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Contact Officer:

John Armstrong, Democratic Services &  
Elections Manager

11 March 2022

Dear Councillor

Your attendance is requested at a meeting of the **EXECUTIVE** to be held in the Council Chamber, Millmead House, Millmead, Guildford, Surrey GU2 4BB on **TUESDAY, 22 MARCH 2022** at 7.00 pm.

Yours faithfully

Tom Horwood  
Joint Chief Executive  
Guildford & Waverley  
Borough Councils

**MEMBERS OF THE EXECUTIVE**

Chairman:

Councillor Joss Bigmore ((Leader of the Council))

Vice-Chairman:

Councillor Julia McShane ((Deputy Leader of the Council and Lead Councillor for  
Community and Housing))

Councillor Tim Anderson, (Lead Councillor for Resources)

Councillor Tom Hunt, (Lead Councillor for Development Management)

Councillor John Redpath, (Lead Councillor for Economy)

Councillor John Rigg, (Lead Councillor for Regeneration)

Councillor James Steel, (Lead Councillor for Environment)

Councillor Cait Taylor, (Lead Councillor for Climate Change)

**WEBCASTING NOTICE**

This meeting will be recorded for live and/or subsequent broadcast on the Council's website in accordance with the Council's capacity in performing a task in the public interest and in line with the Openness of Local Government Bodies Regulations 2014. The whole of the meeting will be recorded, except where there are confidential or exempt items, and the footage will be on the website for six months.

If you have any queries regarding webcasting of meetings, please contact Committee Services.

**QUORUM 3**

## THE COUNCIL'S STRATEGIC FRAMEWORK (2021- 2025)

### **Our Vision:**

A green, thriving town and villages where people have the homes they need, access to quality employment, with strong and safe communities that come together to support those needing help.

### **Our Mission:**

A trusted, efficient, innovative, and transparent Council that listens and responds quickly to the needs of our community.

### **Our Values:**

- We will put the interests of our community first.
- We will listen to the views of residents and be open and accountable in our decision-making.
- We will deliver excellent customer service.
- We will spend money carefully and deliver good value for money services.
- We will put the environment at the heart of our actions and decisions to deliver on our commitment to the climate change emergency.
- We will support the most vulnerable members of our community as we believe that every person matters.
- We will support our local economy.
- We will work constructively with other councils, partners, businesses, and communities to achieve the best outcomes for all.
- We will ensure that our councillors and staff uphold the highest standards of conduct.

### **Our strategic priorities:**

#### Homes and Jobs

- Revive Guildford town centre to unlock its full potential
- Provide and facilitate housing that people can afford
- Create employment opportunities through regeneration
- Support high quality development of strategic sites
- Support our business community and attract new inward investment
- Maximise opportunities for digital infrastructure improvements and smart places technology

#### Environment

- Provide leadership in our own operations by reducing carbon emissions, energy consumption and waste
- Engage with residents and businesses to encourage them to act in more environmentally sustainable ways through their waste, travel, and energy choices
- Work with partners to make travel more sustainable and reduce congestion
- Make every effort to protect and enhance our biodiversity and natural environment.

#### Community

- Tackling inequality in our communities
- Work with communities to support those in need
- Support the unemployed back into the workplace and facilitate opportunities for residents to enhance their skills
- Prevent homelessness and rough-sleeping in the borough

## AGENDA

### ITEM NO.

#### **1 APOLOGIES FOR ABSENCE**

#### **2 LOCAL CODE OF CONDUCT - DISCLOSABLE PECUNIARY INTEREST**

In accordance with the local Code of Conduct, a councillor is required to disclose at the meeting any disclosable pecuniary interest (DPI) that they may have in respect of any matter for consideration on this agenda. Any councillor with a DPI must not participate in any discussion or vote regarding that matter and they must also withdraw from the meeting immediately before consideration of the matter.

If that DPI has not been registered, the councillor must notify the Monitoring Officer of the details of the DPI within 28 days of the date of the meeting.

Councillors are further invited to disclose any non-pecuniary interest which may be relevant to any matter on this agenda, in the interests of transparency, and to confirm that it will not affect their objectivity in relation to that matter.

#### **3 MINUTES (Pages 5 - 10)**

To confirm the minutes of the meeting of the Executive held on 24 February 2022.

#### **4 LEADER'S ANNOUNCEMENTS**

#### **5 TO CONSIDER ANY RECOMMENDATIONS FROM THE OVERVIEW AND SCRUTINY COMMITTEE (Pages 11 - 18)**

#### **6 PUBLIC SPACES PROTECTION ORDER AMENDMENT (Pages 19 - 90)**

#### **7 DAY CARE PROVISION FOR THE ELDERLY (Pages 91 - 132)**

#### **8 PRE-ELECTION PERIOD PUBLICITY POLICY (Pages 133 - 142)**

#### Key Decisions:

Any item on this agenda that is marked with an asterisk is a key decision. The Council's Constitution defines a key decision as an executive decision which is likely to result in expenditure or savings of at least £200,000 or which is likely to have a significant impact on two or more wards within the Borough.

Under Regulation 9 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, whenever the Executive intends to take a key decision, a document setting out prescribed information about the key decision including:

- the date on which it is to be made,
- details of the decision makers,
- a list of the documents to be submitted to the Executive in relation to the matter,
- how copies of such documents may be obtained

must be available for inspection by the public at the Council offices and on the Council's website at least 28 clear days before the key decision is to be made. The relevant notice in respect of the

key decisions to be taken at this meeting was published as part of the Forward Plan on 22 February 2022.

## EXECUTIVE

- \* Councillor Joss Bigmore (Chairman)
- \* Councillor Julia McShane (Vice-Chair)

- |                           |                          |
|---------------------------|--------------------------|
| * Councillor Tim Anderson | * Councillor John Rigg   |
| * Councillor Tom Hunt     | * Councillor James Steel |
| * Councillor John Redpath | * Councillor Cait Taylor |

\*Present

Councillor Deborah Seabrook was also in attendance.  
Councillors Angela Goodwin, Tony Rooth, Fiona White and Catherine Young were in remote attendance

### EX69 APOLOGIES FOR ABSENCE

There were no apologies for absence.

### EX70 LOCAL CODE OF CONDUCT - DISCLOSABLE PECUNIARY INTEREST

There were no declarations of interest.

### EX71 MINUTES

The minutes of the meeting held on 25 January 2022 were confirmed as a correct record. The Chairman signed the minutes.

With regard to the minute of the Leader's Announcements concerning the Covid Development Grant, the Lead Councillor for Economy commented that the £390,000 quoted related only to Covid Business Development Grant Scheme and, with this, Covid packages processed by the Council now totalled more than £47.5 million.

### EX72 LEADER'S ANNOUNCEMENTS

The Leader of the Council paid tribute to officers who had participated in supporting residents and county council partners in responding to the impact of storm Eunice. Staff had given their time freely over the weekend to make calls to check on the wellbeing of vulnerable residents, some of whom were without power or water and to assist with the clearance of debris, fallen trees and making areas safe. Throughout the council had maintain services including bin collections and meals on wheels. The few bins that were not collected on the Friday as the storm gathered were collected on the Saturday. Stoke Gardens had seen a wall collapse that had been made safe and the garden remained open. The Leader expressed regret at the loss of trees across the borough and other damage caused by the storm but was thankful that no one had been injured.

The Government had lifted all remaining Covid restrictions but the Leader was mindful that there were still Covid fatalities and urged residents to keep safe by getting vaccinated, get tested if experiencing symptoms and to consider wearing face coverings when in crowded places and to ventilate rooms. Those who were vulnerable were not always visible and it was important to keep them safe.

From April residents living in Council Tax Bands A to D were likely to receive £150 council tax rebate from the Government to help with the cost of living and energy price rises. The rebate

was separate and would not appear on council tax bills. Those who paid by direct debit would receive the rebate directly into their accounts. For those who did not pay by direct debit there would be guidance to follow on how to claim.

The 2022 Guildford in Bloom competition had been launched with the main competition complemented by a schools' competition. The theme for this year would be the Queen's Platinum Jubilee.

An event would be held on the 4 June which was the Jubilee weekend at Guildford Castle with a picnic, music and other entertainment in partnership with Guildford Fringe Festival and Experience Guildford.

There was a new display at Guildford Museum called 'Soldiers of Surrey – stories from the Queens Royal Regiment'.

Finally, the Leader thanks the departing Monitoring Officer, Diane Owens for her service to the council.

### **EX73 RECOMMENDATIONS TO THE EXECUTIVE FROM THE OVERVIEW AND SCRUTINY COMMITTEE**

The intention of the document was to collate and track progress of all recommendations made by the Overview and Scrutiny Committee to the Executive throughout the year, and to log the Executive decisions on the submitted matters. The Executive's agreed response to the recommendations would be fed back to the Overview and Scrutiny Committee and to relevant officers.

The standing agenda item was noted by the Executive. There were no further comments.

### **EX74 PETITION: MAKE GUILDFORD PESTICIDE-FREE**

On 4 August 2021, an e-petition was launched on the Council's website requesting the Council to make Guildford pesticide-free.

The e-petition and supporting paper petition attracted over 500 signatures and in accordance with the council's procedure rules was debated by full Council on 7 December 2021. Following the debate, the Council resolved: "That the Executive be requested to urgently consider and approve the proposed chemical reduction measures in 2022 set out in Appendix 6 to the report submitted to the Council, and to commit the Council to working with Surrey County Council in developing a joint pesticide policy."

The Lead Councillor for Environment introduced the item and set out the proposals in the report.

It was noted that during clearing of a Suitable Alternative Natural Greenspace (SANG) in the borough pesticides were used. It was noted such activities were not always within the control of the council but there would be engagement and partnership work to reduce usage as set out in the appendices. The Leader agreed to explore the possibility of imposing conditions with regards to the use of pesticide at planning application stage.

There were legal restrictions on the use of pesticides as set out by the Department for Environment, Food and Rural Affairs (Defra) and in certain areas the council had stewardship arrangements with Defra that jointly agreed the best management approach.

It was acknowledged that the council was legally required to record the detail of the use of Glyphosate. It was suggested that the record should be in the public domain and easily accessible.

There was an endorsement of developing a close partnership with Waverley Borough Council and the Pesticide Action Network and it was noted that a meeting organised by Surrey Wildlife Trust would shortly be held involving all key partners and all other local authorities in Surrey. On agreement of the recommendations this would become an ongoing event.

The Leader thanked the members of the public that had raised the petition and brought the matter to the attention of councillors. A copy of the report would be emailed to the organisers for their information.

#### RESOLVED:

To approve the proposed chemical reduction measures in 2022 as set out in Appendix 6 of the report and to commit the Council to working with Surrey County Council (SCC) in developing a joint pesticide policy.

#### Reason:

To implement the resolution as agreed by the Council at its meeting on 7 December 2021.

### **EX75 NORTH STREET DEVELOPMENT SITE, GUILDFORD**

The Executive considered a report that updated on the progress of the North Street development site and set out a high level specification for the bus interchange and the proposed pedestrianisation of North Street. In addition, the report sought authority to transfer £150,000 of funds from the provisional to the approved capital programme so as to progress the project.

The Lead Councillor for Regeneration introduced the report.

Since July 2019 the Council had been in negotiations with the developer St Edward to agree terms for the sale of its land within the North Street development site in order to facilitate the construction of a residential led mixed-use scheme to include a refurbished bus interchange and pedestrianisation. Following the Executive meeting on 26 October 2021 a working group of stakeholders had been formed. The working group included St Edwards representatives, the Guildford Business Improvement District, M&G who were owners of the Friary Shopping Centre and Stagecoach; four ward councillors and officers from Surrey County Council and Guildford Borough Council. As agreed by the Executive the working group would make recommendations in respect of the design of the refurbished bus station including the associated access and public realm improvements and the proposed pedestrianisation of North Street. There had been three meetings of the working group where architects Scott Brownrigg, Murdoch Wickham and St Edwards had presented.

Agreement of a high-level specification for the refurbished bus interchange and the pedestrianisation of North Street was required to enable the exchange of the sale contract for the sale of the council's land and the redevelopment of the North Street site to proceed.

In paragraph 4.5 of the report it was stated there would be a £500,000 shortfall on the budget due to the proposed taxi rank and roadway re-arrangements that were found to come with a much higher cost than anticipated. The Lead Councillor Regeneration announced that the

developer had absorbed this cost and consequently the figures detailed in paragraph 4.6 should be adjusted accordingly.

