford, Sandhill, Witley and Worsley*

## Annexe B



### Chiddingfold Parish Council

The Banking House  
The Green  
Chiddingfold  
Surrey GU8 4TU

Tel: 07557 344499  
[www.chiddingfold-pc.gov.uk](http://www.chiddingfold-pc.gov.uk)

Chairman: Cllr Daniel Hall  
Parish Clerk: Lauren Blatherwick CILCA PSLOC  
Locum RFO: Andy Beams

[clerk@chiddingfold-pc.gov.uk](mailto:clerk@chiddingfold-pc.gov.uk)

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Our Reference: 40832

16 March 2021

### **BY EMAIL ONLY**

ASB PSPO  
Waverley Borough Council  
The Bury  
Godalming  
GU7 1HR

Dear Sirs,

Re: Draft ASB Public Spaces Protection Order

Chiddingfold Parish Council strongly supports the proposal to establish the ASB PSPO as a tool to enable the police and other authorised persons to address the increasing instances of anti-social behaviour (ASB) which are, unfortunately, occurring across the borough. We would however make the following comments and suggest the following amendments to the policy:

#### Sections A-D

The Parish Council is concerned that the impact of restricting the applicability of Sections A to D to the 'Restricted Area' known as the Godalming Town Council area may simply serve to displace the ASB to areas outside the 'Restricted Area' and this is likely to impact detrimentally on the other residential areas in the borough (many of which are also seeing increased instances). We would support robust monitoring of neighbouring areas to assess this potential impact.

#### Section E

Restriction of Prohibition E to only Waverley owned and managed sites

Should this read *owned OR managed*, as some sites included at Appendix 2 are not in fact managed by Waverley BC.

## Annexe B

The list in Appendix 2:

- o Chiddingfold Recreation Ground – this site is known locally as "Coxcombe Lane Recreation Ground" and we ask that this name also be used and that it be made clear that the area covered includes the tennis courts.
- o Chiddingfold Common – this descriptor is not known to the Parish Council and there is no reference to it in the Register of Commons. It may be that you mean "Chiddingfold Green" which is registered Common land under reference CL 167, if so please rename as Chiddingfold Green. If not please provide details of Chiddingfold Common and add Chiddingfold Green to Appendix 2 as this is Waverley owned land.
- o Harts Grove – query the correct spelling, the Parish Council believes this should be "Hartsgrove"

Given the inclusion of the grassed areas of Waverley sites at Stephens Field and Hartsgrove, the Parish Council suggests that the Waverley sites of Queen's Mead, Pathfields and Pathfields Close should also be included due to their grassed public areas, which are in fact of larger size. It is unclear to this Council why these areas would be treated differently and the Council recommends their inclusion.

### Non-WBC Sites

The criteria under s59(s) empower Waverley BC to make orders in relation to any public land within Waverley, but the approach taken has been to limit the remit of this consultation to only sites owned by Waverley BC. The Parish Council feel this is excluding other locations that would benefit from inclusion. Waverley is a wholly parished borough and as such there are a great number of public areas in the ownership and control of parish and town councils, in addition there are third-party owned public sites, such churchyards, that may benefit from inclusion. The limited focus of this order on Borough Council sites is a wasted opportunity.

Chiddingfold has a second Recreation Ground at Combe Common (owned by the Parish Council) and a Cricket Green (owned by the Parish Council, but subject to a 999-year lease to the Chiddingfold Cricket Club) and it seems illogical that the police should have different powers across these similar and proximate sites. The proposed order should be redrafted to allow for other public land to be included and specific consideration given to these sites.

### Other matters

A list of minor typographic errors/proposed changes is attached below for your consideration.

Yours faithfully,

*L Blatherwick*

Lauren Blatherwick  
Clerk to Chiddingfold Parish Council

## Annexe B

### Minor typographic errors/proposed changes

- o In the title for Section A, insert a full stop at the end
- o In the titles for Sections B/C/D replace "Appendix 1 - (map 1)" with "Appendix 1" (as the term "(map 1)" does not appear in Appendix 1
- o In Section E, replace "Restricted Areas" with "Specified Areas" to avoid potential confusion with the defined term "Restricted Area"
- o In all titles there is inconsistent use of leading capitals - please standardise
- o End A1 with a full stop
- o In A1/B1, delete "(map 1)"
- o In A2 replace "in C below" with "in Section C below" & replace the semicolon after "steps" with a colon
- o In A2.I remove "and,"
- o In A2.II replace "alcohol." with "alcohol; and"
- o Insert "or" at the end of B2.i
- o Insert "; or" at the end of B2.ii
- o If the definition of 'Authorised Person' in B4 is intended to apply to all sections, it should not be buried in Section B. Also, the defined term in inverted commas should not be capitalised as it is never capitalised in the text
- o At the end of C1.i, insert "and"
- o In EXEMPTIONS, replace "Prohibition A" with "Section A"
- o In OFFENCES, sub a), replace "activities A- to E" with "Sections A to E"
- o In OFFENCES, sub b), replace "activity A" with "Section A" & delete "within the Restricted Area in Appendix 1" (it is not needed & inconsistently worded throughout the Offences)
- o In OFFENCES, sub b). replace "authorised officer" with "authorised person" (6 occurrences)
- o In OFFENCES sub c), replace "activity B" with "Section B" & & delete "within any area specified in Appendix 1" (it is not needed & inconsistently worded throughout OFFENCES)
- o At the end of OFFENCES sub c)b., insert "or"
- o In OFFENCES, sub d), replace "activity C" with "Section C" & delete "within any Restricted Area specified at Appendix 1" (it is not needed & inconsistently worded throughout OFFENCES)
- o In OFFENCES sub d)a., replace "person." with "person; or"
- o In OFFENCES, sub e), replace "activity D" with "Section D" & delete "within any Restricted Area specified at Appendix 1" (it is not needed & inconsistently worded throughout OFFENCES)
- o In OFFENCES, sub f), replace "activity E" with "Section E" & delete "within any Restricted Area specified at Appendix 2" (it is not needed & conflicts with the definition of "Restricted Area")
- o At the end of OFFENCES, sub f)b., insert "or"
- o At the end of OFFENCES, sub f)c., replace the semi-colon with a full stop
- o If OFFENCES, sub h) is intended to apply only to sub g) then subs g) & h) should be combined for clarity. If it is not so intended, then we suggest that sub h requires rewording.

## Annexe B

- o In OFFENCES, sub g), replace "Order'." with "Order."
- o In FIXED PENALTIES, sub c), delete "under this section" (potentially confusing with the use of "Section")
- o In the title of Appendix 1, replace "restricted area applicable to prohibitions" with "Restricted Area applicable to Sections"
- o In the title of Appendix 2, replace "restricted areas applicable to prohibition E (Park and Countryside sites owned and managed" with "Specified Areas applicable to Section E (park and countryside sites owned or managed"

## Annexe B

### Godalming Town Council

#### Working Group on Waverley Borough Council Public Spaces Protection Order Number 3

See feedback in table above.

#### APPENDIX 1.

#### Suggested Detailed Changes to WBC Draft PSPO

Suggested change	Reason
HIGH PRIORITY	
Move “by direction” in the title to A to immediately after “Prohibition”	This is to bring A into line with a change needed to Prohibition B
Delete A1. “All persons...Highways Act 1980”	1. This clause seems to imply that <u>no-one</u> will be allowed to drink alcohol in public places within Godalming, which seems an extreme prohibition which goes far beyond what is needed to deal with the anti-social behaviour that is the object of the PSPO. For instance, it would appear to criminalise drinking a glass of wine at a picnic.
	2. The wording of the clause is also rather odd “All persons <u>may</u> [ <i>emphasis added</i> ] be restricted from drinking alcohol” does not actually read like a prohibition, which would normally be expressed as “All persons will be prohibited” or “All persons are prohibited”
A2. “Authorised person” should be defined, or at least the process for authorising a person, should be defined.	Since the PSPO gives considerable power to any “authorised person”, it should be clear who such people are. However, the PSPO as currently drafted, provides no information on this. WBC’s overview of the PSPO provided to the ENVIRONMENT OVERVIEW AND SCRUTINY COMMITTEE and COMMUNITY WELLBEING OVERVIEW AND SCRUTINY COMMITTEE meetings on 15th and 16th March respectively, states “Whilst Council officers can enforce any PSPO it is important to note that other agencies, particularly Surrey Police would also be able to enforce any PSPO made and issue FPNs.” This leaves the question of which Council officers can enforce the PSPO? Any Council officer? Also, could British Transport Police issue FPNs at Farncombe and Godalming stations, where anti-social behaviour has previously occurred?



## Annexe B

B Add “by direction” immediately after “Prohibition” in the title to B	This is to bring the intent of B into line with that of A
B Prohibition on use of drugs – should use the same structure as clause A2.	Since the ultimate objective is the same, presumably the same approach can be used in terms of reasonable belief that the use of drugs is likely to lead to anti-social behaviour. Otherwise, the clause seems to give rise to the same problem as A1, of being a blanket ban on something that may otherwise be legal (see, for instance, the explicit reference to “legal highs” )
C 1. I. The word “annoyance” should be deleted	“Annoyance” seems far too low a bar to set for restricting someone’s rights. It is highly subjective, and very easily reached. This includes the danger of this power being used to criminalise socially acceptable activities which are also human rights, such as the right to demonstrate, due to such activities causing minor inconvenience or mild discomfort to small numbers of people (indeed possibly only the relevant “authorised person”.) We note that clause C.1.II, which is about “acting or inciting others to act in an anti-social manner” does not include “annoyance”
C1.i “Reasonable person” should be defined	Definition required to reduce the risk of arbitrary or oppressive use of the power
C Add subsection 2: “The Prohibitions in this Section C do not apply to any activities conducted in the public interest, including demonstrations or other activities to influence the policy of government, private sector and civil society organisations and individuals. The public interest is to be widely construed.”	This is included to ensure the PSPO does not undermine the rights of freedom of expression.
In title to D, delete “Fly posting” D1. Delete “fly posting, affixing any notice, picture or sign”	This is an unnecessary attempt to criminalise behaviour which some may find annoying but which in its more egregious examples can be addressed by existing criminal damage legislation [NB - Subject to discussion with Claire Sutherland re the issues which have given rise to the original draft]
D1 Delete “with the exception of notices authorised or issued by a local authority”	Wording no longer required if deletion above applied
<b>OFFENCES</b> In “d) a.” the word “annoyance” should be deleted	See discussion under C1.I above
In “e)” delete “fly posting” In “e) a.” delete “fly posting...temporarily or permanently,”	See discussion under D1 above

## Annexe B

Delete Clause h) under "OFFENCES"	Clause h) under "OFFENCES" does not seem to make sense: it says "in the event of any such a[SIC] failure", but it is not at all clear to which "failure" the clause could be referring - previous clauses very much refer to acts of commission such as "incite or encourage others" rather than acts of omission.
<b>DETAILED DRAFTING ISSUES</b>	
OFFENCES a) uses a consistent fine “not exceeding level 3 on the standard scale”	<p>The Anti-Social Behaviour, Crime and Policing Act 2014, s59. S.59 is the power to make orders. It states "(7) A public spaces protection order must [inter alia] “ (b)explain the effect of section 63 (where it applies) and section 67;”. Section 63 refers to consumption of alcohol and "(6) A person who fails without reasonable excuse to comply with a requirement imposed on him or her under subsection (2) commits an offence and is liable on summary conviction to a fine not exceeding level 2 on the standard scale." Section 67 sets out the general offence of not complying with the PSPO and states "(2) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale." It also says that "(4) Consuming alcohol in breach of a public spaces protection order is not an offence under this section (but see section 63)". So, in the Act if you commit the alcohol consumption offence you face a level 2 fine (up to £500) but for all other offences you face a level 3 fine (up to £1000). However, the draft PSPO lumps in alcohol consumption and the other anti-social behaviours and says "If, without reasonable excuse, a person is found to be in breach of any of the prohibitions or requirements in respect of activities A-to E above, they will commit a criminal offence for which the maximum penalty upon summary conviction is a fine not exceeding level 3 on the standard scale." So, it tries to place a heavier penalty on anyone sanctioned under the PSPO for alcohol consumption than the statute seems to allow.</p>

## Annexe B

<p>References to location in clauses (b) to f)) in "OFFENCES"</p>	<p>In very similar clauses (b) to f)) in "OFFENCES", the formulas referring to locations vary (e.g. b) "within the Restricted Area in Appendix 1" ; c) "within any area specified in Appendix 1" d) within any Restricted Area specified at Appendix 1")                  PLUS the clauses for "it is an offence..." and "within any area" flip flop in sequence in the "In respect of" clauses</p>
<p>"Prohibitions" vs "activities"</p>	<p>There is a series of clauses "A", "B" etc which are headed as "Prohibition on" drinking, drugs, ASB etc. These "prohibitions" are then referenced elsewhere (e.g. in "EXEMPTIONS"). However, under "OFFENCES", there are references to "activity A" etc "above". This seems odd drafting - surely the phrase should be "In respect of activities listed under Prohibition A" etc.</p>
<p>There is a minor typo in "OFFENCES" g) "A person will commit and [sic] offence"</p>	

## Annexe B

FINAL DRAFT 08.04.21



**The Anti-social Behaviour, Crime and Policing Act 2014  
The Public Spaces Protection Order (No 3) – Waverley Borough Council 2021**

In exercise of the power under Section 59 of the Anti-Social Behaviour, Crime and Policing Act 2014 (the Act) being satisfied that the conditions set out in Section 59 of the Act have been met Waverley Borough Council (the Authority) hereby makes the following Order.