The Lead Councillor stressed that the proposals were at high level specification stage and that more detailed proposals would be put to the Executive, involve full consultation and planning processes in due course.

The Executive,

RESOLVED:

1. To agree the working group's recommendation for the design and high-level specification for the refurbished bus interchange.
2. To agree the working group's recommendation for the design and high-level specification for the proposed pedestrianisation of North Street.
3. To move £150,000 from the 2022-23 provisional capital programme to the approved capital programme to fund the ongoing work on the North Street Project.

Reason:

To maintain progress with the North Street development project.

#### **EX76 USE OF RIGHT TO BUY RECEIPTS POLICY**

The report was introduced by the Lead Councillor for Resources.

Between 2018 and 2021 the council had a significant issue with identifying and then delivering schemes within the Housing Investment Programme (HIP) within the HRA. Whilst some of the smaller sites had been successful, a number of larger schemes in the Housing Investment Programme in the HRA capital programme had, for various reasons, seen significant slippage in delivery which resulted in the council needing to repay £2.7million in Right to Buy (RTB) receipts to government during Quarter 4 2018-19, and throughout 2019-20. This had caused much concern both within and outside of the council. The Executive agreed on 23<sup>rd</sup> March 2021 to develop and adopt a formal Use of Right to Buy Receipts policy.

The Council had not repaid any receipts in 2020-21 and 2021-22 due to a significant HRA property acquisition programme, increased awareness of the need to spend the receipts within the timescale and better monitoring arrangements. This approach was set out in the draft policy document submitted to the Executive. The Lead Councillor Resources explained that although the policy was very detailed that level of rigour was required to ensure that the council's forward management of RTB was comprehensive and robust. The policy could be reviewed and streamlined in the future.

There was gratitude to officers for the report from members of the Executive.

The Executive,

RESOLVED to approve the Use of Retained Right to Buy Receipts Policy.

Reason:

To facilitate the delivery of affordable housing in the borough and try to mitigate the risk of repaying RTB receipts to government in the future.

**EX77 GRANT OF LICENCES FOR AMENITY LAND ADJACENT TO BEEHCROFT DRIVE**

The report included an appendix that was classified by the Monitoring Officer as exempt under paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 (as amended). The Executive declined to discuss this appendix and the meeting remained in open session.

The existing access arrangements from Beechcroft Drive onto the A3 had long been identified by residents and public authorities alike as being compromised and dangerous. A permanent alternative vehicular access route had not been achieved, despite investigations and discussions taking place over a number of years.

The Executive considered a report that sought authority to enter into licence agreements with the freeholders of Beechcroft Drive to provide residents with an alternative access route via the Council's amenity land, at less than best consideration.

The Lead Councillor for Resources introduced the report and described the licence agreements as a pragmatic move. It was noted that the University had already issued licences to residents and urged the Executive to agree the recommendations and complete the access route.

Consequently, the Executive,

RESOLVED:

1. The Strategic Services Director, in consultation with the lead Councillor for Resources, be authorised to negotiate and enter into all property documentation required to grant licence agreements with the freeholders of Beechcroft Drive for less than best consideration.
2. The allocation of £11,000 revenue to cover the Council's legal costs associated with the drafting and execution of the licences relating to Beechcroft Drive was approved.

Reason:

This recommendation would provide the residents of Beechcroft Drive with an alternative access route to avoid having to enter/exit the residential street via the A3, as well as formalising the arrangement which relates to the Council's own land ownership.

**EX78 EXCLUSION OF THE PUBLIC**

RESOLVED:

That under Section 100A (4) of the Local Government Act 1972 (as amended) and Regulation 5 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, the public be excluded from the meeting for consideration of agenda item 10 on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the 1972 Act.

**EX79 THE ACADEMY OF CONTEMPORARY MUSIC AND THE RIVERSIDE CENTRE**

The Executive considered a report which set out the proposed agreement between the council and the Academy of Contemporary Music (ACM) who were tenants of the Council owned Riverside Centre, on Town Wharf. The ACM wished to give up their leasehold interest in the subject property which was surplus to their requirements following the relocation of their student union elsewhere.

RESOLVED, the officer recommendation to enter into a deed of surrender on the lease for the Riverside Centre was approved.

Reason:

The ACM was a local education provider that brought students and benefits into the Town Centre and which leased several properties from the Council.

The meeting finished at 7.50 pm

Signed .....

Chairman

Date .....

## Recommendations to the Executive from the Overview and Scrutiny Committee

### Document Purpose

The intention of this document is to collate and track progress of all recommendations made by the Overview and Scrutiny Committee to the Executive throughout the year, and to log the Executive decisions on the submitted matters. The Executive's agreed response to the recommendations will be fed back to the Overview and Scrutiny Committee, and relevant officers.

Note of explanation:

**Progress Status:** This column indicates individual progress status for each recommendation and will present one of three options:

- Awaiting Executive Consideration
- Accepted or Approved by the Executive
- Rejected by the Executive

**Suggested Response to Recommendation and Reasons:** This column indicates what action, if any, the Executive proposes to take or may already have been taken in response to the recommendation and the reasons) for the action, or no action.

### Pending Recommendations:

O&S Meeting Date and O&S Minute No.	O&S Agenda Item	O&S Recommendation	To be considered by Executive on	Progress Status	Suggested Response to Recommendation and Reasons	Key Officer responsible for the item
02/03/2021 OS63	Guildford Crematorium Redevelopment Post Project Review	That the Executive be requested to ensure: <ul style="list-style-type: none"> <li>• Council projects are accurately scoped and well-defined at the outset and any</li> </ul>	24/02/2022	Awaiting Executive consideration	The Future Guildford Programme implemented the Council's transformation plan.  As part of Phase A of the Programme a new Project and Performance Management (PPM) Governance	Abi Lewis & Directors

O&S Meeting Date and O&S Minute No.	O&S Agenda Item	O&S Recommendation	To be considered by Executive on	Progress Status	Suggested Response to Recommendation and Reasons	Key Officer responsible for the item
		<p>extension of scope is assessed carefully.</p> <ul style="list-style-type: none"> <li>• Council projects go beyond legal minimum standards and aspire to be the best possible.</li> <li>• Senior officers be held accountable for ensuring that resources in place for projects are adequate.</li> </ul>			<p>function was established within the Strategy &amp; Communications team in 2020 which has undertaken extensive work to implement a new PPM Governance Framework to improve the delivery of all GBC projects and programmes to achieve the strategic objectives set out in the Corporate and Local Plans.</p> <p>Now an Enterprise Portfolio Structure has been defined, work is underway to rationalise boards and clarify decision-making.</p> <p>The following specific processes implemented help to ensure the right project controls are in place from the outset:</p> <ul style="list-style-type: none"> <li>• A start-up process to control the number of projects initiated</li> <li>• A mandate being developed for each project for consideration by service leaders and Councillors helping to develop a common understanding of objectives and anticipated outcomes of projects.</li> </ul>	

O&S Meeting Date and O&S Minute No.	O&S Agenda Item	O&S Recommendation	To be considered by Executive on	Progress Status	Suggested Response to Recommendation and Reasons	Key Officer responsible for the item
					<ul style="list-style-type: none"> <li>• The Business Case, developed from the Strategic, through the Outline Business Case and confirmed at Full Business Case is a clear statement of scope and baselines and a robust rationale for proceeding with the project.</li> <li>• Progress through the stages is controlled by gates, these are managed by the Strategy &amp; Communications Team, responsible for the Enterprise portfolio and PPM Governance.</li> </ul> <p>The project mandate will provide a broad definition of a project’s objectives, scope, constraints, benefits, risks and costs which are further defined in the development of the business case. Aspirations to exceed minimum standards tends to come at the cost of time and money. The business case should recommend the option that provides best social value or best value for money and</p>	

O&S Meeting Date and O&S Minute No.	O&S Agenda Item	O&S Recommendation	To be considered by Executive on	Progress Status	Suggested Response to Recommendation and Reasons	Key Officer responsible for the item
					<p>responds to any statutory requirements.</p> <p>The new PPM Governance Framework provides the opportunity for officers across the organisation to review project mandates and business cases, and to consider the potential impact of the proposals on their service area. This includes consideration of whether the project is achievable within the existing resources (financial and staffing) and whether mitigation is required to deliver the preferred option successfully. This might include highlighting a need to recruit to fill a specialist skillset that is necessary for the project and the required budget to enable this. The internal project governance structures ensure officers provide regular updates on the status of projects and provide the opportunity for risks and issues to be escalated to senior decision makers as necessary. An Enterprise Portfolio Board is being considered to ensure</p>	

O&S Meeting Date and O&S Minute No.	O&S Agenda Item	O&S Recommendation	To be considered by Executive on	Progress Status	Suggested Response to Recommendation and Reasons	Key Officer responsible for the item
					that resource constraints are understood across all GBC service areas before a project is initiated.	
09/11/2021 OS46	Guildford Crematorium Air Quality Audit	That the following recommendations within section 3 of the SLR audit at Appendix 1 of the report submitted to the O&S Committee be endorsed:  “That measures or procedures are reviewed and where necessary improved, to allow Regulatory Services to satisfy themselves that work undertaken on their behalf has been undertaken in a comprehensive and technically robust manner, such as:	24/02/2022	Awaiting Executive consideration	GBC’s current Standard Selection Questionnaire (SSQ) - used at the outset of a procurement process to determine compliance of a potential supplier with any mandatory requirements - does not request confirmation of statutory or regulatory certification.  However, the subsequent technical evaluation process is tailored according to the specifics of the project and the scope of services being procured. Where appropriate, confirmation and evidence of accreditation will be requested and evaluated. If works are procured via a framework e.g. construction works, the contractors are subject to significant scrutiny and vetting before being accepted onto the framework. If a project is particularly complex or technical, the Council will need to	Abi Lewis & Directors

O&S Meeting Date and O&S Minute No.	O&S Agenda Item	O&S Recommendation	To be considered by Executive on	Progress Status	Suggested Response to Recommendation and Reasons	Key Officer responsible for the item
		<ul style="list-style-type: none"> <li>requiring evidence of the audit procedure, and documented audit trail; and</li> <li>requiring contractors to have a quality assurance system certified to a recognised standard (e.g., ISO 9001).</li> </ul>			<p>consider what specialist resource is needed to support the drafting of technical evaluation criteria and the evaluation of tender responses. This would be established at the mandate stage.</p> <p>The Corporate Procurement Board acts as a gateway for projects that are above a certain financial threshold, or constitute high risk or sensitivity, providing further scrutiny over the most appropriate route to engage a supplier.</p> <p>The new project management and governance toolset, Verto, has the functionality to capture decisions made to ensure that there is an audit trail throughout the project lifecycle.</p>	
09/11/2021 OS47	Update on Project & Programme Management Governance	<ul style="list-style-type: none"> <li>That the Executive be requested to ensure that in relation to the closure and evaluation stages of</li> </ul>	24/02/2022	Awaiting Executive consideration	<ul style="list-style-type: none"> <li>The Council's implemented PPM Governance Framework outlines the project lifecycle and approval gates that projects will ensure all lifecycle stages are undertaken for</li> </ul>	Abi Lewis & Directors

O&S Meeting Date and O&S Minute No.	O&S Agenda Item	O&S Recommendation	To be considered by Executive on	Progress Status	Suggested Response to Recommendation and Reasons	Key Officer responsible for the item
		<p>Council projects the author of both the lessons learned report and the post-project evaluation be someone unconnected to the project.</p> <ul style="list-style-type: none"> <li>• That further training and information on the Council's project and programme management be organised for Councillors.</li> </ul>			<p>all projects, including closure, evaluation and lessons learned.</p> <ul style="list-style-type: none"> <li>• Going forward the governance team can provide independent review at project closure stage and report to the Enterprise Portfolio Board if that is established.</li> <li>• A series of formal training sessions explaining the reasons for mandates and business cases was delivered in November 2020 to introduce the new PPM governance arrangements. Follow up sessions relating to improving their understanding of programme and project governance in order to streamline governance and improve reporting were held for Councillors in December 2021. These sessions outlined the work done on the development of the governance structure and provided a demonstration of the reporting deck that is presented at Major Projects Portfolio Board. Ongoing</li> </ul>	

O&S Meeting Date and O&S Minute No.	O&S Agenda Item	O&S Recommendation	To be considered by Executive on	Progress Status	Suggested Response to Recommendation and Reasons	Key Officer responsible for the item
					training is being provided to induct new Councillors and keep all Councillors up to date with developments.	