This Order comes into effect on (enter date) 2021 for a period of 3 years, unless extended by further order under the Council's statutory powers.

Sections A to C of this Order relate to the 'Restricted Area' known as Godalming area as defined by the area marked in red on the attached plan at Appendix 1

Section D of this Order relates to all Waverley Borough Council owned and managed parks and open spaces [ and other green / open spaces specified] within the Waverley Borough Council administrative area (the 'Restricted Areas') listed at Appendix2.

The effect of the Order is to impose the following prohibitions at all times within the relevant Restricted Area(s):

BY THIS ORDER

**A Prohibition on Drinking in Public Place by Direction**

1. Where an Authorised Person reasonably believes that a person is consuming alcohol or has been consuming alcohol in the restricted area and that the consumption of alcohol is, or is likely to contribute to anti-social behaviour as defined in Section C below; or where an Authorised Person reasonably believes that a person intends to consume alcohol in circumstances which would be a breach of this Order, then the Authorised Person can take the following steps:
  - I. To prohibit the person from consuming alcohol or anything which the authorised person reasonably believes is an alcoholic beverage in breach of this Order;
  - II. To require that the person must surrender any alcohol, or anything, which the authorised person reasonably believes to be alcohol, that is in the person's possession including a container for alcohol; and
  - III. Disposal of the alcohol may be undertaken by the Authorised Person in whatever way they consider appropriate.
2. This provision does not apply to alcohol being consumed within premises licensed under the Licensing Act 2003 or Section 115E of the Highways Act 1980.

**B Prohibition on use of Drugs, Psychoactive substances or other intoxicating substances**

1. Where an Authorised Person reasonably believes that a person is or has been ingesting, inhaling, injecting or smoking, any substance that has the capacity to stimulate or depress the central nervous system in the Restricted Area and that the ingesting, inhaling, injecting or smoking of that substance is, or is likely to contribute

# FINAL DRAFT 08.04.21

to anti-social behaviour as defined in Section C below; or where an authorised person reasonably believes that a person intends to ingest, inhale, inject or smoke that substance in circumstances which would be a breach of this Order, then the Authorised Person can take the following steps:

- I. To prohibit the person from ingesting, inhaling, injecting or smoking, any drugs, psychoactive substances or other intoxicating substance that has the capacity to stimulate or depress the central nervous system in breach of this Order;
  - II. To require that the person must surrender any drugs, psychoactive substances or other intoxicating substances, or anything, which the Authorised Person reasonably believes to be drugs, psychoactive substances or other intoxicating substances that is in the person's possession including any container for drugs, psychoactive substances or other intoxicating substances; and,
  - III. Disposal of the drugs, psychoactive substances or other intoxicating substances may be undertaken by the Authorised Person in whatever way they consider appropriate.
2. This prohibition does not apply where:
- i. The substance is used for valid and demonstrable medicinal purpose;
  - ii. The substance is given to an animal as a medicinal remedy;
  - iii. The substance is a cigarette (tobacco) or vaporiser; or
  - iv. The substance is a food product regulated by food, health and safety legislation.

## **C Prohibition on Anti-Social Behaviour**

1. Within the Restricted Area all persons are prohibited from:
- i. intentionally or recklessly, shouting, swearing, screaming, being verbally abusive or acting in a manner that a reasonable person would think would cause, or likely to cause, harassment, alarm or distress;
  - ii. acting or inciting others to act in an anti-social manner that a reasonable person would think is likely to cause harassment, alarm or distress.
2. The Prohibitions in this Section do not apply to any activities conducted in the public interest, including demonstrations or other activities to influence the policy of government, private sector and civil society organisations and individuals. The public interest is to be widely construed.

## **D Prohibition of unauthorised bonfires and BBQs on land within the Restricted Areas**

1. All persons are prohibited from lighting bonfires or BBQs on land within the Restricted Areas specified without the prior consent of the Council in writing.
2. Where a bonfire or BBQ is permitted at a site, all persons are prohibited from leaving that bonfire or BBQ unattended whilst alight and shall completely extinguish that bonfire or BBQ before leaving the fire site.

## **INTERPRETATION**

For the purposes of the above prohibitions, an 'Authorised Person' means a Constable, a Police Community Support Officer or a person authorised by Waverley Borough Council.

# FINAL DRAFT 08.04.21

## EXEMPTIONS

Nothing in Section A, shall apply to:

- a). Premises authorised by a premises licence to be used for the supply of alcohol;
- b). Premises authorised by a club premises certificate to be used by the club for the supply of alcohol;
- c). A place within the curtilage of premises within paragraph (a) or (b)
- d). Premises which by virtue of Pt 5 of the Licensing Act 2003 may at the relevant time be used for the supply of alcohol or which, by virtue of that Part, could have been so used within 30 minutes before that time;
- e). A place where facilities or activities relating to the sale or consumption of alcohol are at the relevant time permitted by virtue of a permission granted under S115 of the Highways Act 1980 (highway related uses);
- f). Council-operated licensed premises- (i) When the premises are being used for the supply of alcohol, or (ii) Within 30 minutes after the end of a period during which the premises have been used for the supply of alcohol.

## OFFENCES

- DRAFT**
- a) In respect of the activities listed in Section A above, namely the consumption of alcohol in a public place, it is an offence if a person:
    - a. Refuses to stop drinking alcohol or hand over any containers (sealed or unsealed) which are believed to contain alcohol, when required to do so by an authorised officer in order to prevent public nuisance or disorder;
    - b. Continues to drink, consume or otherwise ingest alcohol when asked not to do so by an Authorised Person;
    - c. Fails to surrender any alcohol in his or her possession when asked to do so by an Authorised Person;
    - d. Consumes alcohol following a verbal warning by an Authorised Person to stop;
    - e. Continues to drink alcohol when asked to stop by an Authorised Person, or;
    - f. Fails to surrender any alcohol in their possession when asked to do so by an Authorised Person.

Where a person fails to comply with a requirement to cease consuming alcohol (or anything which the Authorised Person reasonably believes to be alcohol) or does not surrender to the Authorised Person, any open containers of alcohol in their possession, they commit an offence under section 63 of the Act. A person guilty of an offence under Section 63 is liable on summary conviction to a fine not exceeding level 2 on the standard scale or, if in receipt of a Fixed Penalty Notice, to a penalty of a maximum of £100.

- b) In respect of the activities listed in Section B above, namely the use of drugs, psychoactive substances or other intoxicating substances in a public place, it is an offence if a person:
  - a. Ingests, inhales, injects, smokes or otherwise uses any drugs, psychoactive substances or other intoxicating substances;
  - b. Continues to ingest, inhale, inject, smoke or otherwise use any drugs, psychoactive substances or other intoxicating substances when asked by an Authorised Person to stop;

# FINAL DRAFT 08.04.21

- c. Fails to surrender any drugs, psychoactive substances or other intoxicating substances when asked to do so by an Authorised Person.
- c) In respect of the activities listed in Section C above, namely anti-social behaviour, it is an offence if a person:
  - a. intentionally or recklessly, shouts, swears, screams, is verbally abusive or acts in a manner to cause, or likely to cause, harassment, alarm or distress to any person.
  - b. acts or incites others to act in an anti-social manner that is likely to cause harassment, alarm or distress.
- d) In respect of the activities listed in Section D above, namely lighting bonfires or BBQ's, it is an offence if a person:
  - a. Lights a bonfire or BBQ on land owned or managed by Waverley Borough Council without the prior consent of the Council in writing.
  - b. Leaves a bonfire or BBQ unattended whilst alight;
  - c. Fails to fully extinguish a bonfire or BBQ before leaving the fire site.
- e) If, without reasonable excuse, a person is found to be in breach of any of the prohibitions or requirements in respect of activities B to D above, they will commit a criminal offence for which the maximum penalty upon summary conviction is a fine not exceeding level 3 on the standard scale.
- f) A person will commit an offence if they incite or encourage others to commit any act prohibited by this Order'.

## FIXED PENALTIES

- a) An Authorised Person may issue a fixed penalty notice (FPN) of £100 to anyone they have reason to believe has committed any of the offences as described above.
- b) A FPN is a notice offering the person to whom it is issued the opportunity of discharging any liability to conviction for the offence by payment of a fixed penalty to a local authority specified in the notice.
- c) Where a person is issued with a FPN under this section in respect of an offence;
  - i) No proceedings may be taken for the offence before the end of the period of 14 days following the date of the notice, and
  - ii) The person may not be convicted of the offence if the person pays the fixed penalty before the end of that period.
- d) A FPN will give reasonably detailed particulars of the circumstances alleged to constitute the offence, it will state the period during which proceedings will not be taken for the offence; it will specify the amount of fixed penalty; it will state the name and address of the person to whom the fixed penalty may be paid and specify the permissible methods of payment.



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Appendix 1 – Restricted Area applicable to Sections A, B and C (with red boundary line)



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## Appendix 2 – Restricted Areas applicable to Section D

Site Name	Locality	Town
Alfold Common	Alfold	Cranleigh
Baynards	Cranleigh	Cranleigh
Bedlow Lane open space	Cranleigh	Cranleigh
Cranleigh Common & High Street	Cranleigh	Cranleigh
Cranleigh Mead Open Space	Cranleigh	Cranleigh
Gaston Gate	Cranleigh	Cranleigh
Guildford Road	Cranleigh	Cranleigh
Guildford Road (junction Smithwood Common)	Cranleigh	Cranleigh
Guildford Road (Smithwood Avenue - Common)	Cranleigh	Cranleigh
Guildford Road (Strathavon Close)	Cranleigh	Cranleigh
Lashmere Recreation Ground	Cranleigh	Cranleigh
Lucks Green	Cranleigh	Cranleigh
Queensway	Cranleigh	Cranleigh
Queensway Allotment Gardens	Cranleigh	Cranleigh
Queensway Open Space	Cranleigh	Cranleigh
Smithwood Common Road	Cranleigh	Cranleigh
Summerlands Open Space	Cranleigh	Cranleigh
Dunsfold Common	Dunsfold	Cranleigh
Bulls Head Green	Ewhurst	Cranleigh
Downhurst Road Open space	Ewhurst	Cranleigh
Ellens Green	Ewhurst	Cranleigh
Ewhurst Green	Ewhurst	Cranleigh
Ardarth	Shamley Green	Cranleigh
Bisney Cottage	Shamley Green	Cranleigh
Grist Hill	Shamley Green	Cranleigh
Lords Hill Common	Shamley Green	Cranleigh
Norley Common	Shamley Green	Cranleigh
Shamley Green Common	Shamley Green	Cranleigh
Stroud Common	Shamley Green	Cranleigh
Blackheath Common	Wonersh	Cranleigh
Blackheath Grove	Wonersh	Cranleigh
Phillips Hatch	Wonersh	Cranleigh
Wonersh Common	Wonersh	Cranleigh
Badshot Lea Green	Badshot Lea	Farnham
Badshot Lea Orchard	Badshot Lea	Farnham
Badshot Lea Pond	Badshot Lea	Farnham
Badshot Lea Recreation Ground	Badshot Lea	Farnham
Boundstone Recreation Ground	Boundstone	Farnham
Ten Acres	Boundstone	Farnham