Strategy and Resources Committee

Ward(s) affected: Holy Trinity, Christchurch, Friary and St Nicolas

Report of Strategic Services Director

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Lead Councillor responsible: Councillor Julia McShane

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Date: 22 March 2022

## Public Spaces Protection Order Amendment

### Executive Summary

This report sets out the statutory process that has been followed to review whether or not an additional or amended Public Space Protection Order (PSPO) is required in Guildford and makes recommendations for a variation to the existing PSPO in line with the findings from the review.

The report provides the background and context of PSPOs including the conditions of the existing PSPOs in Guildford. It briefly sets out how the Anti-social Behaviour, Crime and Policing Act 2014 introduced PSPOs as a tool for councils to address anti-social behaviour (ASB) in their areas.

The legislation includes statutory requirements for councils to adhere to when reviewing, developing, and implementing PSPOs. The Local Government Association (LGA) has produced guidance for councils based on the legislation and statutory requirements. The Council has used the guidance to inform its approach to reviewing the existing town centre PSPO and making the recommended amendments.

The Strategy and Resources Executive Advisory Board received a report detailing the process of the review in August 2021.

The report sets out the evidence base collected during the review and presents key outcomes of the evidence in relation to the recommended variation to the existing town PSPO. The variation of the Order is presented in Appendices 1 and 2.

The report presents the next steps required to implement and enforce the Order.

The key risks and the mitigations are presented at the end of the report along with the legal considerations associated with implementing the recommended variation to the Order.

**Recommendations**

1. That the Executive approve the variation of the existing town centre PSPO, as set in Appendices 1 and 2, including the extension of geographical area and variation in behaviours.
2. The Executive approves the proposed actions set out in Appendix 3 which aims to address the outstanding actions raised during the review of the PSPO.

**Reason(s) for Recommendation:**

The Council has demonstrated that it has undertaken the statutory process to be satisfied on reasonable grounds that:

- activities that have taken place have had a detrimental effect on the quality of life of those in the localities identified, or it is likely that activities will take place and that they will have a detrimental effect, and
- the effect or likely effect of these activities:
  - is, or is likely to be, persistent or continuing in nature,
  - is, or is likely to be, unreasonable, and
  - justifies the restrictions being imposed.

The PSPO review highlighted behaviours that are not appropriate for including in a PSPO and would be better addressed with other tools or existing powers.

The PSPO review presented evidence of a lack of awareness of the existing PSPO and an absence of a robust enforcement policy to respond appropriately to breaches.

**Is the report (or part of it) exempt from publication?**

No

**1. Purpose of Report**

- 1.1 The purpose of this report is to update the Executive on the PSPO review undertaken between March and December 2021, including the process followed and its findings, and to seek approval of the variation to the existing PSPO order, as set out in Appendices 1 and 2.
- 1.2 Additionally, this report informs the Executive of the other main findings of the review, outside the scope of a PSPO. The report seeks approval of the appropriateness of the work outlined in the action plan attached at Appendix 3 to address these issues.

**2. Strategic Priorities**

- 2.1 The review of the existing PSPO and the recommendations set out in this report support the Council's vision for 'strong and safe communities', by reducing anti-social behaviour. PSPOs address and reduce anti-social behaviour and the detrimental impact it causes, including to the most vulnerable people in our community.

### **3. Background**

#### **3.1 Public Space Protection Orders**

3.1.1 PSPOs, introduced through the Anti-social Behaviour, Crime and Policing Act 2014, are one of a range of tools available to councils to address anti-social behaviour. Rather than targeting specific individuals or properties, PSPOs focus on the identified problem behaviour in a specific location and the impact of that behaviour on communities and individuals.

3.1.2 PSPOs can last up to three years before councils are required to review them, at which point they may be removed, amended, or extended by up to a further three years. The length of a PSPO should reflect the need for a proportionate response to the problem. There is no limit on the number of times a PSPO may be reviewed and renewed.

3.1.3 Orders can be introduced in a specific public area where the local authority is satisfied on reasonable grounds that certain conditions have been met. These are that the behaviours:

- have had (or be likely to have) a detrimental effect on the quality of life of those in the locality;
- be (or be likely to be) persistent or continuing in nature;
- be (or be likely to be) unreasonable; and
- justify the restrictions being imposed.

3.1.4 As a minimum, the PSPO must set out:

- what the detrimental activities are;
- what is being prohibited and/or required, including any exemptions;
- the area covered;
- the consequences for breach, and
- the period for which it has effect.

#### **3.2 Safer Guildford Partnership**

3.2.1 The Safer Guildford Partnership (SGP) is our local community safety partnership which brings together both statutory and non-statutory strategic partners, as required by the Crime and Disorder Act 1998 amended by the Police Reform Act 2002 and the Police and Justice Act 2006.

3.2.2 The role of the SGP is to facilitate information sharing, identify local priorities and coordinate a planned response to the prevention of crime, disorder, anti-social behaviour and reoffending, at a borough level. The SGP Plan 2021- 24 sets the framework for the SGP and is reviewed annually.

3.2.3 The SGP Annual Action Plan 2020-21 set out the actions agreed to achieve the priorities of the SGP as identified in the wider Plan. A review of the existing town centre PSPO with a view to considering the need for an additional or amended PSPO was included as an action for the Partnership. Completing this action is a priority for the Partnership in 21-22.

### 3.3 Existing PSPOs

- 3.3.1 The Council has two PSPOs in place, including a borough wide PSPO relating to dog fouling and a town centre PSPO relating to alcohol consumption. This report relates to the town centre PSPO.
- 3.3.2 In October 2020 the Council extended the town centre PSPO by three years, with a commitment to carry out a full review to determine whether there is a case for a PSPO covering a wider range of behaviours and locations.

### 3.4 Statutory guidance

- 3.4.1 In addition to statutory guidance developed by the Home Office to accompany the Anti-social Behaviour, Crime and Policing Act 2014, the LGA has produced guidance aimed at councils considering a new PSPO. The LGA guidance sets out the practical implementation of the statutory guidance. This guidance also sets out the circumstances in which PSPOs are and are not appropriate, and the legal tests PSPOs must meet.
- 3.4.2 PSPOs will not be suitable in all circumstances and should not be used in the place of other, more proportionate methods of tackling ASB. These other methods should be considered before a PSPO is pursued. Where a PSPO is used, it should accompany other tools and methods in a balanced anti-social behaviour approach.
- 3.4.3 The legislation sets out the framework councils must adhere to before an order is introduced, once it is implemented and where it is extended, varied, or discharged. This includes determining the scope, areas covered and impact of the PSPO, as well as how each of the restrictions meets the legal test.

#### *Legal tests*

- 3.4.4 There are strict legal tests PSPOs must meet including the criteria set out in this report at paragraph 3.1. Our Legal Services Team provide further advice and scrutiny against the statutory guidance.
- 3.4.5 Proposed restrictions must focus on specific behaviours and be proportionate to the detrimental effect that the behaviour is causing or can cause, and be necessary to prevent it from continuing, occurring, or recurring<sup>1</sup>.

### 3.5 Executive Advisory Board Report

- 3.5.1 At its meeting in August 2021 the Strategy and Resources Executive Advisory Board received a report detailing the process of the review as informed by the statutory and LGA guidance. The report highlighted that the process must be evidence-based with public consultation and include consideration of alternative tools for tackling ASB. More information on the use of the stakeholder focus group, data collection and analysis, and consultation can be [found within the report](#).

- 3.5.2 In summary, the process followed has included:

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<sup>1</sup> [Public spaces protection orders: guidance for councils \(local.gov.uk\)](#)

- a stakeholder focus group of internal teams, Experience Guildford and Surrey Police;
- data collection and analysis from a range of sources detailed in Appendix 4;
- stakeholder consultation including a survey sent to over 20 partner organisations to seek their views of ASB in Guildford (Appendix 5);
- an online public consultation that received over 600 responses (Appendix 6);
- enforcement planning, including working with the Council's Compliance Team to develop the draft corporate Enforcement Policy.

### 3.6 Impact of Coronavirus (Covid-19)

3.6.1 Coronavirus (Covid-19) and the associated restrictions have had an impact on both the nature of, and people's perceptions of, ASB. This has been borne in mind throughout the review and consultation. We have:

- considered issues presented to the Joint Action Group (JAG) over a three-year period to support the evidence case;
- explicitly focused on longer-term, persistent behaviours that existed before Coronavirus (Covid-19) through all consultation, and
- collected data from all sources over a three-year period, where available.

### 3.7 Consultations

#### *Stakeholders*

3.7.1 A range of stakeholders were identified including residents, visitors, businesses, ward councillors, Surrey Police, Experience Guildford, internal Council teams and specialist charity organisations. Each stakeholder has been involved at the most appropriate time according to their role and involvement in the review.

#### *Partner and public surveys*

3.7.2 In order to scope the behaviours and locations that should be considered in a revised or additional PSPO we carried out a survey of partners and a public survey in spring 2021. The questions asked can be found in Appendix 5 and Appendix 6 of this report.

3.7.3 In addition to meeting the statutory requirement to consult, the results of these surveys provide a more robust understanding of the ASB issues and, most importantly, the impact ASB has on residents and visitors.

#### *Notification to relevant councils*

3.7.4 The statutory guidance requires councils to notify relevant county and parish councils when reviewing or developing a PSPO. Both have been informed of the Council's intentions.

*Statutory partners*

- 3.7.5 Statutory partners have been consulted including: the local chief of police, Surrey Police and Crime Commissioner, owners, or occupiers of land within the affected area where reasonably practicable, and community representatives.

*Lead and ward councillors*

- 3.7.6 In January 2021, the Lead Councillor for Community Safety and the ward councillors for the existing town centre PSPO were invited to attend a presentation setting out our intentions to review the existing town centre PSPO. The presentation set out the role of the SGP and the process of reviewing a PSPO as described by the LGA.
- 3.7.7 Following the report to Executive Advisory Board in August 2021, the lead and ward councillors were updated on the review, its findings and subsequent recommendations and proposals in January 2022.

**4. Summary of key evidence**

- 4.1 Appendix 4 provides reference to the evidence sources referred to in this section of the report including where applicable, the periods covered, the range, scope, purpose and context of the evidence.
- 4.2 Appendix 7 provides a summary report of the evidence and data analysis referred to in this section under the following aspects of the review:
- Response to the existing PSPO
  - Locations
  - Behaviours
- 4.3 Appendix 8 provides a map of the ICADs, demonstrated by red dots. The orange shapes on the map represent the locations of the 186 respondents that said the ASB was near where they live or their business premises.
- 4.4 Response to the existing PSPO
- 4.4.1 To assess the need for an additional or amended PSPO we reviewed the existing town centre PSPO. The impact and perception of the existing PSPO is important to understand, to be able to ascertain whether any proposed changes to the PSPO are the right measure and, if so, how it should be enforced and communicated.

*Outcomes- existing PSPO*

- 4.3.2 The feedback from partners and results of the public survey demonstrated that the enforcement and awareness of the existing PSPO are key areas that need to be improved. In response, actions to review our corporate Enforcement Policy and to deliver a public communications campaign are included in the action plan set out in Appendix 3.

4.4.2 The newly established Compliance Team have engaged fully in this review and have progressed the review of our corporate Enforcement Policy in line with the new service structure and available resources. The revised draft policy and procedure sets out enforcement of PSPOs. This revised draft policy and the updated procedures will be consulted upon before being presented to the Executive for adoption later in the year.

#### 4.5 Locations

4.4.1 To assess the appropriateness of locations included in the existing PSPO boundary and the need for additional or amended locations, we reviewed data, perceptions and JAG referrals.

##### *Outcomes- Locations*

4.4.2 Joseph's Road, The Mount and Lido Road car park featured on the JAG agendas and have multiple ICADs recorded. Additionally, The Mount was raised consistently in the public survey results.