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Bourne Recreation Ground	Bourne	Farnham
Burnt Hill A	Bourne	Farnham
Burnt Hill B	Bourne	Farnham
Stream Farm Close/Sturt Walk	Bourne	Farnham
Compton Recreation Ground	Compton	Farnham
Abbots cottages	Dockenfield	Farnham
Abbots cottages Woodland	Dockenfield	Farnham
Bealeswood Common	Dockenfield	Farnham
Beldhams Road Open Space	Farnham	Farnham
Borelli Walk	Farnham	Farnham
Farnham Memorial Ground	Farnham	Farnham
Farnham Park	Farnham	Farnham
Farnham Skate park	Farnham	Farnham
Langham Recreation Ground	Farnham	Farnham
Laurel Grove	Farnham	Farnham
Mardens Recreation Ground	Farnham	Farnham
Middlefield	Farnham	Farnham
Morley Road Recreation Ground	Farnham	Farnham
Paradise Wood	Farnham	Farnham
Roman Way Play Area	Farnham	Farnham
Sheephouse	Farnham	Farnham
Shepherd & Flock	Farnham	Farnham
Snayles Lynch	Farnham	Farnham
St Andrews Churchyard	Farnham	Farnham
Thurbans Play Area	Farnham	Farnham
Weydon Lane Tip	Farnham	Farnham
Frensham Common & Flashes	Frensham	Farnham
Frensham Green & War Memorial	Frensham	Farnham
Peakfield Playing Field	Frensham	Farnham
Hale Recreation Ground	Hale	Farnham
Hale Reeds	Hale	Farnham
Oast House Crescent Recreation Ground	Hale	Farnham
Old Park Close	Hale	Farnham
Park View Estate	Hale	Farnham
Sandy Hill (old BMX track site)	Hale	Farnham
Sandy Hill Open Space	Hale	Farnham
Sandy Hill Top field	Hale	Farnham
Heath End Recreation Ground	Heath End	Farnham
Moons Hill Recreation Ground	Rowledge	Farnham
Rowledge Recreation Ground	Rowledge	Farnham
Runfold Recreation Ground	Runfold	Farnham
Shepherds Way	Tilford	Farnham
Tilford LNR	Tilford	Farnham
Monkton Lane (football ground)	Weybourne	Farnham

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Six Bells Allotments	Weybourne	Farnham
Six Bells Grazing land	Weybourne	Farnham
Wentworth Close Play Area	Weybourne	Farnham
Weybourne Allotments	Weybourne	Farnham
Weybourne LNR	Weybourne	Farnham
Weybourne Recreation Ground	Weybourne	Farnham
Westfield Lane	Wrecclesham	Farnham
Wrecclesham Recreation Ground	Wrecclesham	Farnham
Binscombe Open space	Binscombe	Godalming
Broad Acres	Binscombe	Godalming
Long Gore Woodland	Binscombe	Godalming
Longbourne Green	Binscombe	Godalming
Birtley Green	Bramley	Godalming
Birtley road Cemetery	Bramley	Godalming
Chestnut Way Recreation Ground	Bramley	Godalming
Rooks Hill	Bramley	Godalming
Rushett Common	Bramley	Godalming
The Coombes (woodland)	Bramley	Godalming
Elstead Green (Village Green)	Elstead	Godalming
Elstead Moat	Elstead	Godalming
Springfield Estate (inc Quillets)	Elstead	Godalming
Thursley Rd Cemetery	Elstead	Godalming
Westbrook Green	Elstead	Godalming
Broadwater Park	Farncombe	Godalming
Broadwater Park Golf Course	Farncombe	Godalming
Canon Bowings Recreation Ground	Farncombe	Godalming
Combe Rd Recreation Ground	Farncombe	Godalming
Guildford Rugby Club (Broadwater Park)	Farncombe	Godalming
St Johns the Evangelist Church	Farncombe	Godalming
The Glade Open Space	Farncombe	Godalming
The Oval	Farncombe	Godalming
Aarons Hill open space including woodland	Godalming	Godalming
Bargate Woodland	Godalming	Godalming
Burys Field	Godalming	Godalming
Crownpits Recreation Ground	Godalming	Godalming
Holloway Hill Recreation Ground	Godalming	Godalming
Home Farm Plantation	Godalming	Godalming
Lammas Lands	Godalming	Godalming
Ockford Ridge	Godalming	Godalming
Phillips Memorial Park	Godalming	Godalming
St Peter & St Pauls Churchyard	Godalming	Godalming
Hascombe Recreation Ground	Hascombe	Godalming
Amberley Copse	Milford	Godalming
Shackleford Heath Common	Shackleford	Godalming

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Mare Hill Common	Witley	Godalming
Beacon Hill Recreation Ground	Beaconhill	Haslemere
Eight Acres Woodland - West	Beaconhill	Haslemere
Eight Acres Woodland/Play area	Beaconhill	Haslemere
Tilford Road/Marchants Hill	Beaconhill	Haslemere
Chiddingfold Green	Chiddingfold	Haslemere
Chiddingfold Recreation Ground (Coxcombe Lane)	Chiddingfold	Haslemere
Hartsgrove	Chiddingfold	Haslemere
Queens Mead	Chiddingfold	Haslemere
Pathfields	Chiddingfold	Haslemere
Pathfields Close	Chiddingfold	Haslemere
Stephens Field	Chiddingfold	Haslemere
Clammer Hill	Grayswood	Haslemere
Grayswood Common - North	Grayswood	Haslemere
Grayswood Common - nr Grayswood Church	Grayswood	Haslemere
Grayswood Common - South	Grayswood	Haslemere
Grayswood Recreation Ground	Grayswood	Haslemere
St Georges Wood	Grayswood	Haslemere
Aitken house woodland	Haslemere	Haslemere
Border Road Estate Play area	Haslemere	Haslemere
Derby Rd Cemetery	Haslemere	Haslemere
Haslemere Skatepark	Haslemere	Haslemere
Haslemere War Memorial Recreation Ground	Haslemere	Haslemere
Haste Hill Common	Haslemere	Haslemere
High Lane Recreation Ground	Haslemere	Haslemere
Sandrocks	Haslemere	Haslemere
Shepherd's Hill	Haslemere	Haslemere
Sicklemill Woodland	Haslemere	Haslemere
St Bartholomews Cemetery	Haslemere	Haslemere
St Bartholomew's Green	Haslemere	Haslemere
St Bartholomews Green (Church Hill Garden)	Haslemere	Haslemere
St Stephen's churchyard	Haslemere	Haslemere
Sunvale Avenue Open Space	Haslemere	Haslemere
Sunvale/Shottermill Cemetery	Haslemere	Haslemere
Weycombe Road Cemetery	Haslemere	Haslemere
Weydown Common	Haslemere	Haslemere
Woolmer Hill Recreation Ground	Haslemere	Haslemere
Woolmer Hill Woodland North	Haslemere	Haslemere
Woolmer Hill Woodland South	Haslemere	Haslemere

THE COMMON SEAL of  
 WAVERLEY BOROUGH COUNCIL  
 Was hereunto affixed the [                    ]

Authorised signatory

DRAFT

**WAVERLEY BOROUGH COUNCIL**

**COUNCIL**

**20 APRIL 2021**

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**Title:**

**The Waverley Borough Council (Off-Street Parking Places) Order 2020 (Amendment No.1) Order 2021**

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**Portfolio Holder: Cllr. Nick Palmer Portfolio Holder for Operational and Enforcement Services**

**Head of Service: Richard Homewood, Head of Environmental & Regulatory Services**

**Key decision: Yes**

**Access: Public**

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**1.0 Purpose and summary**

1.1 This report requests Council to approve the making of the Waverley Borough Council (Off-Street Parking Places) Order 2020 (Amendment No.1) Order 2021, in order to incorporate the new Brightwells Yard multi-storey car park in the Order.

**2.0 Recommendation**

2.1 That Council approve the making of the Waverley Borough Council (Off-Street Parking Places) Order 2020 (Amendment No.1) Order 2021 attached as Annexe A to this report.

**3.0 Reason for the recommendation**

3.1 To ensure that the new Brightwells Yard multi-storey car park can be managed effectively and efficiently by enabling enforcement of the Parking Order in the car park.

**4.0 Background**

4.1 Members will be aware that the Brightwells Yard multi-storey car park is under construction to serve the residential, retail and leisure facilities in Brightwells development. Waverley Borough Council will manage the public areas of this car park and the Parking Place Order will need to be amended to include this new car park which is scheduled to open in July 2021 along with the new Marks and Spencer store.

4.2 The proposed Amendment Order was advertised in the press on 18 February 2021 and the Notice was also posted on the Council's website and publicised on social media. The statutory 6 week consultation period ended on 2 April 2021.

4.3 No representations or comments on the proposed Amendment Order have been received and Council is therefore asked to approve the making of the Waverley Borough Council (Off-Street Parking Places) Order 2020 (Amendment No.1) Order 2021, which is attached as Annexe A to this report.

## **5.0 Relationship to the Corporate Strategy and Service Plan**

5.1 The recommendations of this report will help support the Corporate Strategy's aims to 'provide high quality public services accessible to all' 'a sense of responsibility for our environment', a 'strong resilient local economy' and one of the major projects (Brightwells regeneration scheme).

## **6.0 Implications of decision**

### **6.1 Resource (Finance, procurement, staffing, IT)**

6.1.1 The making of the Waverley Borough Council (Off-Street Parking Places) Order 2020 (Amendment No.1) Order 2021 will enable the Council to introduce charges for the car park and enforce the requirements of the Order using our parking enforcement contractor.

### **6.2 Risk management**

6.2.1 The proposals in this report will assist in ensuring the car park is managed efficiently and safely.

### **6.3 Legal**

6.3.1 The proposal to include Brightwells Yard car park in the Order was advertised in accordance with the legislation on 18 February 2021 and the statutory consultation period expired on 2 April 2021 .

### **6.4 Equality, diversity and inclusion**

6.4.1 Equality impact assessments are carried out when necessary across the Council to ensure service delivery meets the requirements of the Public Sector Equality Duty under the Equality Act 2010.

### **6.5 Climate emergency declaration**

6.5.1 It has been widely recognised at national, regional and local levels that because of the rural nature of Waverley and limited local bus and rail services there is a heavy reliance on the car and it is likely to remain the most popular transport mode for some time. The effective management of off-street parking as proposed will assist in mitigating the impact of motor vehicles on the local environment and the community, alongside work to promote a pedestrian and cycle –friendly transport network and implement carbon reduction schemes.

## **6.0 Consultation and engagement**

6.1 The statutory consultation process for the making of Parking Place Orders has been followed and no objections to the proposed amendment or comments on it were received.



## **7.0 Other options considered**

7.1 None available in respect of the management of the car park.

## **8.0 Governance journeys**

8.1 Report to Council decision to make Order – 20 April 2021  
Publish Notice in Press - 29 April 2021  
Order takes effect – 21 May 2021

## **Attachments**

Annexe A Waverley Borough Council (Off-Street Parking Places) Order 2020  
(Amendment No.1) Order 2021

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### **CONTACT OFFICER:**

Name: Richard Homewood  
Position: Head of Environmental and Regulatory Services  
Telephone: 01483 523411  
Email: [richard.homewood@waverley.gov.uk](mailto:richard.homewood@waverley.gov.uk)

Agreed and signed off by:  
Legal Services: 6 April 2021  
Head of Finance: n/a  
Strategic Director: & April 2021  
Portfolio Holder: 7 April 2021

**WAVERLEY BOROUGH COUNCIL**

**THE WAVERLEY BOROUGH COUNCIL (OFF STREET PARKING PLACES) 2020**

**(AMENDMENT No.1) ORDER 2021**

The Council hereby gives NOTICE in exercise of its powers under Sections 35(1), 35(3) and 35C of the Road Traffic Regulation Act 1984 and Regulation 25 of the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996 that it hereby makes the following Order:

1. This Order shall come into operation on the twenty first day of May, Two Thousand and Twenty One and may be cited as "The Waverley Borough Council (Off Street Parking Places) 2020 (Amendment No.1) Order 2021"
  
2. The Waverley Borough Council (Off Street Parking Places) 2020 (Amendment No.1) Order 2021 ("the Amendment Order") is supplemental to and amends The Waverley Borough Council (Off Street Parking Places) Order 2020 ("the Original Order")
  
3. Save as amended by the Amendment Order the Original Order remains in full force and effect.
  
4. The General nature and effect of the Amendment Order is as follows:-
  - i) Inclusion of the Brightwells Yard multi-storey car park, Farnham in the Order as outlined in Schedule 1 of the Amendment Order.

Given under the Common Seal of The Waverley Borough Council the \_\_\_\_\_ day of \_\_\_\_\_ 2021.