4.4.3 The Mount and Stoke Park both feature on the JAG, ICADs and the public survey.

4.4.4 The location evidence supports the extension of the existing PSPO to include The Mount and Stoke Park. The proximity to Stoke Park of Lido Road and Joseph's Road is significant. Extending the boundary to include those areas, will ensure clarity of boundaries and prevent displacement of behaviours.

4.4.4 The scope of additional evidence collected for this PSPO review was limited to the town centre area. The action plan in Appendix 3 contains further information on how the additional locations raised through the public survey and the review of JAG agendas will be taken forward.

#### 4.6 Behaviours

4.6.1 To assess the appropriateness of behaviours included in the existing PSPO (alcohol), and consider additional behaviours that could be introduced through an amendment or new PSPO, we needed to establish the type of behaviours causing ASB, the frequency and the impact of those behaviours.

##### *Outcomes- behaviours*

4.6.2 Consideration of behaviours to include in a PSPO must be given in the context of other tools that are available through legislation and of the impact and frequency.

4.6.3 Given the extensive number of ICADs categorised under 'rowdy and inconsiderate behaviour' and the fact that over 85% of public survey respondents who had directly experienced or witnessed ASB said this behaviour had affected them, 'rowdy and inconsiderate behaviour' is presented as persistent and detrimental.

- 4.6.4 Legal highs/psychoactive substances appeared as the fifth most common ASB according to partners whilst drugs/psychoactive substances ranked third on the public survey. Possession of psychoactive substances is not an offence, but the ASB associated with it can be argued to cause alarm and distress. Further consultation with Surrey Police suggests that including the possession and use of legal highs/psychoactive substances may prevent associated ASB.
- 4.6.5 Existing legislation is available to address illegal drug use, vandalism, criminal damage and graffiti. These behaviours do not require additional PSPO powers to enforce against them.
- 4.6.6 Alcohol-related ASB is already covered in the existing PSPO. As highlighted earlier in this report, increased awareness of the existing restrictions alongside a revised enforcement approach is necessary to continue to address this ASB.
- 4.6.7 Whilst littering was ranked the behaviour most affecting the public, there was limited supporting evidence from other sources. Littering is also already an offence under the Environmental Protection Act 1990. PSPO powers are not required to enforce against littering. Our Compliance Team has committed to undertaking more detailed work to understand the nature of the littering affecting Guildford, including the locations and the days and seasons. The Appendix 3 action plan contains more information on this work.

## **5. Next Steps**

- 5.1 In response to the evidence presented in this review, we have consulted with our Legal Services Team to draft an amended Order for Guildford Town (Appendices 1 and 2). This is the subject of the first recommendation of this report.
- 5.2 Publishing and adopting the amended Order.
  - 5.2.1 The draft wording of the Order has been published online for public comment. We have also targeted specific partners to understand if there are any discriminatory impacts on members of the public or groups that have not been anticipated. The feedback from this consultation has informed the equality impact assessment and the consideration of the Council's public sector equality duty.
- 5.3 Enforcing the PSPO
  - 5.3.1 Adoption of a PSPO is only part of the process to reduce the impact of ASB. Effective implementation and enforcement are key to the PSPO reducing the impact of ASB on residents and visitors. The SGP will monitor the implementation of the amended PSPO.
  - 5.3.2 Realistic expectations and resourcing for enforcement for the duration of a PSPO are critical to its successful implementation. The review of the corporate Enforcement Policy coinciding with the PSPO review presented an opportunity to ensure the Policy and the PSPO are aligned in terms of commitment of resources and scope of restrictions.

- 5.3.3 The draft Enforcement Policy will be consulted upon before being presented to the Executive for approval and includes a section on the PSPO, setting out the procedures for its enforcement. Appendix 3 contains an action on implementation of this Enforcement Policy.
- 5.3.4 During the review Surrey Police revised its processes for recording breaches of the existing PSPO. The result of this has been the effective and appropriate escalation of incidences to the Compliance Team as the responsible authority for the PSPO's enforcement, in line with the Council's Enforcement Policy.
- 5.3.5 The review also highlighted the need for a common and shared approach to the recording of PSPO breaches and enforcement action. Appendix 3 includes an action to develop an informal agreement between Surrey Police and Guildford Borough Council for recording breaches of the PSPO which will in turn, provide useful data at the next PSPO review.
- 5.4 Additional outcomes of the review
- 5.3.1 The timing of the PSPO review following the impact of the pandemic and through the structural and resource changes in Future Guildford, has presented additional opportunities for:
- improved communication, engagement and partnership working
  - embedding the learning from the review
  - shared understanding of the ASB issues in Guildford
  - realistic and appropriate alignment to sustainable enforcement

## **6. Key Risks**

- 6.1 PSPOs can be challenged, including on the grounds that proper processes have not been followed as prescribed by the legislation. To mitigate this risk, we have adhered to the minimum prescribed processes and in some cases exceeded them.
- 6.2 Recent case law provides insight into where authorities have been challenged on the content of PSPOs and other anti-social behaviour measures which have been deemed as discriminatory in nature and argued to contravene Convention rights (ECHR). To mitigate this risk, the recommendations for an amended PSPO target the behaviour itself causing distress and/or alarm. In addition, a full equality impact assessment (EQIA) has been completed to understand and consider any unintended consequences of any new restrictions, particularly on those with protected characteristics and vulnerable people. Through the EIA process we have also taken into account the Public Sector Equality Duty.
- 6.3 There is a risk of unmanaged expectations of enforcement from the public and stakeholders. Throughout the process, we have borne in mind the challenges to enforcement for specific behaviours and in the context of the resources available. The PSPO enforcement procedures are included within the recently reviewed draft Enforcement Policy. This Policy has been developed by the Compliance Team, ensuring it is based on the anticipated realities of the Council's resources.

The Policy has been produced in consultation with the PSPO Focus Group and aligned to the changes to the PSPO.

## **7. Financial Implications**

- 7.1 Adoption of the varied PSPO requires producing and displaying statutory notices detailing the conditions of the order. There is a financial cost to this which is within the remit of the Safer Guildford Partnership budget.

## **8. Legal Implications**

- 8.1 The legal foundation and criteria for the making of a PSPO are addressed within the body of the report. The relevant sections (Part 4, Chapter 2, sections 59 and 61) of the Anti-social Behaviour, Crime and Policing Act 2014 provides that a PSPO can only be made, extended and/or varied if certain statutory conditions are met.

- 8.2 The first condition is that:

1. activities carried on in a public place within the authority's area have had a detrimental effect on the quality of life of those in the locality, or
2. it is likely that activities will be carried on in a public place within that area and that they will have such an effect.

- 8.3 The second condition is that the effect, or likely effect, of the activities:

1. is, or is likely to be, of a persistent or continuing nature,
2. is, or is likely to be, such as to make the activities unreasonable, and
3. justifies the restrictions imposed by the notice.

- 8.4 Section 59 of the Act requires that the Council *must be satisfied on reasonable grounds* that the conditions are met.

- 8.5 In terms of the nature of restrictions which can be imposed, section 59 also states that the only prohibitions or requirements that may be imposed are ones that are reasonable to impose in order:

1. to prevent the detrimental effect referred to in subsection (2) from continuing, occurring, or recurring, or
2. to reduce that detrimental effect or to reduce the risk of its continuance, occurrence, or recurrence.

- 8.6 Case law confirms that:

- it is for local authorities, exercising a broad discretion and weighing up competing factors, to assess what amounts locally to detrimental effect
- it is enough if the behaviour has a persistent or continuing effect on 'persons in the area'
- there is no specific minimum burden of proof to satisfy in making a PSPO

- 8.7 A PSPO can impose both positive and negative obligations. Best practice is that a PSPO should not include behaviours which are already covered by other legislation or byelaws. It is also important to bear in mind that Section 70 of the 2014 Act provides that any byelaw creating an offence, which is also an activity regulated by PSPO will be of no effect in relation to the restricted area during the currency of the PSPO. The PSPO has been drafted so as not to impinge on any behaviours which are otherwise also criminal acts.
- 8.8 In addition, Section 72 of the 2014 Act requires Councils specifically to have regard to Articles 10 and 11 of the European Convention on Human Rights. Any PSPO and prohibitions / requirements contained within it must be reasonable and proportionate. This requirement has been considered and savings for these rights are contained within the draft wording.

#### *Challenge to PSPOs*

- 8.9 A PSPO can be challenged by a statutory High Court review process. An *interested person* (an individual who lives in or who regularly works in or visits the restricted area) may apply to the High Court to question its validity, or any variation. The grounds on which a challenge may be made are:
1. that the local authority did not have power to make the order or variation, or to include particular prohibitions or requirements imposed by the order / variation to order); and
  2. that a requirement under the PSPO provisions was not complied with.
- 8.10 There is a statutory time limit on making a challenge which is within the period of 6 weeks beginning with the date on which the order or variation is made.
- 8.11 It is believed that the Council has the power to order the prohibitions suggested for the proposed extension and variation to the PSPO and therefore the risk of any successful defence on this ground is not anticipated.
- 8.12 Legal Services have been engaged throughout the process of the review and have advised on the following legal aspects:
- the right to extend and vary
  - the need for evidence-based proposals
  - the consultation process and appropriate consultees
  - lawfully, appropriate behaviours to be included
  - behaviours that do not satisfy the legal test for inclusion
- 8.13 The report demonstrates that the legal requirement for evidence and a causal link to ASB have been fully understood by officers undertaking the review.

- 8.14 The proposed prohibitions for the extended and varied PSPO are lawfully included through a robust evidence base and balance of the community and the rights of persons affected.
- 8.15 Council must have due regard to the matters set out in section 149 of the Equality Act 2010, which imposes the Public Sector Equality Duty (PSED) in public authority decisions which might affect people with 'protected characteristics' (within the meaning of that expression in the 2010 Act).
- 8.16 Before approving the PSPO the decision-maker(s) must have due regard to the requirements of the PSED.
- 8.17 In conclusion, subject to consideration of the PSED, the Council is *satisfied on reasonable grounds* that the statutory conditions which permit the making of the PSPO are met.

## **9. Human Resource Implications**

- 8.1 A variation to the order places human resource requirements on officers, primarily in the Compliance Team. Both the Head of Environmental and Regulatory Services and the Compliance Lead have contributed to this review and the formulation of the variation. As a result, the variation has been developed in alignment with resources. The mitigation of risks associated with expectations on resources is discussed in section 6 of this report.

## **10. Equality and Diversity Implications**

- 10.1 An Equality Impact Assessment (EIA) has been completed, which encompasses the requirement to have regard to the Public Sector Equality Duty (PSED).
- 10.2 The implications of a variation to the PSPO and the potential unintended consequences of any new restrictions, particularly on those with protected characteristics and vulnerable people has been considered through the EIA, including consideration of the PSED with a view to ensuring that the aims of the PSED are taken into account. The results of this assessment will be considered and taken into account by the final decision-makers.

## **11. Climate Change/Sustainability Implications**

- 11.1 There are no climate change/sustainability implications arising from this report.

## **12. Conclusion**

- 12.1 In order to review the existing PSPO and consider the scope of any changes, we have followed the process set out in the legislative, statutory and LGA guidance.

- 12.2 The diligence applied to the process of this review ensures the recommended variation to the PSPO:
- remains robust to challenge,
  - meets the legal tests, and
  - has been developed with a managed approach to the associated risks
- 12.3 Section 4 of this report summarises the evidence outcomes which support the recommended variation to the PSPO as set out in Appendices 1 and 2.
- 12.4 The PSPO review has highlighted some additional actions which are addressed in the action plan set out in Appendix 3.

### **13. Appendices**

Appendix 1 – Drafted wording of amended PSPO

Appendix 2 – Proposed boundary map of amended PSPO

Appendix 3 – Action Plan

Appendix 4 – Evidence sources

Appendix 5 – Partner survey questions

Appendix 6 – Public survey questions

Appendix 7 – Summary report of the evidence and data analysis

Appendix 8 – Maps (ICADs and postcodes from ASB hotspots as highlighted in public survey)

Appendix 9 - Equality Impact Assessment and Public Sector Equality Duty

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## **Draft Guildford town centre Public Spaces Protection Order (PSPO)**

In the area covered by the Public Spaces Protection Order (“the Restricted Area”):

### **1. Prohibition on consumption of Alcohol in public spaces**

- (1)** No person shall consume alcohol or anything an authorised officer reasonably believes to be alcohol in breach of an authorised officer’s request to cease its consumption.
- (2)** No person shall have an unsealed container of alcohol or anything an authorised officer reasonably believes to be alcohol in breach of an authorised officer’s request to surrender it.
- (3)** 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; 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.
- (4)** This provision does not apply to alcohol being consumed within premises licensed under the Licensing laws.