**SCHEDULE 1**

	<b>Location of Parking Place</b>	<b>Maximum wait</b>	<b>Charging Period</b>	<b>Charging Days</b>	<b>Scale of Charges</b>
13A	BRIGHTWELLS YARD, FARNHAM	24 hours	8.00am-6.30pm	Monday to Saturday	See Schedule of charges

WAVERLEY BOROUGH COUNCIL

MINUTES OF THE EXECUTIVE - 2 MARCH 2021

SUBMITTED TO THE COUNCIL MEETING – 20 APRIL 2021

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

**Present**

Cllr John Ward (Chairman)  
Cllr Paul Follows (Vice Chairman)  
Cllr Peter Clark  
Cllr Andy MacLeod  
Cllr Michaela Martin

Cllr Mark Merryweather  
Cllr Nick Palmer  
Cllr Anne-Marie Rosoman  
Cllr Liz Townsend  
Cllr Steve Williams

**Also Present**

Councillor Julia Potts, Councillor Kevin Deanus and Councillor Jerry Hyman

EXE 77/20 MINUTES (Agenda item 2)

The Minutes of the Meeting held on 9 February 2021 were confirmed as a correct record.

EXE 78/20 DECLARATIONS OF INTERESTS (Agenda item 3)

There were no declarations of interest raised under this heading.

EXE 79/20 QUESTIONS FROM MEMBERS OF THE PUBLIC (Agenda item 4)

There were none.

EXE 80/20 QUESTIONS FROM MEMBERS OF THE COUNCIL (Agenda item 5)

There were none.

EXE 81/20 LEADER'S AND PORTFOLIO HOLDERS' UPDATES (Agenda item 6)

81.1 The Leader and Portfolio Holders gave brief updates on current issues not reported elsewhere on the agenda:

- The government had now published guidance on how election canvassing could be carried out safely in the run-up to the May elections, including leafletting and knocking on doors from 8 March.
- A letter signed by all the Group Leaders at Waverley had been sent to the Rt Hon Robert Jenrick, MP on business rates and the future of council funding. The letter would be published on Waverley's website.
- Following the resolutions passed at the recent Council meeting, the Leader would be writing to Waverley's MPs encouraging them to support the Climate and Ecological Emergency Bill; and, to the Surrey Fire and Rescue Service regarding changes to emergency cover in Waverley.

- Following approval at Full Council, the Council Size proposal would be submitted to the Local Government Boundary Commission for England shortly.
- The council's annual business meeting would be taking place on 3 March, at which Cathy Slack, CEO of the EM3 LEP, would be the main speaker, supported by Cllr Merryweather and the Head of Finance & Property.
- An appeal had been lodged by UK Oil & Gas against the refusal by Surrey County Council of their planning application to undertake exploratory drilling activity near Dunsfold. Waverley would be working with the Protect Dunsfold residents' group, and Dunsfold and Alfold parish councils to participate at the appeal as a Rule 6 party. The appeal was scheduled to begin on 27 July 2021, and last approximately 9 days.

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

There were no matters falling within this category.

### **PART II - MATTERS OF REPORT**

#### **EXE 82/20 PROPERTY MATTER - LAND AT LOXWOOD ROAD, ALFOLD - ACCESS RIGHTS** (Agenda item 7)

- 82.1 Cllr Merryweather, Portfolio Holder for Finance, Assets and Commercial Services, presented the proposal to grant access rights over a strip of Common land at Loxwood Road, Alfold to Catesby Estates plc (Catesby) to permit access to a residential development on the adjoining land. The council had engaged specialist external advisors and valuers to get maximum value for the council in return, which would raise much needed capital to reinvest in council services and facilities.
- 82.2 Speaking as the Ward Member for Alfold, Cllr Deanus noted the value of the access rights to the council, but asked that the route of the proposed footpath take account of and respect the privacy of the residents living in the properties adjacent to the land, and be designed in such a way so as to prevent overlooking, or use of the path by motorbikes.
- 82.3 The Executive RESOLVED to agree the pedestrian/cycle link into Chilton Close, and authorised the Strategic Director to approve the terms of the agreement.

**The meeting commenced at 6.00 pm and concluded at 6.15 pm**

**Chairman**

WAVERLEY BOROUGH COUNCIL

MINUTES OF THE EXECUTIVE - 30 MARCH 2021

SUBMITTED TO THE COUNCIL MEETING – 20 APRIL 2021

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

**Present**

Cllr John Ward (Chairman)  
Cllr Paul Follows (Vice Chairman)  
Cllr Peter Clark  
Cllr Andy MacLeod  
Cllr Michaela Martin

Cllr Mark Merryweather  
Cllr Nick Palmer  
Cllr Anne-Marie Rosoman  
Cllr Liz Townsend  
Cllr Steve Williams

**Also Present**

Councillor Carole Cockburn, Councillor John Gray, Councillor Joan Heagin and Councillor David Beaman

EXE 83/20 MINUTES (Agenda item 2)

The Minutes of the Meeting held on 2 March 2021 were confirmed as a correct record of the meeting.

EXE 84/20 DECLARATIONS OF INTERESTS (Agenda item 3)

The Leader declared a non-pecuniary interest in relation to agenda item 12, the Electric Vehicle Strategy, as he owned an EV car. He abstained from the vote.

EXE 85/20 QUESTIONS FROM MEMBERS OF THE PUBLIC (Agenda item 4)

The Executive received the following question in accordance with Procedure Rule 10:

(i) From Charles Collins, Savills:

“Given the closure of the LPP2 public consultation 2 months ago and the Local Development Scheme indicating adoption of LPP2 by January/ February 2022, what deadline has been set to submit LPP2 to the Planning Inspectorate for Examination? Are you able to advise what committee stages are required in advance?”

**Response from Cllr Andy MacLeod, Portfolio Holder for Planning Policy:**

*“The Council has received over 1100 comments as a result of the public consultation which have raised a number of different issues. These are currently being considered. The Council will submit the Local Plan for its examination as soon as this has been done with the intention that the Plan will still be adopted early in 2022. However, if this requires a*

*change to the timetable we will set this out in an updated Local Development Scheme that will be published. The decision to submit the Local Plan for its examination is a decision of the full Council following the recommendation of the Council's Executive."*

EXE 86/20 QUESTIONS FROM MEMBERS OF THE COUNCIL (Agenda item 5)

There were no questions from Members.

EXE 87/20 LEADER'S AND PORTFOLIO HOLDERS' UPDATES (Agenda item 6)

The Leader and Portfolio Holders gave brief updates on current issues not reported elsewhere on the agenda:

- The government had declined to extend the regulations enabling remote meetings to take place, therefore after 7 May councillors would need to attend meetings in person, in the Council Chamber. There were concerns over the potential health risks for councillors and officers, and therefore the Annual Council was being brought forward to 27 April, and as much business as possible was being directed to the scheduled Council meeting on 20 April.
- The government was running a consultation on the future of the New Homes Bonus, and the council would be submitting a response which would highlight the shortcomings in the underlying assumptions of the proposals.
- A Transport Projects Officer had been recruited to the Sustainability Team to help develop the council's work on reducing carbon emissions and promoting active and sustainable travel.
- The Chairman of Waverley's Tenants Panel, Terry Daubney, had joined the National Housing Ombudsman's Resident Panel, so Waverley now had two representatives on that panel. They would also be part of Waverley's new housing complaints group.
- The Tenants Panel had held an on-line open meeting, with more than 30 tenants attending, who gave constructive and some critical feedback to officers. The Head of Housing Operations had prepared a leaflet which would be sent to all tenants concerning the repairs and maintenance service. The Housing Team and contractors took the complaints very seriously and were working hard to meeting tenants' expectations of service.
- The Brightwells Yard development in Farnham remained on track to open in September, with M&S possibly opening a little earlier. A very positive meeting had been held with Reel about the plans for the cinema which was due to open in December. Crest were changing the energy system for the flats from gas boilers to electric, and would be installing solar panels on the roofs. Crest had started marketing the flats and selling off plan.
- The consultation on the proposed Public Space Protection Order would close on Friday. There had been positive feedback so far, although there was some debate around the exact wording. Any further comments would be welcomed.
- Leisure Centres were on track to re-open on 12 April, subject to final confirmation from the government on 5 April. Outdoor pitches were open at The Edge and the Leisure Team had put together a full programme of activities for the Easter break, both online and the outdoors. Final arrangements were in place for the launch of the Godalming Park Run at Broadwater Park.

- Careline continued to provide invaluable peace of mind to residents and their families. There were 1,660 clients in Waverley and in January 2021, 2,260 calls were received with an ambulance despatched on 45 occasions as a result. In February, 1,910 calls were received, of which 49 required ambulance assistance.
- Threats to cyber-security continued to be a challenge for organisations, and the council was very serious about its responsibilities to protect IT systems and residents' data.

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

### **Background Papers**

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

#### EXE 88/20 **COUNCIL TAX EXEMPTION FOR YOUNG PEOPLE LEAVING CARE** (Agenda item 7)

- 88.1 Cllr Merryweather presented the proposal for Waverley to introduce a new Council Tax exemption category for young people leaving the care of the local authority, after being in care for a period of 13 weeks or more spanning their 16<sup>th</sup> birthday. Waverley was keen to work jointly with Surrey Council to support care leavers living independently for the first time. One of the ways in which the council could help support our Surrey Care Leavers as Corporate Parents as set out in the Children and Social Work Act 2017 was to exempt all Care Leavers from their Council Tax responsibilities.
- 88.2 The Executive RESOLVED to RECOMMEND to Council the creation of a new Council Tax exemption for Care Leavers to be applied until the age of 25.

## **PART II - MATTERS OF REPORT**

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

#### EXE 89/20 **INSURANCE COLLABORATION** (Agenda item 8)

- 89.1 Cllr Merryweather introduced the proposal for Waverley to enter into an insurance collaboration led by the London Borough of Sutton (LBS), including five Surrey Districts and Boroughs, to manage insurance administration, jointly procure insurance and pool the insurance policies excess (deductibles). This proposal would secure a significant cost saving through economies of scale, increased administrative capacity, expertise, and improved business continuity without impacting on the council's overall insured risk exposure.
- 89.2 Cllr Joan Heagin expressed her reservations about the proposed arrangement, but recognised that there were also benefits for the council,

and she urged the council to be an active partner in the collaboration to ensure that benefits and risks were fully understood. Members noted that three other Surrey districts that had been in the arrangement for some time had provided positive feedback on their experience.

- 89.3 The Executive RESOLVED to approve the collaborative agreement to join the integrated insurance service led by London Borough of Sutton.

EXE 90/20 REQUEST FOR SUPPLEMENTARY ESTIMATE FOR RULE 6 REPRESENTATION AT PLANNING APPEAL LODGED BY UKOG (234) LTD IN RESPECT OF DRILLING FOR HYDROCARBON MINERALS AND ASSOCIATED INFRASTRUCTURE (Agenda item 9)

- 90.1 Cllr Palmer introduced the request for a supplementary estimate, to fund the council's Rule 6 representation at the planning appeal lodged by UKOG (234) Ltd.
- 90.2 Cllr John Gray thanked the Executive for their continued support for local residents, businesses, and the parish councils in opposing plans by UKOG to carry out exploratory drilling activity in the Dunsfold area. Being a Rule 6 party at the appeal would allow the council to strengthen its support to Surrey County Council in defending the refusal of the planning application, and achieve a positive outcome.
- 90.3 Executive Members emphasised the importance of Waverley continuing its community leadership role on this issue, which had commenced with the Listening Panel held in the summer of 2019 and sustained through two Surrey County Council planning committee meetings.
- 90.4 The Executive RESOLVED to approve a supplementary estimate for £30,000 to meet the fees of the external consultants, to be met from the revenue reserve fund.

EXE 91/20 REVIEW OF REFUSE AND RECYCLING BIN PROVISION (Agenda item 10)

- 90.1 Cllr Williams introduced the proposal that revised the bin provision policy, following a review of the current policy on domestic waste bin provision and the environmental and budget implications thereof. The report proposed a new policy and charging mechanism for all bins and waste and recycling containers. In addition, there was a proposal for moving to smaller bins for residual waste in order to encourage a reduction for waste that goes for disposal, in support of both the Council's environmental aspirations and likely future Government waste strategies. The proposal included a phased approach to implementation, with an associated communication strategy, in order to maintain residents' support of the Council's efforts to maximise reuse and recycling and to minimise residual waste.
- 90.2 Members emphasised the importance of communications to support changing residents' behaviour, and recognised the financial pressures on the council that prevented refuse and recycling bins being provided free of charge.



90.3 The Executive RESOLVED that:

1. To approve the revised bin provision policy as set out in paragraph 8 of the agenda report.
2. As part of the procurement of any new Bins, consideration is given to the purchase of containers which maximise the use of recycled materials.
3. Delegated authority is given to the Head of Environmental and Regulatory Services, in consultation with the Portfolio Holder for Environment and Sustainability, to implement the Policy and its operational management as soon as practicable.
4. The s151 Officer uses his delegated authority to approve any fees laid out in this report, which are inconsistent with the schedule of fees and charges previously approved in the Council's Budget for the 2021-22 financial year.

EXE 92/20 PROPERTY MATTER - PLOT 5 WHEELER STREET NURSERIES, WITLEY GU5 8QP: GRANT OF NEW LEASE FOR TWO GARAGES TO LANDSPEED HOMES LIMITED (Agenda item 11)

92.1 Cllr Merryweather introduced the proposal to grant two leases of one garage each at Plot 5 Wheeler Street Nurseries, Witley from the council to Landspeed Homes Limited. This would simplify the freehold and leasehold arrangements between the council and Landspeed in relation to a block of garages benefiting affordable housing provided by the council and Landspeed.

92.2 The Executive RESOLVED to:

- approve grant of two garage leases to Landspeed Homes Ltd; and
- Delegate authority to officers to finalise the heads of terms and complete the necessary legal documents with the prospective tenant with detailed terms and conditions to be agreed by the Strategic Director, in consultation with the relevant Portfolio Holder(s).

EXE 93/20 ELECTRIC VEHICLE STRATEGY (Agenda item 12)

93.1 Cllr Williams introduced the Electric Vehicle Strategy in the context of the climate emergency, the council's climate emergency declaration, and the need to reduce carbon emissions across Waverley, aiming for a net zero carbon target by 2030. Half of carbon emissions were due to petrol and diesel vehicles, so promoting a dramatic modal shift in methods of transport was imperative including enabling take-up of electric vehicles by expanding the network of electric vehicle charging points in order to anticipate and shape demand.

93.2 Cllr Cockburn, whilst recognising the importance of the climate emergency, was concerned about the council assuming responsibility for providing electric vehicle charging points. She was particularly concerned about the visual impact of electric charging stations being installed in car parks within the Farnham Conservation Area, and the policy being developed without talking to the local town and parish councils.

93.3 Executive Members endorsed the policy, and confirmed that town councils had been engaged in developing the proposals. It was noted however, that electric vehicles did have environmental challenges in relation to the manufacture and disposal of batteries, and the generation of electricity.

93.4 The Executive RESOLVED to adopt the Electric Vehicle Strategy.

EXE 94/20 SERVICE PLANS 2021-2024 (Agenda item 13)

94.1 The Leader introduced the three-year rolling Service Plans for April 2021 to March 2024 for approval. The Service Plans had been prepared by Heads of Service, in collaboration with their teams and Portfolio Holders, to set out the service objectives for the coming three years in line with the [Corporate Strategy 2020-2025](#) and the Medium Term Financial Plan (MTFP).

94.2 The Executive RESOLVED that the Service Plans 2021-2024 be approved.

EXE 95/20 ADDITIONAL RESTRICTIONS GRANT - COVID BUSINESS SUPPORT PROPOSALS 2021-22 (Agenda item 14)

95.1 Cllr Townsend introduced proposals to allocate funds from the Additional Restrictions Grant (ARG) for wider business support activities. The Government had distributed billions of pounds of support to businesses during the pandemic through local authorities. Waverley had paid over £22m of Covid support business grants to businesses in the Borough between April and October 2020.

95.2 Since the November 2020 lockdown and subsequent statutory restrictions, Waverley had operated a further six separate business support schemes allocating government funding. One of the schemes was the Additional Restrictions Grant (ARG) which covered the period November 2020 to March 2022 and was targeted mainly at businesses that did not meet the criteria for the other specific support packages. The government guidance enabled local authorities to allocate part of this funding towards wider business support measures to help its business community recover. Waverley had received an initial £2.5m of funding and was required by government to set a discretionary grants scheme and decide how much money to allocate to wider business support.

95.3 The proposed allocation of £0.5m from the first tranche of funding for wider business support measures would be targeted at: support for key sectors (Retail/tourism- visitor economy/ hospitality/ leisure/ events); Business diversification and start up; Digital connectivity; and, Business intelligence.

95.4 Executive Members thanked officers in the Finance Team for their work in distributing government grants to businesses at short notice, and managing the different schemes; and the Economic Development Team for their work with Chambers of Commerce and Town Councils supporting local businesses.

95.5 The Executive RESOLVED to:

1. Approve the allocation of £0.5m from the ARG first tranche of £2.5m received to wider business support measures with the balance and subsequent tranches being allocated to direct business grants alongside other grant schemes.
2. Approve the proposed four priority areas for strategic business support and the indicative initial spending plan set out in Annexe 1.
3. Delegate to the Strategic Director in consultation with the portfolio holders for finance and economic development, the spending of the wider support funding on specific business support projects and initiatives during 2021/22, having regard to the plan set out at Annexe 1.
4. Request officers to monitor activity and spending and report to councillors as part of the quarterly performance reports to Overview and Scrutiny Committee and the Executive and to review the agreed proposals in six months, seeking approval if material changes are required.

**The meeting commenced at 6.00 pm and concluded at 7.38 pm**

**Chairman**

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**WAVERLEY BOROUGH COUNCIL**

**EXECUTIVE**

**20 APRIL 2021**

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**Title:**

**Council Tax Exemption for Young People Leaving Care**

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**Portfolio Holder: Cllr Mark Merryweather, Portfolio Holder for Finance, Assets and Commercial Services**

**Head of Service: Peter Vickers, Head of Property and Finance**

**Key decision: Yes**

**Access: Public**

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**1. Purpose and summary**

- 1.1 Care leavers who are living independently for the first time find managing their own finances extremely challenging, due to issues such as limited family support. This can mean that care leavers may fall into debt and financial difficulty. The Executive recommends to Council a new Council Tax exemption that would ensure that Care Leavers within Waverley do not have to pay Council Tax up to the age of 25.

**2. Recommendation**

The Executive recommend to Council the creation of a new Council Tax exemption for Care Leavers to be applied until the age of 25.

**3. Reason for the recommendation**

- 3.1 Like other district and borough councils in Surrey, Waverley is keen to work jointly with Surrey Council to support care leavers to provide care leavers with the help they require in these challenging times. One of the ways we can support our Surrey Care Leavers as Corporate Parents as set out in the Children and Social Work Act 2017 is to exempt all Care Leavers from their Council Tax responsibilities.
- 3.2 A 2016 Children's Society report found that when care leavers move into independent accommodation, they find managing their own finances extremely challenging. With no or limited family support and insufficient financial education care leavers are falling into debt and financial difficulty.
- 3.3 This report provides the information needed to support the recommendation to Council to introduce such a scheme from 2021.

## **Practical Implementation**

3.4 A scheme could be introduced from 2021. In terms of implementation of the scheme, consideration would need to be given to properties which are not solely occupied by the care leaver. If Council agreed to introduce a scheme it is recommended that the following rules are applied:

- If the liable person occupies the chargeable property solely and is a care leaver then after any statutory discounts have been applied the remaining charge is remitted using the powers under Section 13A. (NB: Where a Council Tax discount is applied, that discount is reflected in the monies paid to Surrey Police, Surrey County Council and Parish Councils).
- If the property is occupied by 2 adults, one of whom is a care leaver, then the care leaver is treated as disregarded (i.e. as though not there) which would normally result in a 25% discount on the charge.
- If the property is occupied by more than 2 adults, one of whom is a care leaver, then the care leaver is treated as disregarded (i.e. as though not there) which would have no effect on reducing the charge as there are still 2 non discounted adults.

3.5 There are currently 7 care leavers under the age of 25 living in Waverley who are currently liable for Council Tax. This number will fluctuate over time as the profile of care leavers and their individual circumstances change. Surrey County Council provides the Housing Team with regular updates on the housing needs and progress of care leavers, which means that it will be possible to monitor demand.

## **4. Background**

4.1 Not required

## **5. Relationship to the Corporate Strategy and Service Plan**

5.1 This proposal directly supports the corporate strategy commitment towards health and wellbeing of our residents and the commitment to use our power and resources to protect the health and wellbeing of all our residents, especially our vulnerable residents, during the coronavirus pandemic and afterwards, to support the capacity of our health services and to mitigate the negative effects of the recession.

## **6. Implications of decision**

### **6.1 Resource (Finance, procurement, staffing, IT)**

Waverley would be responsible for meeting the cost of the scheme under Section 13A1C of the local Government finance Act 1992. Based on the current arrangements for care leavers living in Waverley (as at February 2021) the maximum financial impact on the Council would be around £7,700 before taking into account mitigations in paragraph 3.4 above. This cost will be added to the savings target for 2021/22.

## **6.2 Risk management**

The risk of the proposal is that the numbers of care leavers could increase, therefore increasing the cost to the council, which is unlikely to be significant. The risk is therefore mainly reputational as we would be seen to be not supporting care leavers in line with the other districts and boroughs offer of council tax exemption throughout Surrey. It is important that the scheme is properly promoted and communicated, so that care leavers are aware of the scheme and how to apply. A communications plan would be developed to enable this, which would be implemented with colleagues from Surrey County Council.

## **6.3 Legal**

Under Section 13A(1)(C) of the Local Government Finance Act 1992, local authorities have the discretionary power to reduce (or further reduce) the liability for Council Tax for a chargeable dwelling for a specified period of time in any case as the local authority for the area in which the dwelling is situated thinks fit. This discretionary power allows an authority to reduce the Council Tax liability to zero. Subsection (7) confirms that the power may be exercised in relation to a particular case or by determining a class of cases.

There are already a number of opportunities for people to pay lower amounts of Council Tax.

Single Person Discount – all single people can receive a 25% discount  
Claim help through the Council Tax Support Scheme which could meet up to 100% of the liability, depending on the circumstances.

A student discount is offered to households where everyone living there is a full time student

Whilst all of these would be available to eligible care leavers, they do require the individual to pay some level of Council Tax (unless they are granted a 100% reduction from the Council Tax Support Scheme). S13A is not part of the benefits scheme.

## **6.4 Equality, diversity and inclusion**

Age is a protected characteristic under the Equality Act 2010 and this scheme would have a positive impact on care leavers aged under 25.

## **6.5 Climate emergency declaration**

There are no climate emergency implications in this report.

## **7. Consultation and engagement**

7.1 There has been no consultation about adopting this exemption. However, the proposed support for Care Leavers has been subject to a significant amount of research, engagement and publicity via the Children's Society and the Government's "Keep on Caring" strategy.

## **8. Other options considered**

- 8.1 The proposal is for the Council to provide a council tax exemption to care leavers living in independent accommodation from 18 up until the age of 25. The other options are as follows:
- (a) A variance on the scheme could be proposed i.e. a different level of discount, or for a shorter time.
  - (b) To not introduce a scheme, and make no changes to the current arrangements.

## **9. Governance journey**

- 9.1 Executive 30 March  
Council 20 April

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## **Background Papers**

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

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## **CONTACT OFFICER:**

Name: Peter Vickers  
Position: Head of Finance and Property  
Telephone: 0148 3523539  
Email: peter.vickers@waverley.gov.uk

Agreed and signed off by:

Legal Services: 11 March 2021  
Head of Finance: 18 March 2021  
Strategic Director: 11 March 2021  
Portfolio Holder: 11 March 2021



WAVERLEY BOROUGH COUNCIL

MINUTES OF THE EXECUTIVE - 6 APRIL 2021

SUBMITTED TO THE COUNCIL MEETING – 20 APRIL 2021

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

**Present**

Cllr John Ward (Chairman)	Cllr Mark Merryweather
Cllr Paul Follows (Vice Chairman)	Cllr Nick Palmer
Cllr Peter Clark	Cllr Liz Townsend
Cllr Andy MacLeod	Cllr Steve Williams

**Apologies**

Cllr Michaela Martin and Cllr Anne-Marie Rosoman

**Also Present**

Councillor Carole Cockburn, Councillor John Gray, Councillor Peter Isherwood and Councillor Jerry Hyman

EXE 96/20 DECLARATIONS OF INTERESTS (Agenda item 2)

Cllr Paul Follows declared a non-pecuniary interest in relation to Item 6 (Community Infrastructure Levy Bidding Cycle 2020-21) as his partner is a teacher at Rodborough School.

EXE 97/20 QUESTIONS FROM MEMBERS OF THE COUNCIL (Agenda item 3)

There were none.