### **2. Prohibition on use of Psychoactive substances or other intoxicating substances**

- (1)** No person shall ingest, inhale, inject, smoke, possess or otherwise use Psychoactive substances or other intoxicating substances.
- (2)** Nor shall any unlicensed person sell or supply intoxicating substances.
- (3)** 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 cause or contribute to anti-social behaviour; or
- (4)** Where an authorised person reasonably believes that a person intends to ingest, inhale, inject or smoke that substance in circumstances which are likely to cause or contribute to anti-social behaviour, then the Authorised Person can take the following steps:

- iv) To require the person to not ingest, inhale, inject or smoke, any psychoactive substances or other intoxicating substance that has the capacity to stimulate or depress the central nervous system;
- v) To require that the person surrenders up any psychoactive substances or other intoxicating substances, or anything, which the Authorised Person reasonably believes to be 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,
- vi) Disposal of the psychoactive substances or other intoxicating substances in whatever manner they consider to be appropriate in the circumstances.

(5) This prohibition does not apply where:

- i) The substance is used for valid and demonstrable medicinal purpose;
- ii) The substance is a cigarette made with lawful tobacco alone or vaporiser; or
- iii) The substance is a food product regulated by food, health and safety legislation.

### **3. Prohibition on Rowdy and inconsiderate and Anti-Social Behaviour**

(1) Within the Restricted Area all persons, whether individually or in groups, are prohibited from or behaving or inciting others to behave in an anti-social manner which is causing or is likely to cause harassment, alarm or distress to others.

Such behaviour will include:

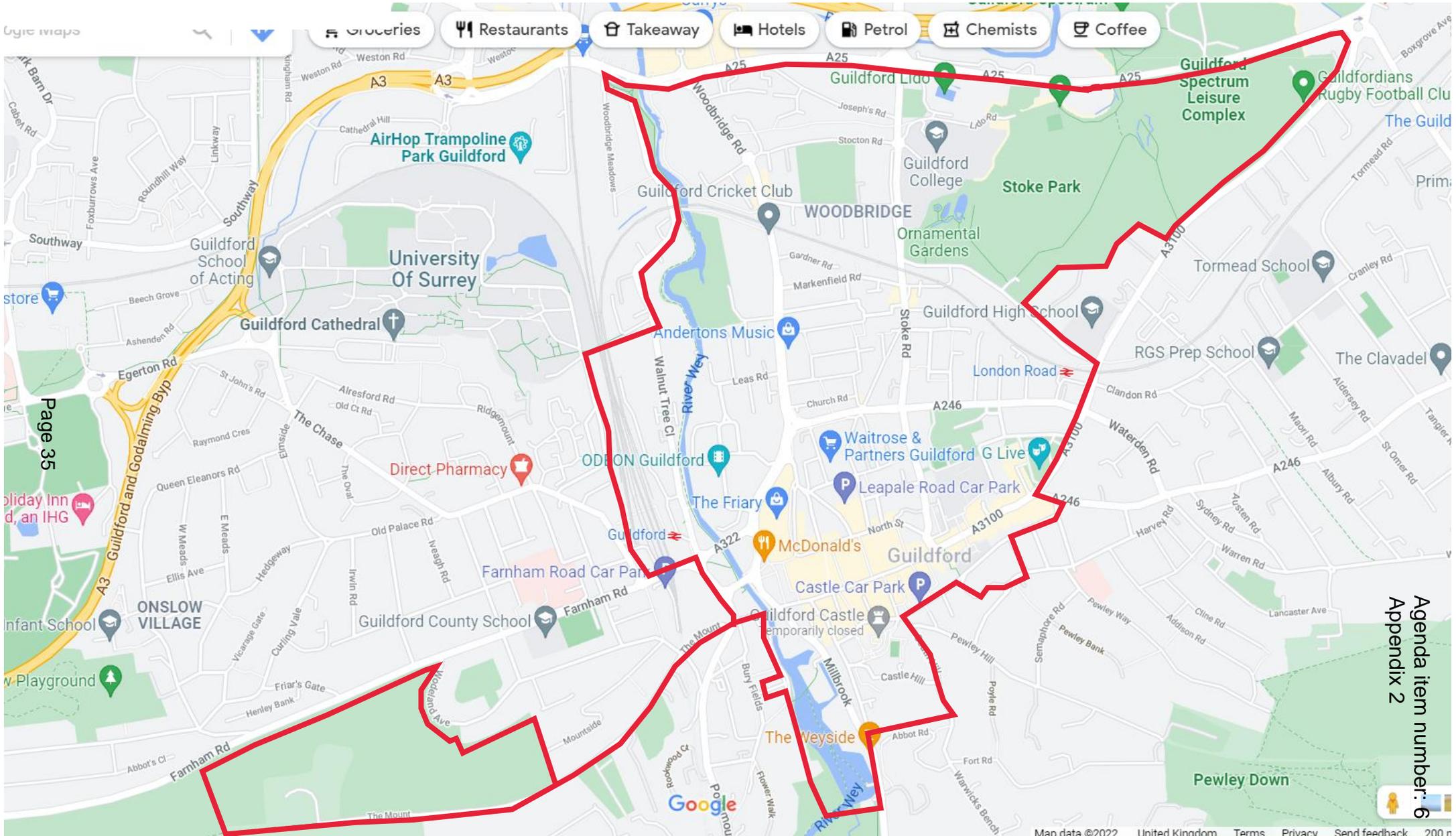
- i) intentionally or recklessly, shouting, using foul or abusive language, screaming, being verbally abusive or acting in a manner that causes, or a reasonable person would believe would be likely to cause, harassment, alarm or distress;
- ii) urinating or defecating in public places other than Public Conveniences;
- iii) acting 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 lawful freedom of expression and freedom of assembly by way lawful demonstrations and other forms of protest or other activities to influence the policy of government, private sector and civil society organisations and individuals.

# PSPO boundary proposal

February 2022  
Pre consultation v1

**DRAFT**



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Appendix 2

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## **Public Spaces Protection Order (PSPO) review outcomes Action Plan 2022-25**

This action plan will deliver against the themes and issues raised through the town centre PSPO review 2021-22. The action plan seeks to compliment the variation to the PSPO in making Guildford a safer place to live, work and visit.

### **Outcomes**

By implementing this action plan we aim to:

- respond to anti-social behaviour (ASB) issues highlighted in the review but out of scope of the PSPO
- respond to ASB issues in locations outside of the town centre
- direct resources to where they are most needed
- ensure consistent and effective enforcement, recording, monitoring and reporting of the PSPO
- raise awareness of the PSPO, its conditions and how it can contribute to a safer town centre

### **Themes:**

1. Behaviours
2. Locations
3. Enforcement
4. Recording, monitoring, and reporting
5. Communications

### **Monitoring our progress:**

Monitoring of this action plan will be through the Safer Guildford Partnership Plan and annual report.

**Public Spaces Protection Order (PSPO) review outcomes  
 Action Plan 2022-25**

<b>Behaviours</b>					
	<b>Behaviour</b>	<b>Evidence</b>	<b>Barrier to PSPO</b>	<b>Action</b>	<b>Responsible</b>
<b>1.1</b>	Littering	90% of public survey respondents felt that litter was a problem in the borough.	<ul style="list-style-type: none"> <li>• Included in existing legislation – FPNs can be served under Section 88 of Environmental Protection Act.</li> <li>• Difficult to witness and enforce.</li> <li>• Unlikely to be enforced by Police.</li> <li>• Limited GBC resources to enforce.</li> <li>• Limited information reported by the public on locations of concern.</li> </ul>	<p>The Council’s Compliance Team to review reports of littering to identify hotspots and fully understand the nature and locations of littering issues within the borough.</p> <p>The Council’s Compliance Team to use this knowledge to target litter hotspots with appropriate education and enforcement action e.g. Days of Action and patrols.</p>	<b>Dympna Sanders</b> Compliance Lead, Environmental & Regulatory Services, Guildford Borough Council

## Public Spaces Protection Order (PSPO) review outcomes Action Plan 2022-25

Behaviours					
	Behaviour	Evidence	Barrier to PSPO	Action	Responsible
1.2	Dangerous / inconsiderate parking in the town centre	<p>Reports from GBC officers.</p> <p>JAG town centre subgroup.</p>	<ul style="list-style-type: none"> <li>• Lack of quantitative data.</li> <li>• Not raised as a concern by the public.</li> <li>• Lack of evidence of detrimental impact on the public.</li> <li>• Lack of enforcement resources / Police unlikely to enforce.</li> <li>• Safety of Council officers enforcing on the highway.</li> <li>• Restrictions of PSPO powers on some highways.</li> </ul>	<p>Guildford Borough Council to consider alternative ASB tools such as Civil Injunctions against repeat offenders.</p> <p>Guildford Borough Council to carry out further research around potential health and safety concerns for enforcing officers and to explore whether some of the issues are parking offences.</p>	<p><b>Mike Smith</b> Senior Specialist Licensing &amp; Community Safety, Environmental and Regulatory Services, Guildford Borough Council</p>
1.3	Begging	<p>Reports from town centre businesses.</p> <p>Reports from Experience Guildford / DISC system.</p>	<ul style="list-style-type: none"> <li>• Included in existing legislation - Section 3 of the Vagrancy Act 1824.</li> <li>• Lack of quantitative data.</li> <li>• Lack of evidence to show a persistent issue.</li> <li>• Lack of evidence of aggressive begging / impact on the public.</li> <li>• Mentioned by only 9 of 500 public survey respondents.</li> <li>• Recent cases of High Court challenge due to breach of human rights.</li> </ul>	<p>Experience Guildford to consider legal advice on alternative ASB tools, such as Civil Injunctions and BCRP (Business Crime Reduction Partnership) warnings against repeat offenders.</p> <p>Experience Guildford to work with town centre partners to ensure those conducting the activity are provided with wider health and wellbeing support.</p>	<p><b>Pete Lambert,</b> Town Centre and Venue Liaison, Experience Guildford</p>

**Public Spaces Protection Order (PSPO) review outcomes  
 Action Plan 2022-25**

<b>Behaviours</b>					
	<b>Behaviour</b>	<b>Evidence</b>	<b>Barrier to PSPO</b>	<b>Action</b>	<b>Responsible</b>
<b>1.4</b>	Roof running	Report from town centre businesses.  Reports from Experience Guildford / DISC system.	<ul style="list-style-type: none"> <li>• Included in existing legislation – trespass.</li> <li>• Not raised as a concern by the public.</li> <li>• Lack of evidence of detrimental impact on the public.</li> <li>• Takes place on private property not in a public space.</li> <li>• Enforcement barriers – witnessing issue and identifying individuals.</li> </ul>	<p>Experience Guildford to consider legal advice on alternative ASB tools, such as Civil Injunctions and BCRP (Business Crime Reduction Partnership) warnings against repeat offenders.</p> <p>Experience Guildford to encourage town centre businesses to improve building security, take action and report.</p>	<b>Pete Lambert,</b> Town Centre and Venue Liaison, Experience Guildford

**Public Spaces Protection Order (PSPO) review outcomes  
 Action Plan 2022-25**

<b>Locations</b>					
	<b>Location</b>	<b>Evidence</b>	<b>Barrier to PSPO</b>	<b>Action</b>	<b>Responsible</b>
<b>2.1</b>	Kingston Meadows, East Horsley	<p>JAG (Joint Action Group)</p> <p>Highlighted in the public survey 4 or more times.</p>	Out of area for town centre PSPO review - lack of robust evidence.	<p>Partners to continue multiagency communication and joint working to address issues.</p> <p>JAG to monitor the situation and concerns through future referrals.</p> <p>JAG to consider further research and evidence gathering for future PSPO consideration if appropriate.</p> <p>Partners to encourage residents and community groups to report when incidents occur to assist with understanding of issues and action necessary.</p>	<p><b>Justine Fuller</b>            Chair,            JAG (Joint Action Group)</p>