EXE 98/20 LEADER'S AND PORTFOLIO HOLDERS' UPDATES (Agenda item 4)

98.1 The Leader and Portfolio Holders gave brief updates on current issues not reported elsewhere on the agenda:

- Despite extensive lobbying from local councils, the Local Government Association, County Council Network, District Council Network, and others, the government had declined to extend the regulations allowing council and committee meetings to be held remotely. These regulations would expire on 7 May 2021. Whilst Waverley would be able to accommodate committee meetings in the Council Chamber with appropriate social distancing, it would not be possible to accommodate meetings of the Full Council in the same, Covid-safe way. For this reason, a number of items of business had been brought forward and would be presented to Council at the meeting on 20 April, and the start of the meeting had also been brought forward to 6pm. The Annual meeting of Council had also been brought forward, to 27 April 2021.
- The Brightwells Yard development in Farnham remained on track to open in September, with the cinema opening in December. Crest Nicholson had begun selling apartments off-plan, and would be opening a show home shortly.

- The public consultation on the proposed Public Space Protection Order had now closed, and final proposals would be presented to Full Council later in the month.
- It had been a busy Easter weekend at Frensham Pond, but visitor management arrangements had worked well to enable an enjoyable experience for all.
- Arrangements were ongoing to launch Godalming Park Run at Broadwater Park, in June.

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

### **Background Papers**

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

### EXE 99/20 **GOVERNANCE MATTERS** (Agenda item 5)

- 99.1 The Leader introduced the proposed changes to the council's governance arrangements, which were recommended to Council for consideration.
- 99.2 Cllr Hyman spoke in support of the proposal to continue the current arrangements for the planning committees, but was concerned at the lack of detail in the proposals for the remit of the Standards Committee, and the review of the Constitution. Cllr Gray felt more information was needed on the benefits and dis-benefits of the temporary planning committees before deciding to make them permanent. He also would have liked to have the input of the Overview & Scrutiny Coordinating Board on the proposals for reducing the number of scrutiny committees; and more understanding of the outcomes of the Governance Review Working Group.
- 99.3 Cllr Follows outlined the work done by the Governance Review Working Group before its work was interrupted by the pandemic, and reflected on the efficiency and effectiveness of the scrutiny arrangements: they were not aligned with the current corporate strategy or service areas, and placed a significant workload on councillors and officers in attending multiple meetings per cycle.
- 99.4 The Executive RESOLVED to
1. RECOMMEND TO FULL COUNCIL that
    - the temporary WESTERN and EASTERN planning committee arrangements first incorporated into the Constitution on 22 July 2020 by Full Council and extended on 20 October 2020 by Full Council be made permanent (until such time as Full Council resolves to make any further changes to them) with the current Terms of Reference; and

- the Head of Policy and Governance be authorised to make the corresponding revisions to the Constitution with the Chairman of the Standards Committee.

2. RECOMMEND TO FULL COUNCIL that it

- agrees to the principle of moving to a governance structure whereby Waverley Borough Council no longer operates four overview and scrutiny committees but instead operates *two overview and scrutiny committees*, ‘*corporate*’ and ‘*community*’, and a new *Housing Landlord Services Board* whilst retaining the existing constitutional ability to establish informal OS working groups (as set out in section 4.2); and
- asks the Standards Committee to develop and recommend to Full Council for adoption the necessary proposed constitutional amendments to achieve this change, including terms of reference for the new committees.

3. RECOMMEND TO FULL COUNCIL that it

- agrees to the principle of moving to a governance structure whereby Waverley Borough Council expands the remit of the existing Standards Committee to become a ‘*Standards and General Purposes Committee*’ which, as well as dealing with the Standards and Constitutional issues it currently does, would also take responsibility for a range of other functions and pick up issues that arise over the course of time that do not obviously sit elsewhere (as set out in section 4.3); and
- asks the Standards Committee to develop and recommend to Full Council for adoption the necessary proposed constitutional amendments to achieve this change.

4. RECOMMEND TO FULL COUNCIL that it

- agrees to the principle of reintroducing the capacity for *Executive Working Groups* to be constituted in order to shape and drive policy development across a range of portfolio areas (as set out in section 4.4); and
- asks the Standards Committee to develop and recommend to Full Council for adoption the necessary proposed constitutional amendments to achieve this change.

5. RECOMMEND TO FULL COUNCIL that it

- Asks the Standards Committee to carry out a general and comprehensive review of the Constitution to ensure it remains fit for purpose and to bring forward to Full Council any proposed

constitutional amendments arising from its review (as set out in section 4.5).

## **PART II - MATTERS OF REPORT**

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

### **EXE 100/20 COMMUNITY INFRASTRUCTURE LEVY (CIL) BIDDING CYCLE 2020/2021** (Agenda item 6)

- 100.1 Cllr Nick Palmer, Portfolio Holder for Operational and Enforcement Services, introduced the report setting out the recommendations of the CIL Advisory Board in relation to bids received for funding from CIL receipts. All bids had been assessed by officers to ensure that they met the requirements for CIL, and agreed council criteria for bids. The cross-party CIL Advisory Board had then been carefully evaluated in order to reach the recommendations to the Executive.
- 100.2 As this was Waverley's first CIL bidding cycle, the CIL Advisory Board would be meeting to review the process, and to set the timetable for the next bidding cycle.
- 100.3 Cllr Cockburn spoke as a Farnham Bourne ward councillor to express her disappointment that the bid for funding for the Bourne Pavilion had not been successful, and noted that she felt that the bid had not made clear that the intention had not been to request the full cost of replacing the pavilion, but only sufficient to renew the planning permission and address the disabled access.
100. The Executive RESOLVED to approve the allocation of Strategic CIL funding to the projects set out in the report, subject to the completion of the final relevant checks and the signing of funding agreements, the detail of which is delegated to the Strategic Director in consultation with the Portfolio Holder for Operations and Enforcement Services.

### **EXE 101/20 PROPERTY MATTER - LEASE OF LAND FOR 1X SUBSTATION WITH ASSOCIATED CABLING AND EASEMENTS, FARNHAM** (Agenda item 7)

- 101.1 Cllr Andy MacLeod, Portfolio Holder for Planning Policy and Brightwells, presented the proposal to grant a lease for an additional electricity sub-station at the Brightwells Yard development. This had become necessary following the decision to move away from gas boilers in the residential development. .
- 101.2 The Executive RESOLVED to grant a new lease to Electricity Network Company Ltd and easements for the electricity sub-stations and cabling, on the terms proposed in the (Exempt) Annexe 1.

**The meeting commenced at 6.00 pm and concluded at 7.00 pm**

**Chairman**

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WAVERLEY BOROUGH COUNCIL

COUNCIL

20 APRIL 2021

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**Title:**

**GOVERNANCE MATTERS**

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**Portfolio Holder:** Cllr John Ward, Council Leader and Portfolio Holder for Policy & Governance

Cllr Paul Follows, Deputy Council Leader and Portfolio Holder for Policy & Governance

**Head of Service:** Robin Taylor, Head of Policy and Governance

**Key decision:** No

**Access:** Public

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**1. Purpose and summary**

1.1 The purpose of this report is to propose a number of governance changes that are considered to be in the best interests of the Council in order to fulfil the Corporate Strategy 2020-2025, adopted in October 2020. The proposed governance changes seek to respond to and achieve the Council's vision as set out within that strategy, in particular the need to promote:

- 'Open, democratic and participative governance'; and
- 'An effective strategic planning and development management which supports the planning and infrastructure needs of local communities'.

1.2 Shortly after the formation of the new Executive, an informal cross-party working group was formed to review the Council's governance arrangements. The group sought to research and consider options and/or proposals for new or revised governance arrangements that would be lawful, accessible, modern and fit-for-purpose and which would promote increased levels of public engagement.

1.3 This group held a number of meetings and considered a range of data and officer reports, including the governance arrangements in place at a number of other Councils. The group achieved the highest degree of consensus in respect of the detail of changes it did not wish to pursue – a transition to a committee system or Mayoral form of local governance – than it did in respect of those it did wish to pursue. However, the group coalesced, to at least some degree, around a number of themes. These were:

- The need for a governance model that is accountable, transparent, efficient and affordable;
- The importance of engaging with members of the community;

- The need to ensure all councillors, executive and non-executive, were fully informed, engaged and involved in the Council's work; and
  - The need to ensure that portfolio holders, as well as overview and scrutiny committees, are fully engaged on policy development matters.
- 1.4 Debates about governance were, to a large degree, put on pause during 2020 whilst the Council concentrated on other matters, not least responding to the Covid-19 pandemic. However, that significant and unexpected situation in itself provides an opportunity to look again with a new perspective on the way the Council operates. During 2020, temporary arrangements were put in place regarding planning committees, allowing the Council to manage its consideration of planning applications in a different way. This report therefore seeks to reopen this important discussion and brings forward a number of recommendations as to what governance changes could be considered.
- 1.5 Accordingly, this report, brought forward after discussion with the Leader, Deputy Leader and Executive, makes one recommendation to recommend that Full Council agrees that the existing, temporary arrangements for planning committees at Waverley (recommendation 1) be now adopted permanently (or until such time as Full Council resolves to make any further changes to them).
- 1.6 At any point in the future, Full Council may either resolve to make further changes to those constitutional arrangements or alternatively may ask the Standards Committee to make recommendations to Full Council for constitutional change.
- 1.7 This report makes three further recommendations, that Full Council agree the principle of a number of governance changes relating to: the Overview and Scrutiny Committees; the Standards Committee and Executive Working Groups (recommendations 2 to 4).
- 1.8 For each of those recommendations, the Executive recommend to Full Council that the Standards Committee be asked to develop and recommend back to Full Council for adoption the necessary proposed constitutional amendments to achieve the proposed change in principle.
- 1.9 Finally, the Executive recommend to Council that it asks the Standards Committee to undertake a comprehensive review of the Council's Constitution and brings any further proposals for change forward to Full Council for consideration (recommendation 5).

## 2. **Recommendation**

The Executive:

### 1. RECOMMENDS TO FULL COUNCIL that

- the temporary WESTERN and EASTERN planning committee arrangements first incorporated into the Constitution on 22 July 2020 by Full Council and extended on 20 October 2020 by Full Council be made permanent (until such time as Full Council resolves to make any further



changes to them) with the current Terms of Reference; and

- the Head of Policy and Governance be authorised to make the corresponding revisions to the Constitution with the Chairman of the Standards Committee.

2. RECOMMENDS TO FULL COUNCIL that it

- agrees to the principle of moving to a governance structure whereby Waverley Borough Council no longer operates four overview and scrutiny committees but instead operates *two overview and scrutiny committees*, 'corporate' and 'community', and a new *Housing Landlord Services Board* whilst retaining the existing constitutional ability to establish informal OS working groups (as set out in section 4.2); and
- asks the Standards Committee to develop and recommend to Full Council for adoption the necessary proposed constitutional amendments to achieve this change, including terms of reference for the new committees.

3. RECOMMENDS TO FULL COUNCIL that it

- agrees to the principle of moving to a governance structure whereby Waverley Borough Council expands the remit of the existing Standards Committee to become a '*Standards and General Purposes Committee*' which, as well as dealing with the Standards and Constitutional issues it currently does, would also take responsibility for a range of other functions and pick up issues that arise over the course of time that do not obviously sit elsewhere (as set out in section 4.3); and
- asks the Standards Committee to develop and recommend to Full Council for adoption the necessary proposed constitutional amendments to achieve this change.

4. RECOMMENDS TO FULL COUNCIL that it

- agrees to the principle of reintroducing the capacity for *Executive Working Groups* to be constituted in order to shape and drive policy development across a range of portfolio areas (as set out in section 4.4); and
- asks the Standards Committee to develop and recommend to Full Council for adoption the necessary proposed constitutional amendments to achieve this change.

5. RECOMMENDS TO FULL COUNCIL that it

- Asks the Standards Committee to carry out a general and comprehensive review of the Constitution to ensure it remains fit for purpose and to bring forward to Full Council any proposed constitutional amendments arising from its review (as set out in section 4.5).

### 3. Reason for the recommendation

- 3.1 To provide Full Council with the opportunity to consider what changes, if any, could be made to support the Council in meeting its stated aim of promoting open, democratic and participative governance.

### 4. Background

#### 4.1 **Making existing temporary arrangements with respect to planning committees permanent (or until such time as Full Council resolves to make any further changes)**

- 4.1.1 At the present time, the temporary arrangements put in place with respect to planning committees will fall away after 6 May 2021 and the Council's Constitutional arrangements for considering planning committees (4 separate area committees + 1 Joint Planning Committee) would become the adopted arrangements.
- 4.1.2 Given that the new arrangements appear to have worked well and have arguably provided a more efficient and straightforward way of ensuring planning applications are considered and determined it is judged that there is a case for now adopting these arrangements on a permanent basis.
- 4.1.3 When the temporary EASTERN and WESTERN committee arrangements were put in place, the following paragraph was also adopted as a temporary arrangement.