**Public Spaces Protection Order (PSPO) review outcomes  
 Action Plan 2022-25**

Locations					
	Location	Evidence	Barrier to PSPO	Action	Responsible
<b>2.2</b>	Ash (Including Coronation Gardens, Winchester Road and Ash Ranges).	JAG (Joint Action Group)	Out of area for town centre PSPO review - lack of robust evidence.	<p>Partners to continue multiagency communication and joint working to address issues.</p> <p>JAG to monitor the situation and concerns through future referrals.</p> <p>JAG to consider further research and evidence gathering for future PSPO consideration if appropriate.</p> <p>Partners to encourage residents and community groups to report when incidents occur to assist with understanding of issues and action necessary.</p>	<b>Justine Fuller,</b> Chair, JAG (Joint Action Group)



**Public Spaces Protection Order (PSPO) review outcomes  
 Action Plan 2022-25**

Enforcement					
	Requirement	Evidence	Previous Barriers	Action	Responsible
				<p>impact on those with protected characteristics when enforcing the PSPO.</p> <p>Surrey Police to ensure enforcing officers receive appropriate training on the PSPO, its conditions and enforcement procedures.</p> <p>Surrey Police to ensure enforcing officers are aware of the PSPO Equalities Impact Assessment and potential impact on those with protected characteristics when enforcing the PSPO.</p>	

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**Public Spaces Protection Order (PSPO) review outcomes  
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Recording, monitoring and reporting					
	Requirement	Evidence	Previous barriers	Action	Responsible
Page 45	<p><b>4.1</b> To record, monitor and report on town centre PSPO breaches and enforcement efficiently and effectively to:</p> <ul style="list-style-type: none"> <li>• understand the impact of the PSPO</li> <li>• direct resources to where they are needed</li> <li>• build the evidence for future PSPO reviews.</li> </ul>	<p>Partner survey.</p> <p>Lack of historical data available.</p>	<p>Lack of training for enforcing officers.</p> <p>Lack of communication and multiagency working.</p> <p>Lack of awareness of the PSPO, its conditions and enforcement procedures.</p> <p>Insufficient monitoring and recording procedures and systems in place.</p>	<p>Guildford Borough Council Compliance Team to continue to work collaboratively with Guildford Police Safer neighbourhood Team and other partners.</p> <p>Guildford Borough Council Compliance Team and Surrey Police Safer Neighbourhood Team to develop and agree a shared approach and process to report and record breaches of the PSPO.</p> <p>Guildford Borough Council Compliance Team to ensure enforcing officers receive appropriate training on reporting and recording breaches of the PSPO.</p> <p>Surrey Police Safer Neighbourhood Team to ensure enforcing officers receive appropriate training on</p>	<p><b>Dympna Sanders,</b>            Compliance Lead,            Environmental and Regulatory Services,            Guildford Borough Council</p> <p><b>Insp. Alick James,</b>            Borough Commander,            Surrey Police</p> <p><b>Justine Fuller,</b>            Chair,            JAG (Joint Action group)</p>

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**Public Spaces Protection Order (PSPO) review outcomes  
 Action Plan 2022-25**

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Recording, monitoring and reporting					
	Requirement	Evidence	Previous barriers	Action	Responsible
Page 46				<p>reporting and recording breaches of the PSPO.</p> <p>JAG to record anecdotal updates on PSPO enforcement through education as part of a standing item on the agenda.</p> <p>JAG to report anecdotal updates on PSPO enforcement through education to the Safer Guildford Partnership Executive on a quarterly basis.</p> <p>GBC Compliance Team to provide data on PSPO breaches and FPNs to the Safer Guildford Partnership Executive on a quarterly basis.</p>	

**Public Spaces Protection Order (PSPO) review outcomes  
 Action Plan 2022-25**

<b>Communications:</b>					
	<b>Requirement</b>	<b>Evidence</b>	<b>Previous barriers</b>	<b>Action</b>	<b>Responsible</b>
4.1	Raised public awareness of the town centre PSPO to: <ul style="list-style-type: none"> <li>• make the PSPO relevant</li> <li>• increase public confidence</li> <li>• respond to public expectations</li> </ul>	Partner survey  57% of public survey respondents were not aware of the current town centre PSPO.	Lack of resource.  No dedicated Communications plan.	Guildford Borough Council to plan and deliver a dedicated and focused public communications campaign to raise awareness of the amended PSPO to those who live, work, and visit the town centre.	<b>Gill Paddington</b> Strategy and Communications (Safer Guildford Partnership) Guildford Borough Council  <b>Emma McBriarty,</b> Strategy and Communications, Guildford Borough Council

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## Appendix 4

### Evidence Sources

#### Partner survey

<b>Date</b>	March 2021
<b>Number of responses</b>	22
<b>Participants</b>	Guildford Borough Council (Parking services, Joint Enforcement Team, Parks) Surrey Police Surrey Fire & Rescue Experience Guildford Riverside Guildford Town Centre Chaplaincy (Street Angels) Alpha University of Surrey Guildford Pubwatch KSS CRC Limited South West Surrey Domestic Abuse Outreach Primary Care Network - General Practice, Surrey and Borders A2dominion Group Boxgrove Park Residents' Association (Chair)
<b>Purpose / use of the information provided</b>	To help direct and inform the review by providing an initial understanding of the extent of ASB, the behaviours and locations.
<b>Note</b>	Some questions allowed participants to select more than one option and therefore percentages will not add up to 100%.

#### Surrey Police ICAD data

<b>Dates covered</b>	1st January 2019 and 23rd March 2021
<b>Locations included</b>	<a href="http://www.police.uk">Guildford Town   Police.uk (www.police.uk)</a> <a href="http://www.police.uk">Onslow and University   Police.uk (www.police.uk)</a>
<b>Note</b>	An ICAD is a record made when the Police are dispatched to respond to a call. The record includes detail the type of behaviour, when it was dealt with and its location. The ICADs studied in this review related to ASB.

#### Public survey

<b>Date</b>	Open 4 June – 2 July 2021
<b>Number of complete responses</b>	439
<b>Number of partial responses<sup>1</sup></b>	244
<b>Note</b>	Some questions allowed participants to select more than one option and therefore percentages will not add up to 100%.

<sup>1</sup> The completion levels of partial responses varied from answering all questions except one to not answering any questions.

Joint Action Group (JAG)

<b>Membership (occasional)</b>	Head of Environment and Regulatory Services (Chair); representatives from Surrey Police (Safer Neighbourhood Team); British Transport Police; Police CCTV control room Manager; Surrey Police Designing Out Crime Officer; Street Angels; Pub Watch; Guildford Action; Riverside; Surrey Fire and Rescue; Experience Guildford; University of Surrey; GBC Policy Officer for Strategy; GBC Park Rangers; GBC Parks and Streetscene Officer; GBC Environmental Control Officers; GBC Compliance Officers; GBC Parking Officers; GBC Homelessness and Advice Officers; GBC Neighbour Housing Officers; Councillor Julia McShane; Ward and Parish Councillors; Neighbourhood Watch; Resident Associations.
<b>Purpose</b>	Guildford Joint Action Group (JAG) is a multi-agency intelligence led local partnership focussed on locations of anti-social behaviour and related crime & disorder. The group deals with the threat, risk and harm to local communities through collaborative problem solving.
<b>Dates covered</b>	2019-2021

**Appendix five – Partner survey questions**

As a key partner for Community Safety in the Borough, we would like to understand your views and experiences of antisocial behaviour (ASB) in order to develop a new Public Space Protection Order (PSPO) for Guildford.

PSPOs are powers available to local authorities to restrict certain problem behaviours and ensure that public spaces are safe and enjoyable for everyone to use.

This survey relates to the review of the town centre PSPO, which currently helps to tackle antisocial behaviour by preventing the drinking of alcohol in town centre public spaces.

Antisocial behaviour is any behaviour that is likely to cause harassment, alarm or distress to others. It can be classed as personal, nuisance or environmental.

We would be very grateful for your help in identifying the main antisocial behaviour types, the effect they are having on the local community and evidence that a PSPO will help tackle the problem.

We are aware that antisocial behaviour has changed due to the current Coronavirus (Covid-19) pandemic and lockdown restrictions. As the PSPO will last for at least three years, it is important for us to focus on long-term issues as well as current ones. The survey will therefore gather your views on long-term, seasonal and lockdown-related behaviour.

This survey should take approximately 10 minutes to complete. Thank you for your participation.

For more information please visit [www.guildford.gov.uk/pspo](http://www.guildford.gov.uk/pspo) or email [communitysafety@guildford.gov.uk](mailto:communitysafety@guildford.gov.uk)

**1. Please fill in your contact details below. \***

Name:   
\*

Organisation:   
\*

Email address:   
\*

Phone number:   
\*

**2. Do you feel the current town centre PSPO effectively tackles alcohol-related antisocial behaviour?**

- Yes
- No
- Unsure

If not, why?

**3. What antisocial behaviour issues do you feel need addressing in Guildford?**

- Alcohol
- Drugs
- Psychoactive substances (Legal Highs)
- Large gatherings
- Noise
- Vandalism, criminal damage or graffiti
- Litter
- Vehicles
- Animals
- Drones
- Fireworks
- Cycling
- Fires / barbecues
- None

Other (please specify):

Comments:

**4. Where do the antisocial behaviour issues you have identified take place?**

Town centre

Residential

Rural

Alcohol	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Drugs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Psychoactive substances (Legal Highs)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Large gatherings	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Noise	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vandalism, criminal damage or graffiti	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Litter	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vehicles	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Animals			
	Town centre	Residential	Rural
Drones	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fireworks	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cycling	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fires / barbecues	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
None	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please provide details of any specific locations.

**5. When do the antisocial behaviour issues you have identified take place?**

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	Long term / Ongoing	COVID / Lockdown related	Seasonal
Alcohol	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Drugs	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Psychoactive substances (Legal Highs)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Large gatherings	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Noise	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vandalism, criminal damage or graffiti	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Litter	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vehicles	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Animals	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Drones	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fireworks	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cycling	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fires / barbecues	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
None	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Please provide any specific details.

**6. Evidencing these issues is key to the PSPO process. What evidence can you provide to prove the scale and impact of the antisocial behaviour issues you have identified?**

- Reporting data
- Incident logs
- Impact statements
- No evidence available

Other (please specify):

Please provide any specific details.

**7. Who is affected by the antisocial behaviour issues you have identified?**

- People who live in the area
- People who work in the area
- People who visit the area
- Vulnerable groups
- Other (please specify):

What is the impact of the antisocial behaviour issues you have identified?

**8. Do you feel that a PSPO is the appropriate method to tackle the antisocial behaviour issues you have identified?**

- Yes
- No
- Unsure

If not, why not and are there any other measures you feel are needed?

**9. How do you feel PSPO enforcement of these issues could benefit those who live, work and visit the area?**

**10. Any other comments or suggestions.**

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## Appendix six – Public survey questions

### Introduction

Thank you for taking time to fill out our survey which will help us to reduce anti-social behaviour in our town centre. It will take around 5 minutes. Before you start please read below:

### What is a PSPO?

A PSPO is a Public Spaces Protection Order, it is used to tackle anti-social behaviour issues and was introduced by the Anti-social Behaviour, Crime and Policing Act 2014. If people break the conditions of the PSPO they can be prosecuted. Anti-social behaviour is any behaviour that is likely to cause harassment, alarm or distress to others.

### Why do we want your feedback?

Our [current town centre PSPO](#) (2020) helps to reduce anti-social behaviour by stopping people drinking alcohol in public spaces. Your views are really important to understand whether we need to change the PSPO or develop other ways to help reduce anti-social behaviour in the town centre and throughout the borough.

Before we change our PSPO we need consult with the Police, owners or occupiers of land within the affected area where reasonably practicable, appropriate community representatives and the general public.

### Coronavirus (Covid-19) impact

We are aware that anti-social behaviour has changed due to the current Covid-19 pandemic and lockdown restrictions. As a PSPO can last for up to three years, it is important for us to focus on long-term issues that existed before lockdown began in March 2020.

### Prefer to complete the survey on paper?

For more information or to request a paper copy of the questionnaire, please visit our website, email [communitysafety@guildford.gov.uk](mailto:communitysafety@guildford.gov.uk) or call 01483 505050.

### About you

The answers to these questions will help us understand who anti-social behaviour in Guildford affects and where it takes place.