*'that where an application could be decided under delegated authority were it not for there being a connection with a Member or Officer, then these applications may be delegated to the Head of Planning & Economic Development in consultation with the relevant Planning Committee Chairman and Vice-Chairman, such special delegation expiring with the temporary planning committee arrangements'.*

There is not perceived to be any need to maintain this particular temporary arrangement in the longer term. This temporary clause would therefore fall away from 7 May.

- 4.1.4 Like any element of the Constitution, the Council's arrangements in respect of planning committees only form a permanent part of the Council's agreed governance framework until such time as Council resolves to make any further changes to them. Therefore, the adoption of the current temporary arrangements on a permanent basis does not bind the Council to operate these arrangements indefinitely but does remove the automatic falling away of those arrangements in the near future.
- 4.1.5 If recommendation 5 is agreed by Full Council, then the Standards Committee will undertake a comprehensive review of the Constitutional arrangements and may make further recommendations for change regarding planning committee arrangements alongside any other part of the Constitution.

## **4.2 Proposed changes to overview and scrutiny and housing governance arrangements**

- 4.2.1 Waverley Borough Council is unusual in having quite so many overview and scrutiny committees. In addition, the titles of and the terms of reference for the four current Overview and Scrutiny Committees relate back to the four corporate objectives contained within the 2016 Waverley Borough Council Corporate Plan. There have been two further corporate strategies agreed since that time. It is therefore considered to be timely to review the Council's current structure of overview and scrutiny committees.
- 4.2.2 One of the effects of having terms of reference for overview and scrutiny committees aligned to a corporate plan objectives from five years ago is that it is no longer always immediately clear which matters for attention should appear at which scrutiny committee. When this system was first adopted the Council's service plans were all structured according to those corporate plan objectives. This is no longer the case.
- 4.2.3 It is proposed that a more straightforward approach would be to have two overview and scrutiny committees. One would be internally focused, looking at the Council's corporate functions and how the Council operates. The second would focus on community-facing services. It is also proposed that rather than trying to align with any set of strategic priorities that the committees align with the Council's service delivery structures. On this basis scrutiny activity might be expected to be divided as follows (although the Standards Committee would be asked to consider this and advise on the appropriate constitutional arrangements and wording):

### Corporate O&S

- Policy and Governance
- Finance and Property
- Business Transformation

### Community O&S

- Housing Delivery and Communities
- Housing Operations
- Environmental and Regulatory Services
- Commercial Services
- Planning and Economic Development

- 4.2.4 As well as providing comprehensive Overview and Scrutiny arrangements, the Council needs to respond, in its future governance arrangements, to the separate requirements of the Charter for Social Housing Residents (Social Housing White Paper). It is anticipated that the Regulator of Social Housing will be taking on a proactive regulatory role where it is currently reactive. The Regulator will be undertaking regular inspections of landlords, including local authorities like Waverley, every four years. Other principles of the new regulation will be: an assurance-based approach; Co-regulation and being outcome-focused.
- 4.2.5 The principle relationship will remain between the tenant and the landlord, therefore tenants need will to be actively involved in the new arrangements. It is proposed

that a new *Housing Landlord Services Board* be established as the vehicle for achieving this. If Full Council agrees this new approach in principle, colleagues from the Council's housing teams will be able to advise and guide the Standards Committee in the constitutional arrangements it proposes to establish this new part of the Council's governance processes.

- 4.2.6 There are a number of elements of the Council's existing approach to Overview and Scrutiny that have worked very effectively in the past and officers recommend these components be retained. In particular, it is advised that the ability for informal working groups to be established and to work flexibly on task-and-finish projects before reporting into a public committee be retained.
- 4.2.7 None of these proposals would affect the statutory nor discretionary powers held by Overview and Scrutiny committees at Waverley. The full range of pre- and post-scrutiny modes of scrutiny would still operate but under the auspices of a revised set of committee arrangements.

### **4.3 Proposed changes to Standards Committee arrangements**

- 4.3.1 Many local authorities incorporate within their governance arrangements provisions by which any function of the Council which by statute or regulation is a function not to be the responsibility of an authority's executive, and which is not delegated to another committee or reserved to Council by statute, regulation, or council constitution can be dealt with, as required, by a committee with a 'general purposes' remit.
- 4.3.2 The Council's arrangements do not currently include a committee where such functions may be exercised and this is, in part, why the Council has tended to have new boards or committees established to fulfil specific functions. Arguably, over the longer term this has created a framework of different meetings and boards that is unnecessarily complex and complicated.
- 4.3.3 It is proposed that Full Council agrees in principle to expand the remit of the existing Standards Committee to become a '*Standards and General Purposes Committee*' which, as well as dealing with the Standards and Constitutional issues that are currently within its remit, would also take responsibility for a range of other functions and pick up issues that arise over the course of time that do not obviously sit elsewhere.
- 4.3.4 Examples of matters that might be included in this committee include: councillor learning and development planning and polling places reviews.

### **4.4 Proposed changes regarding Executive Working Groups**

- 4.4.1 At the present time, although the Executive can convene any type of informal working group it chooses to support it in its own policy development work, this fact is not explicitly recognised within the Constitution and it is suggested this should be remedied.
- 4.4.2 This suggested change would not alter the right of Overview and Scrutiny Committees (or informal working groups convened on their behalf) to engage in

policy development work, either at the request of the Executive or because it chooses to do so.

- 4.4.3 However, it would provide a formal and more transparent route for the Executive to follow when it wishes to form a working group with the purpose of pursuing a particular area of research or policy development.

#### **4.5 Proposed comprehensive review of the Constitution**

- 4.5.1 The final recommendation is a general one. It is recommended that the Executive recommend to Council that it asks the Standards Committee to carry out a general and comprehensive review of the Constitution to ensure it remains fit for purpose and to bring forward any further recommended changes to the Constitution for Full Council for its consideration.

- 4.5.2 It is good practice for any organisation to undertake comprehensive and general reviews of key documents such as the Constitution in addition to specific reviews of specific sections of those documents. It is therefore recommended that it would be timely, in addition to recommending the specific changes noted above, for Full Council to ask the Standards Committee to undertake a general and comprehensive review of the Council's Constitution and bring forward any proposals for constitutional change.

### **5. Relationship to the Corporate Strategy and Service Plan**

- 5.1 The proposed governance changes seek to respond to and achieve the Council's vision as set out within that strategy, in particular the need to promote:
- 'Open, democratic and participative governance'; and
  - 'An effective strategic planning and development management which supports the planning and infrastructure needs of local communities'.

### **6. Implications of decision**

#### **6.1 Resource (Finance, procurement, staffing, IT)**

There are no resource implications arising from these recommendations.

#### **6.2 Risk management**

There are no risk implications.

#### **6.3 Legal**

There are no specific legal implications unless the system of governance changes. For the reasons explained within this report, a system change is not contemplated at this time. The proposed changes set out above will nevertheless need to be legally compliant, and any new arrangements will need to have a basis in the statutory regime that sets down local authority governance arrangements.

## 6.4 Equality, diversity and inclusion

- 6.4.1 There are no direct equality, diversity or inclusion implications in this report. Equality impact assessments are carried out when necessary across the council to ensure service delivery meets the requirements of the Public Sector Equality Duty under the Equality Act 2010.

## 6.5 Climate emergency declaration

- 6.5.1 Fewer committees would be expected to have a positive, albeit relatively minor, impact on the Council's carbon emissions due to decreased travel by councillors and decreased office energy usage.

## 7. Consultation and engagement

- 7.1 Initial consultation and engagement activity on the question of the Council's governance arrangements was conducted via the cross-party governance working group. The Leader, Deputy Leader and Executive were consulted and engaged on the specific proposals to the Executive contained within this report. Recommendations 2 tot 4 propose consultation and engagement with the Standards Committee if Full Council agrees to the recommendations for change in principle. Recommendation 5 proposes consultation and engagement with the Standards Committee as a first step towards a comprehensive review by Full Council of the Council's Constitution.

## 8. Other options considered

- 8.1 The main alternative option at the present time would be to continue to operate under the governance arrangements set out within the existing constitution. Although incremental changes have been periodically made to the Constitution over time, there has been no significant change to the arrangements it contains (except the temporary / virtual arrangements) for a number of years and therefore these recommendations seek to provide the basis upon which the Executive and Full Council can consider what case there might be for change.

## 9. Governance journey

9.1

Recommendation 1	<ul style="list-style-type: none"><li>• Executive, 6 April 2021</li><li>• Full Council, 20 April 2021 - approval</li></ul>
Recommendations 2-5	<ul style="list-style-type: none"><li>• Executive, 6 April 2021</li><li>• Full Council, 20 April 2021- agreement in principle</li><li>• Standards Committee (date TBC) – develop proposals constitutional amendments</li><li>• Full Council (date TBC) – debate and vote on proposed constitutional amendments</li></ul>

**Annexes:**

None

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**Background Papers**

1. Waverley's current constitution -  
<https://modgov.waverley.gov.uk/ieListDocuments.aspx?CId=361&MId=3672&Ver=4&Info=1>
  2. Waverley Standards Committee, 21 May 2020 'New Planning Committees Temporary Arrangements for 2020/2021' -  
<https://modgov.waverley.gov.uk/documents/s35861/2020-05-21%20New%20Temporary%20Planning%20Committees.pdf>
- 

**CONTACT OFFICER:**

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Email: robin.taylor@waverley.gov.uk

Agreed and signed off by:

Legal Services: 24 March 2021

Head of Finance: date

Strategic Director: date

Portfolio Holder: date

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WAVERLEY BOROUGH COUNCIL

MINUTES OF THE LICENSING AND REGULATORY COMMITTEE - 1 MARCH 2021

SUBMITTED TO THE COUNCIL MEETING – 20 APRIL 2021

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

**Present**

Cllr Robert Knowles (Chairman)	Cllr Peter Isherwood
Cllr Michael Goodridge (Vice Chairman)	Cllr Anna James
Cllr Martin D'Arcy	Cllr Jacquie Keen
Cllr Jerome Davidson	Cllr Michaela Martin
Cllr Patricia Ellis	Cllr Ruth Reed
Cllr Jerry Hyman	

**Apologies**

Cllr Roger Blishen

LIC32/20 MINUTES (Agenda item 1.)

The minutes of the meeting held on 10 December 2020 were agreed, subject to the following amendments.

- Noted that the meeting was held in 2020 and not 2021 as indicated in the agenda.
- The date the minutes went to Council to be put in the minutes.
- Cllr Hyman asked that it be noted that he had raised clarification that the issue of the van trading on Firgrove Hill would be addressed as part of the Street Trading policy.

LIC33/20 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS (Agenda item 2.)

Cllr Roger Blishen submitted his apologies for the meeting. No substitute was allocated.

LIC34/20 DECLARATIONS OF INTEREST (Agenda item 3.)

No declarations of interest were submitted for this meeting.

LIC35/20 QUESTIONS FROM MEMBERS OF THE PUBLIC (Agenda item 4.)

No questions were submitted.

LIC36/20 QUESTIONS FROM MEMBERS (Agenda item 5.)

No questions were submitted.

LIC37/20 ACTION AUTHORISED (Agenda item 6.)

No action had been authorised since the last meeting.

## **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.

### LIC38/20 LICENSING C SUB COMMITTEE 08/02/2021 (Agenda item 7.)

The minutes of the Licensing C Sub Committee held on 8<sup>th</sup> February 2021 were agreed subject to some grammatical changes pointed out by Cllr Jerry Hyman.

### LIC39/20 STREET TRADING REVIEW (Agenda item 8.)

Richard Homewood, Head of Environmental and Regulatory Services outlined the revised Street Trading Policy, resolution agreed at the December 2020 meeting and the draft notice.

Cllr Hyman had a number of queries:

- Whether the 28 day notice period was possible in order for the policy and associated fees to go into force for the 1<sup>st</sup> April 2021. Richard Homewood advised that because the Committee meeting was delayed the date would have to slip to 5<sup>th</sup> April in order for the 28 days to be adhered to.
- Whether the café allowing a food van to sell from their car park at Firgrove Hill would be considered as part of the policy. It was confirmed that the policy had been amended to remove 'commercial land' so it relates to any outside area where the public have free access.
- 4.7 c & g – both relate to the Enforcement policy but one stated 'in accordance with' and the other 'in light of'. It was felt 'both should state 'in accordance with'.

**Action: The Committee noted the feedback from the formal consultation and:**

- **AGREED** the revised Street Trading Policy (Annexe D),
- **PASSED** the resolution agreed at Licensing Committee in December 2020 (Annexe E), and
- **AGREED** the draft notice that the Council has passed a resolution on street trading and designation of consent and prohibited streets (Annexe F)

Subject to the amendments to the implementation dates as necessary

### LIC40/20 TAXI LICENSING POLICY (Agenda item 9.)

Paul Hughes, Licensing & Environmental Enforcement Manager, Outlined the comments received following the consultation on the review of the Taxi and Private Hire Licensing Policy. He highlighted the changes that had been made to the policy and asked for comment.

The Committee discussed at length the maximum age for vehicles when first licenced and the maximum age a vehicle should continue to be licensed to. Under the existing policy there was no age limit (following it being amended some years ago when there was an age limit of 4 years and 10 years respectively). The draft policy proposed it should once again have an age restriction of 3 years and 7 years. The Committee felt that due to the current economic climate with COVID that a decision to implement this should be put back a year. Cllr Keen proposed this and Cllr Goodridge seconded. This was AGREED by majority with Cllrs Hyman and D'Arcy voting against.

It was then suggested that the proposal should be under 4 years of age for 1<sup>st</sup> registration and could be licensed to a maximum of 10 years old. Cllr D'Arcy proposed and Cllr Ruth Reed Seconded and this was **AGREED** by a majority with Cllr Hyman abstaining.

It was agreed that all the proposed dates re implementation of age restrictions and ULEV be pushed back one year (to 01 April 2022) except for the implementation of the no written off vehicles to be licensed which would remain as 01 April 2021.

Policy amended to;

### **Insurance write Offs**

From 01 April 2021 Waverley will not accept any new applications for vehicles that have been written off by an insurance company.

### **Age of the vehicle**

From 01 April 2022 a vehicle submitted, for a new vehicle licence must be under 4 years old from date of first registration. Once licensed a vehicle may continue to be licensed up to the 10th anniversary of first registration. Once any vehicle reaches 5 years of age, it becomes subject to 6-monthly tests.

Existing licensed vehicles that are over 10 years old, or that will become over 10 years old can continue to be licensed until the 31 December 2023. From 01 Jan 2024 a vehicle will not be licensed if it is 10 years old or more from date of first registration.

From 01 January 2024 a vehicle submitted, for a new application, to licence must be an Ultra Low Emission Vehicles (ULEV), as defined by the Vehicle Certification Agency.

<https://www.vehicle-certification-agency.gov.uk/fcb/ulev.asp>

From 01 January 2031 Waverley will only accept new applications and renewals for vehicles which are ULEV.

The Committee were shown the proposed door signage for Private Hire Vehicles and felt the rectangular sign was preferable to the oval one. They discussed whether Hackney Carriages should also display these but it was felt this was not necessary.

Cllr Hyman advised he had identified a number of spelling and grammatical errors in the policy and would speak to officer's offline to rectify.

It was also highlighted that due to the delay in implementation the policy should be amended to read 01 April 2021 to 31 March 2026.

There was concern raised regarding the word 'matching' (in paragraph 20, page 24/ para 9 page 42/ para 11 page 47 of the policy) as it was felt this could be ambiguous and 'same size' should be put in.

It was also queried if the clarification on tinted windows had been rectified as previously some 'manufacturer' tints were darker than Waverley's permitted levels and the drivers had no way of measuring it. Paul Hughes advised that Waverley's had reduced the levels in the rear windows from 70% of light transmission being able to pass through them to 22% and that the front windows are in accordance with the Road Vehicles (Construction & Use) Regulations 1986.

**Action: The Committee considered the outcome of the feedback from the consultation of the draft Hackney Carriage and Private Hire Licensing Policy and AGREED it, subject to the amendments discussed.**

LIC41/20 EXCLUSION OF PRESS AND PUBLIC (Agenda item 10.)

There were no items to discuss in exempt session so the Chairman closed the meeting.

**The meeting commenced at 10.00 am and concluded at 11.59 am**

**Chairman**

WAVERLEY BOROUGH COUNCIL

MINUTES OF THE AUDIT COMMITTEE - 1 MARCH 2021

SUBMITTED TO THE COUNCIL MEETING – 20 APRIL 2021

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

**Present**

Cllr Peter Marriott (Chairman)	Cllr John Gray
Cllr Jerome Davidson (Vice Chairman)	Cllr Richard Seaborne
Cllr Richard Cole	Cllr George Wilson
Cllr Jan Floyd-Douglass	

**Apologies**

Cllr Michaela Wicks

**Also Present**

Cllr Jerry Hyman

AUD 51/20 MINUTES (Agenda item 1.)

The minutes of the meeting held on 30 November 2020 were agreed as a correct record.

AUD 52/20 APOLOGIES FOR ABSENCE (Agenda item 2.)

Apologies for absence were submitted by Cllr Michaela Wicks.

AUD 53/20 DISCLOSURE OF INTERESTS (Agenda item 3.)

There were no disclosures of interest submitted in relation to items on the agenda.

AUD 54/20 QUESTIONS BY MEMBERS OF THE PUBLIC (Agenda item 4.)

There were none.

AUD 55/20 QUESTIONS FROM MEMBERS (Agenda item 5.)

There were none.

AUD 56/20 ANNUAL AUDIT LETTER (Agenda item 6.)

Jon Roberts, Grant Thornton, introduced Paul Cuttle to the Committee and advised he would be the new engagement lead for Waverley.

The committee were advised that the Annual Audit Letter attached to the agenda was the last one they would receive as there was no longer a requirement to produce one. It was outlined that the letter was a summary of the Audit Findings Document.

Jon Roberts highlighted that the fees position was confirmed at the end of the letter as it had changed due to Covid.

Issues raised by the members:

Q – Will fees reduce if Audit letter is no longer required to be produced?

A – No as it is being replaced by a different report.

Q – Can Grant Thornton indicate if Covid is going to have an impact on this years' Audit?

A – Yes it is likely to have an impact as staff will have to do remote working for a while yet. Covid has already been considered as part of the timetable for reporting. Graeme Clark advised that Waverley would endeavour to work as closely to the timetable as possible and were looking at end of June/beginning of July to finalise.

Q – Are there any additional requirements needed regarding Covid Grants etc?

A - There are no additional requirements for Grant Thornton but Waverley send regular reports back to government on what has been delivered. Paid out over £24m so far.

A – There is time available in Audit Plan to look at the grants.

Q – how is the certification of Housing Benefits going?

A – Well established, progressing and well resourced. Should be finished in next few weeks.

Q – Regarding the value for money conclusion to the letter how have Waverley justified not using Furlough for staff and the overtime payments outlined?

A – The government discouraged public sector from using furlough and very few of our services had a reduced demand. In fact demand increased in a number of services and in those areas with reduced demand staff were redeployed to process grants and ring vulnerable residents.

A- The overtime payments mainly related to Easter weekend working and were funded by Government through the grants schemes.

Q- The letter indicates a recruitment freeze but this is not the case as some recruitment was carried out. How was this justified?

A – It is true some posts were recruited to but there were strict constraints as to which posts were filled.

Q – The letter stated we had an exit strategy for each Commercial Property Investment. Is this the case?

A – We do actively manage our investment properties and they are reviewed constantly and there is an exit strategy in place for all new acquisitions.

Q – Would it be useful for the Committee to understand where other Councils have fallen down with regards to property investments?

**ACTION:** – **AGREED** that Grant Thornton would come back to a future meeting and run a session on Governance.

**The Committee NOTED the Annual Audit Letter for Year ended 31 March 2020.**

AUD 57/20 ANNUAL GOVERNANCE STATEMENT - CONSIDERATION OF POTENTIAL GOVERNANCE ISSUES. (Agenda item 7.)

The Committee were asked to reviews last years' AGS and consider what changes are required for the Annual Governance Statement for 2020/21.

The committee would welcome narrative on:

- our response to Covid
- governance appetite
- Air Quality/Habitats Regulations in relation to planning reports as despite it being raised a number of times it is felt that we are not meeting our statutory obligations to include full environmental reports with the planning reports. An update is required from the Head of Planning on the adoption and processes in place to ensure that planning committees are provided with reports on biodiversity, habitat directives and environmental reports supporting the relevant planning applications.

**ACTION: Head of Planning to speak with Chairman about the legal requirements and the practice at Waverley.**

AUD 58/20 ACCOUNTING POLICIES (Agenda item 8.)

Peter Vickers, Head of Finance & Property, set out the current policies Waverley had that outline the principles to govern many areas of the business. It was felt it was important for the Committee to review these policies regularly.

The Committee were advised that there were a number of proposed changes last year on standards which were then delayed till April 2022 so there have not been many changes this year.

Jon Roberts, Grant Thornton, advised that as indicated earlier in the meeting there has been some changes to processes but it was their opinion that no changes to policies were required.

**The Committee noted the current policies, their adequacy in underpinning the preparation of the Financial Statements and asked that their comments were considered.**

AUD 59/20 PROPOSED INTERNAL AUDIT PLAN FOR 2021-22 (Agenda item 9.)

Gail Beaton, Internal Audit Manager, outlined the Proposed Internal Audit plan for 2021-22 including those reviews that were deferred from 2020-21.

Highlighted for note was:

- IT risk assessment was to completed in 2021-22, outcomes would direct reviews in the year.
- The Horizon planning system would have a post implementation review.

- The Property Terrier would have a review of its completeness to ensure it is up to date.
- Fraud and Irregularities – NFI 2021-22 exercise includes COVID grants.

The committee questioned that there was nothing on wellbeing of staff in the Audit Plan. They were assured this was being monitored through the Covid Response Group on a weekly basis.

Gail Beaton advised that the plan was flexible in order to accommodate changes over the next year.

It was highlighted the Corporate Strategy wording needed updating as it had changed slightly.

Officers were asked when the CIL audit would be re-instated? Graeme Clark advised this was a timely question as the CIL Advisory Board had recently met and would be looking at the bids which came in up to the end of January and would be preparing a report for the Executive.

**The Committee APPROVED the Internal Audit Plan for 2021-22 and asked for their comments to be considered.**

AUD 60/20 PROGRESS ON THE IMPLEMENTATION OF INTERNAL AUDIT AGREED ACTIONS (Agenda item 10.)

Gail Beaton, Internal Audit Manager, outlined the progress on the implementation of the Internal Audit agreed actions. She highlighted that a few of the actions had now been implemented. The Head of Planning and Economic Development had requested an extension of some of his actions on the Horizon software.

The Committee asked if an extension of one meeting was enough as it was appreciated bespoke systems are brittle and sometimes need more work to implement.

It was noted that there were actions for the Head of Finance & Property which were past the deadline and he was asked if an extension was needed on these? He advised only of a week or so as they were close to completion.

**The Committee NOTED the information provided and AGREED to the extension for the Horizon Planning Systems action and a short extension to the Financial actions.**

AUD 61/20 REVIEW OF THE PROGRESS ON THE ACHIEVEMENT OF THE 2020-21 AUDIT PLAN (Agenda item 11.)

Gail Beaton, Internal Audit Manager, outlined the report on progress on the achievement of the 2020-21 Audit Plan. She advised that good progress had been made with the plan, with a number of processes nearing completion.



**The Audit Committee NOTED the contents of the Internal Audit Plan 2020-21 progress report as attached in Annexe 1 and ENDORSED the changes to be made in the audit internal audit plan for 2020-21 to meet current priorities.**

AUD 62/20 FRAUD INVESTIGATION SUMMARY (Agenda item 12.)

Gail Beaton, Internal Audit Manager, updated the committee on the current fraud investigation work. It had been a very busy year relating to right to buy properties.

She was asked if this work included Covid Support Grants and was advised it did not as this was reported separately.

**The Audit Committee NOTED the success of the fraud investigation activity.**

AUD 63/20 AUDIT COMMITTEE RECURRENT ANNUAL WORK PROGRAMME (Agenda item 13.)

The Committee were taken through the current annual work programme and advised of some potential timetable changes.

It was possible the Accounts and Annual Governance Statement will not be ready for the July meeting and may have to slip to the September meeting. The officers were awaiting confirmation from Government as to whether this would be a permanent change in future years or just a temporary one for this year.

The Committee also expressed an interest in looking at the Corporate Risk Register and Insurance Reserves at a future meeting possibly as an informal member meeting.

**The Audit Committee NOTED its recurrent annual work programme.**

AUD 64/20 EXCLUSION OF PRESS AND PUBLIC (Agenda item 14.)

There were no items to discuss in exempt session so the Chairman closed the meeting.

**The meeting commenced at 7.00 pm and concluded at 9.10 pm**

**Chairman**

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