#### 1. Are you: (please tick all that apply)

- A resident of Guildford borough
- A visitor to Guildford
- A business owner in Guildford
- A student in Guildford
- 

A worker in Guildford

Other (please specify):

**2. How old are you?**

- 17 or younger
- 18 -24
- 25 -34
- 35 -44
- 45 -54
- 55 -64
- 65 -74
- 75+

Prefer not to say

**3. What is your postcode and the name of your road? (If you are responding to this survey as a Guildford business owner please put the postcode of your business). This information will not be shared and will only be used to better understand the location of anti-social behaviour.**

Postcode:	<input type="text"/>
Name of your road:	<input type="text"/>

**Your experience of anti-social behaviour**

Your answers to these questions will help us understand your experience of anti-social behaviour that existed prior to Covid-19.

**4. How often do you visit Guildford town centre?**

- Every day
- 2 or 3 times a week
- About once a week
- A few times a month
- Once a month

Less than once a month

5. Thinking about your experiences in the town centre pre-Covid-19, to what extent do you agree with the following statement: I feel safe in Guildford town centre...

	Strongly agree	Agree	Neither agree	Disagree nor disagree	Strongly disagree
In the day	<input type="checkbox"/>				
In the evening	<input type="checkbox"/>				
At night	<input type="checkbox"/>				

6. Thinking about your experiences pre-Covid-19, have you been affected by, or witnessed, anti-social behaviour anywhere in the borough of Guildford?

- Yes, I have been directly affected by anti -social behaviour
- Yes, I have witnessed anti -social behaviour
- No
- Not sure

7. Would you say this anti-social behaviour is a persistent problem?

- Yes
- No
- Not sure

8. Would you say this anti-social behaviour has a detrimental effect on your quality of life?

- Yes
- No
- Not sure

9. Which of the following have you been directly affected by or witnessed? (Please tick all that apply)

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- Drinking alcohol
- Drug use (including psychoactive substances/legal highs)
- Litter
- Rowdy or inconsiderate behaviour

Other (please specify):

10. In which general location(s) does this anti-social behaviour take place? (Please tick all that apply).

- Near where you live or near your business premises
- Town centre
- Other residential
- Rural

 Other (please

specify):

11. If there is a specific location where this anti-social behaviour takes place (e.g. road or ward name) please state below.

12. Still thinking about your experience pre-Covid-19, how often does this anti-social behaviour occur?

- Every day
- 2 or 3 times a week
- About once a week
- A few times a month
- Once a month
- Less than once a month

### Current PSPO

The current PSPO in Guildford town centre prohibits the drinking of alcohol in public spaces. The PSPO gives the Police and authorised local authority officers the power to issue fixed penalty notices (FPNs) to tackle alcohol related anti-social behaviour. We want to know how aware you are of this PSPO and how effective you think it is.

13. **Before beginning this survey, were you aware of the current PSPO prohibiting the drinking of alcohol in public spaces in Guildford town centre?**

- Yes
- No

14. **How effective do you think the current PSPO is at tackling alcohol related anti-social behaviour?**

- Very effective
- Effective
- Somewhat effective
- Not effective
- Not sure

### Anti-social behaviours

In order to decide whether or not we need to develop and implement a new PSPO, we want to know if there are any persistent anti-social behaviours pre-Covid-19 causing a detrimental effect on quality of life in the borough.

15. **Thinking about your experiences pre-Covid-19, to what extent do you agree that the below behaviours are a problem in the borough?**

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	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
Drinking alcohol	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Drug use (including psychoactive substances/legal highs)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Litter	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vandalism, criminal damage or graffiti	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rowdy or inconsiderate behaviour	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

If you chose 'other' please specify the behaviours here:

**16. Where do the behaviours you have specified take place? Please tick all that apply.**

- Near where you live or near your business premises
- Town centre
- Other residential
- Rural

 Other (please

specify):

**Locations of anti-social behaviours**

In order to decide whether or not we need to develop and implement a new PSPO, we want to know if there are any persistent anti-social behaviours pre-Covid-19 causing a detrimental effect on quality of life in the borough.

**17. Thinking about your experiences pre-Covid-19, where do the anti-social behaviours listed below take place? Please tick all that apply. Please use the comment box below to list any specific locations.**

	Not a problem behaviour	Town centre	Residential	Rural	Not sure
Drinking alcohol	<input type="checkbox"/>				

	Not a problem	Town centre	Residential	Rural	Not sure
behaviour					
Drug use (including psychoactive substances/legal highs)	<input type="checkbox"/>				
Litter	<input type="checkbox"/>				
Vandalism, criminal damage or graffiti	<input type="checkbox"/>				
Rowdy or inconsiderate behaviour	<input type="checkbox"/>				

If there is a specific location where this anti-social behaviour takes place (e.g. road or ward name) please state below.

**18. Still thinking about your experiences pre-Covid-19, how frequently do these behaviours take place?**

- Every day
- 2 or 3 times a week
- About once a week
- A few times a month
- Once a month

Less than once a month

**Impact of anti-social behaviour**

We need to understand the impact anti-social behaviour is having in order to decide whether or not a PSPO is the right tool to tackle it.

**19. What impact do these behaviours have on you?**

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- Feeling unsafe/fear
- Intimidation
- Violence
- Physical risk (e.g. broken glass)
- Loss of amenity (benches)
- No impact
- Other (please specify):

**Other comments**

We welcome your views.

**20. Do you have any further comments?**

- No
- Yes

If yes please enter your comments below:

**16. What happens next?**

All responses to the consultation will be analysed and carefully considered along with evidence provided by key partners and Surrey Police. This will help us determine whether a PSPO is the right tool to address problem behaviours and will help us draft a proposal for a new Order. This draft order will be published for further consultation before being adopted.

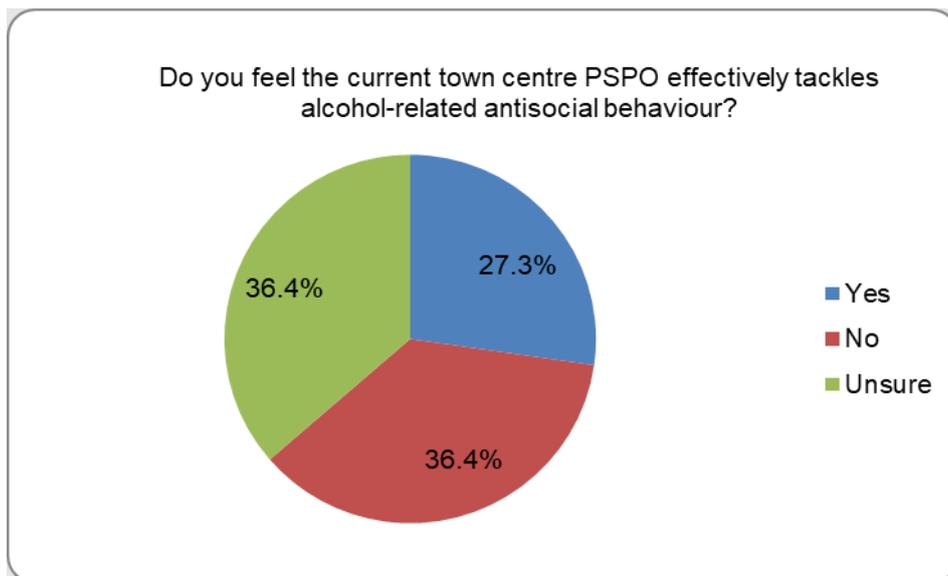
If implemented, the PSPO will be introduced for a maximum of three years and reviewed on a regular basis.

## Appendix 7 summary of key evidence

1. This appendix provides a summary of the key evidence gathered, analysed, and discussed with partners, through the process of the review.
  - 1.1 Appendix 4 of this report provides reference to the evidence sources referred to in this appendix including where applicable, the periods covered, the range, scope, purpose, and context of the evidence.
2. **Response to the existing PSPO**
  - 2.1 To assess the need for an additional or amended PSPO we reviewed the current town centre PSPO. The impact and perception of the current PSPO is important to understand, to be able to ascertain whether a new PSPO is the right measure and, if so, how it should be enforced and communicated.

### *Partner survey*

- 2.2 When asked about the effectiveness of the current PSPO in tackling alcohol related ASB the partner survey respondents gave mixed answers, with only 27% saying they thought it was effective. An equal proportion of respondents were unsure of its effectiveness compared to those who thought it was not effective (Figure 1).



**Figure 1: Partner survey question relating to the effectiveness of the current town centre PSPO**

- 2.3 It is important to understand the reasons for these responses. A low response to effectiveness of the current PSPO does not automatically justify an additional or amended PSPO. Understanding the reasons, the current PSPO is perceived to be ineffective may help determine measures to increase impact of future PSPOs.

### *Intergraph Computer Aided Dispatch System (ICADs)*

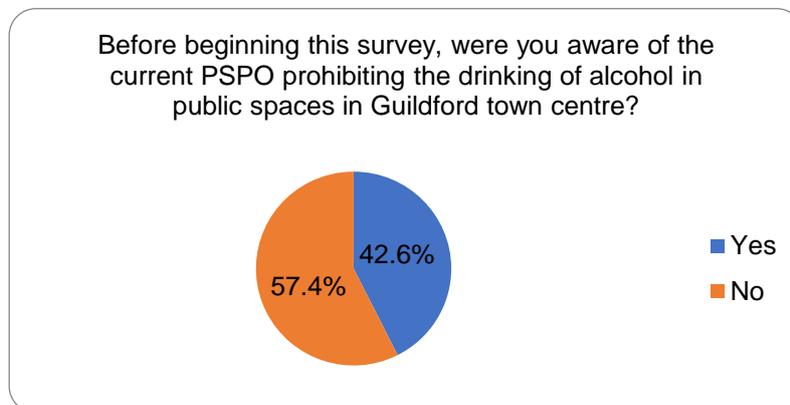
- 2.4 An ICAD is a reference given when the Police are dispatched to respond to a call. The record includes detail of the type of behaviour when it was dealt with and its

location. We collected data on ASB related ICADs to analyse and understand the behaviours and locations in Guildford (referenced in Appendix 4).

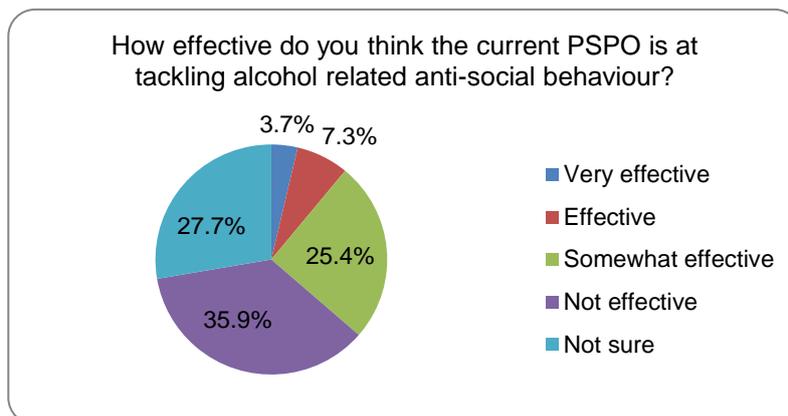
- 2.5 Out of the more than 2,600 incidences between 1<sup>st</sup> January 2019 and 23<sup>rd</sup> March 2021, only 53 related to street drinking. This could suggest the PSPO is effective at preventing alcohol consumption. However, it is also possible that alcohol consumption leads to more serious and frequent offences such as 'rowdy and inconsiderate behaviour' which is a different ICAD category of behaviour. Furthermore, not all street drinking incidences need recording through an ICAD and therefore conclusions cannot be drawn from this finding.

*Public survey*

- 2.6 57% of respondents to the public survey were not aware of the current PSPO in the town centre (figure 2). Additionally, 35.9% of respondents to the public survey did not think the current PSPO is effective (figure 3).



**Figure 2: Public survey question relating to awareness of the existing PSPO**



**Figure 3: Public survey relating to effectiveness of the existing PSPO**

- 2.7 Over half of the remaining responses (53.1%) to the public survey regarding effectiveness of the PSPO (Figure 3), were either not sure or thought it was somewhat effective. Only 11% of respondents felt the PSPO was either very effective or effective.

- 2.8 Public perception of the effectiveness of the current PSPO is important as it helps us understand how the restrictions are impacting residents and how they could be better enforced. The feedback received from residents will also help us plan and publicise any additional or amended PSPOs.

*Joint Action Group (JAG)*

- 2.9 JAG agendas from the past three years were studied and those most frequent locations (21) which were also identified through the partner and public surveys were analysed.
- 2.10 The evidence from reviewing the JAG agendas is not quantifiable or robust in isolation. However, it does provide an additional lens through which to consider the persistent nature of behaviours and reoccurrence of locations featuring ASB relating to alcohol. Used alongside the other evidence, it has been used when considering a geographical extension of the PSPO.
- 2.11 In summary:
- Persistent behaviour refers to locations on the JAG agenda that appeared in more years than one.
  - 13 of the 21 locations analysed were within the current PSPO boundary.
  - Over half of the 13 locations within the boundary had alcohol as an offending behaviour. This ratio is consistent with those locations outside of the boundary.
  - 11 of the 21 locations were persistent.
  - 10 of the 11 persistent locations featured alcohol.
  - 6 of the 10 persistent behaviours featuring alcohol were within the current PSPO boundary.
- 2.12 The above suggests locations with alcohol related ASB are more likely to be a persistent problem and therefore an effectively enforced PSPO would be suitable to address this behaviour.

*Outcomes- existing PSPO*

- 2.13 The feedback from partners and results of the public survey demonstrated that the enforcement and awareness of the current PSPO are key areas that need to be improved. In response, actions to review our corporate Enforcement Policy and to deliver a public communications campaign are included in the action plan set out in Appendix 3 of the report.
- 2.14 The newly established Compliance Team have engaged fully in this review and have progressed the review of our corporate Enforcement Policy in line with the new service structure and available resources. The revised draft policy and procedure sets out enforcement of PSPOs. This revised draft policy, and the updated procedures are an agenda item for Executive on 28 April 2022.

### 3. Locations

#### Partner survey

- 3.1 Partners reported that the town centre was the most common location for ASB for all behaviours listed except noise and fireworks – both of which were rated more common in residential areas (Figure 4).
- 3.2 The most frequently cited areas in response to this question were in the town centre but Stoughton Road and the recreation ground were also mentioned.

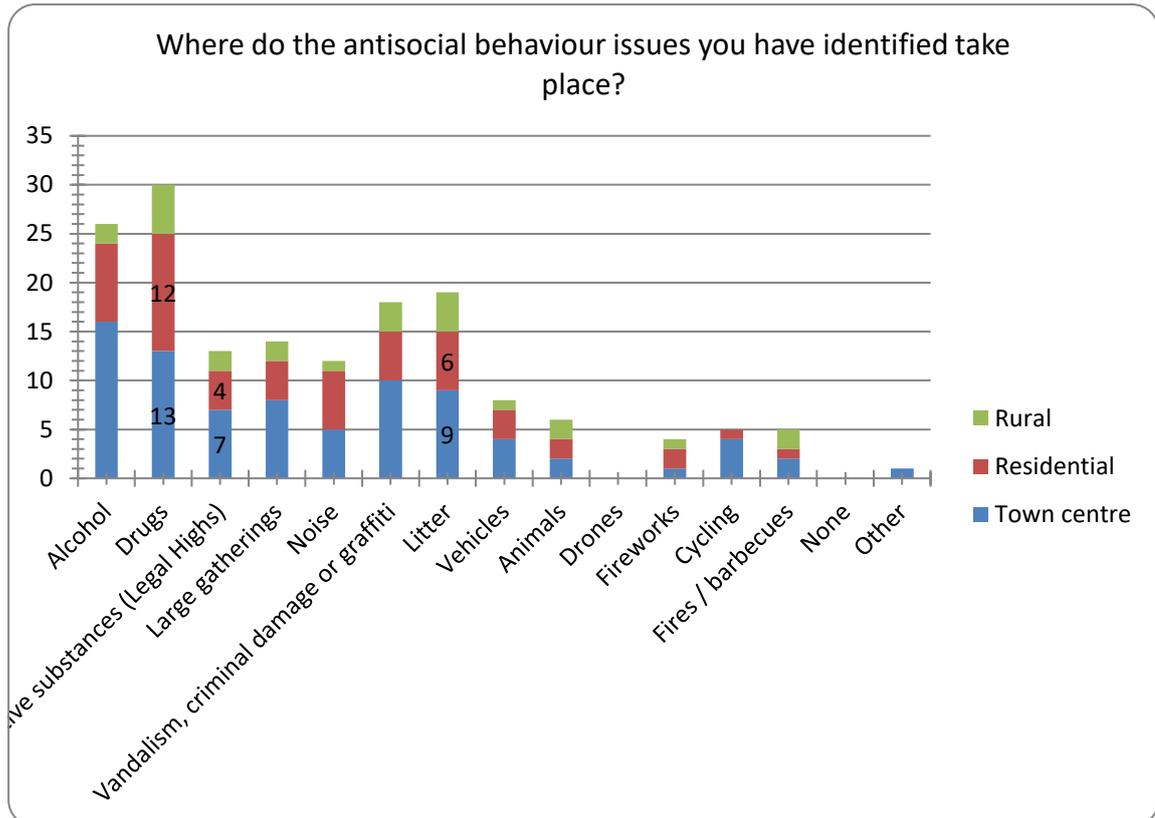


Figure 4: Partner survey relating to locations of identified anti-social behaviour

ICADs

3.3 Like the results of the partner survey, the ICADs show the town centre as the most common location for ASB. 'Guildford residential' is second most common which is to be expected given the term 'residential' covers a significantly larger area than any other. The volume of incidents attributed to Stoke is significant, particularly as it is nearly double those of the next most frequently cited location (Figure 5).

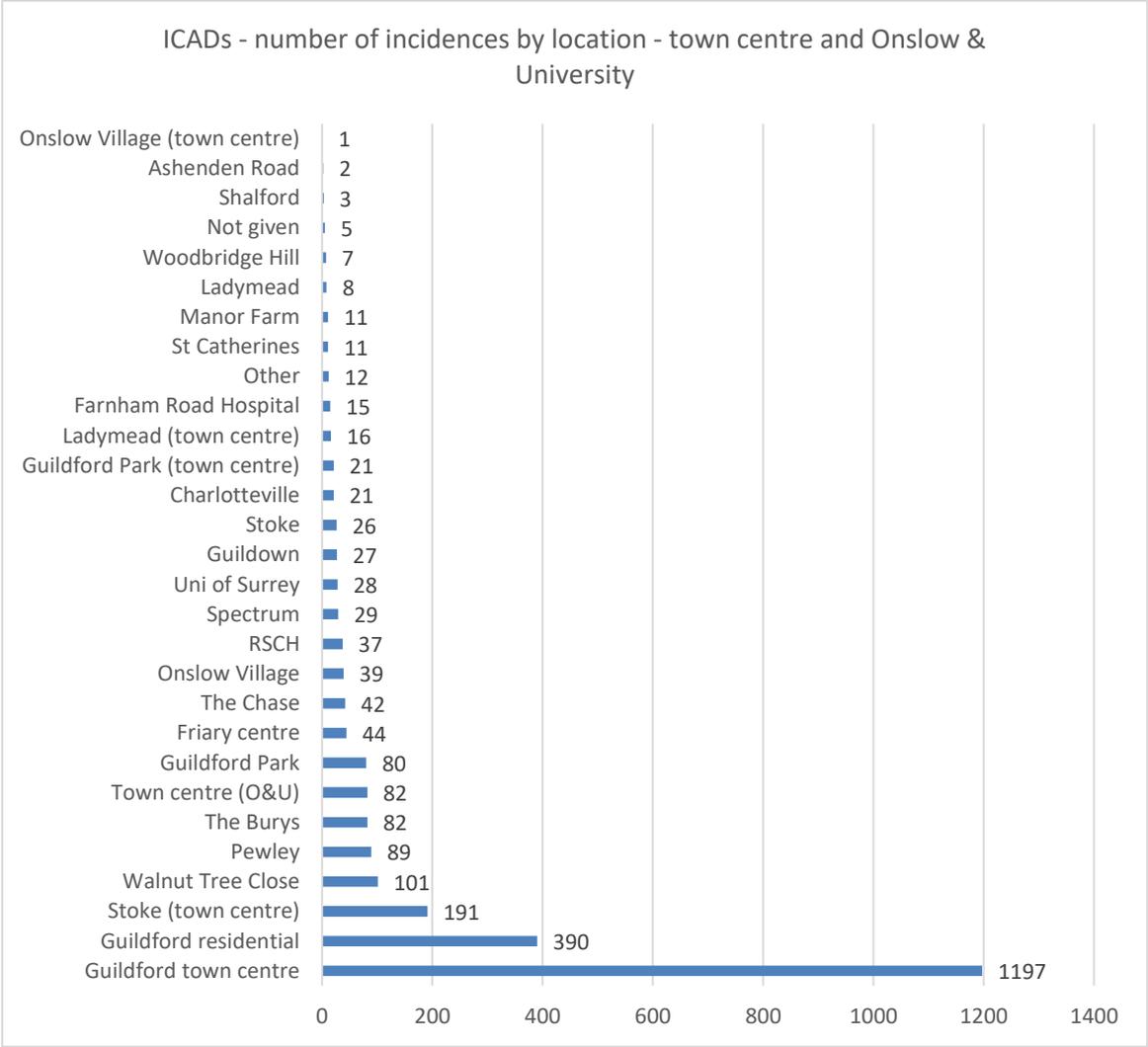


Figure 5: ICAD’s no of incidences by location

3.4 Appendix 8 of the report provides a map of the ICAD’s, demonstrated by red dots. The mapped areas covered within the review are provided in Appendix 4. Most incidences are within the central town centre with ‘hotspots’ such as York Road, Bedford Road, North Street and the High Street. These locations are already within the PSPO boundary. The 3 areas not already within the PSPO boundary with a high number of ICAD’s are Stoke Park, Joseph’s Road and The Mount.

*Public survey*

- 3.5 Of the 74% of respondents that said they had been directly affected by or witnessed ASB, over 57% said their experience was near where they live (or near their business premises if they completed the survey as a business owner). More than 65% said their experience was in the town centre with just 18.6% and 13.6% saying it was in 'other residential' or 'rural'.
- 3.6 The orange shapes on the map in Appendix 8 represent the locations of the 186 respondents that said the ASB was near where they live or their business premises. The highest concentration is within the town centre area which supports the appropriateness for an additional or amended PSPO.
- 3.7 Over 170 respondents provided the names of specific locations where the anti-social behaviour they have witnessed or experienced takes place. The specific locations that were mentioned more than four times are included in the table below, those that are greyed out are within the existing PSPO boundary.

Bedford Road (including car park)	Allen House Grounds
Bushy Hill	Bridge Street
Leapale Road car park	High Street
North Street	Town centre
Stoke Park	Walnut Tree Close
The Mount	York Road (including car park)

**Table 1: ASB locations cited more than 4 times in public survey**

- 3.8 Most of these locations are within the town centre and the vast majority have featured on JAG agendas in the last three years. This is consistent with the town centre being the most appropriate area for an additional or amended PSPO. It also indicates that the JAG agendas are a reliable source of information on ASB that reflects the experiences of the public. It is notable that Stoke Park and The Mount have featured as common locations for ASB in both the ICAD data and the public survey.
- 3.9 There were 2 additional locations for ASB mentioned more than 4 times in the public survey responses. Kingston Meadows and Raymond Crescent. The ICAD data does not cover as far north-east as Kingston Meadows and Raymond Crescent does not feature on any JAG agendas either as a one-off or reoccurring.

- 3.10 Not all areas with ICADs or postcode markers are appropriate for including in a PSPO due to a lack of additional evidence and/or inability to meet the legal tests. However, the public survey provides a useful understanding of the perception of ASB in Guildford. The map and data will be shared with the JAG as supporting information when considering location-based solutions to ASB.

*Joint Action Group*

- 3.11 Most locations highlighted repeatedly through the partner and public surveys featured on at least one JAG agenda from the last 3 years. This correlation suggests those locations are the key ones to consider for any amendments to the current PSPO, if they are not already covered.
- 3.12 There were five locations that featured more than once on a JAG agenda not covered by the current PSPO. Those locations were:
- Joseph's Road
  - Lido Road car park
  - The Mount
  - Ash (general, Coronation Gardens, Winchester Road and Ash Ranges)
  - Kingston Meadows in East Horsley

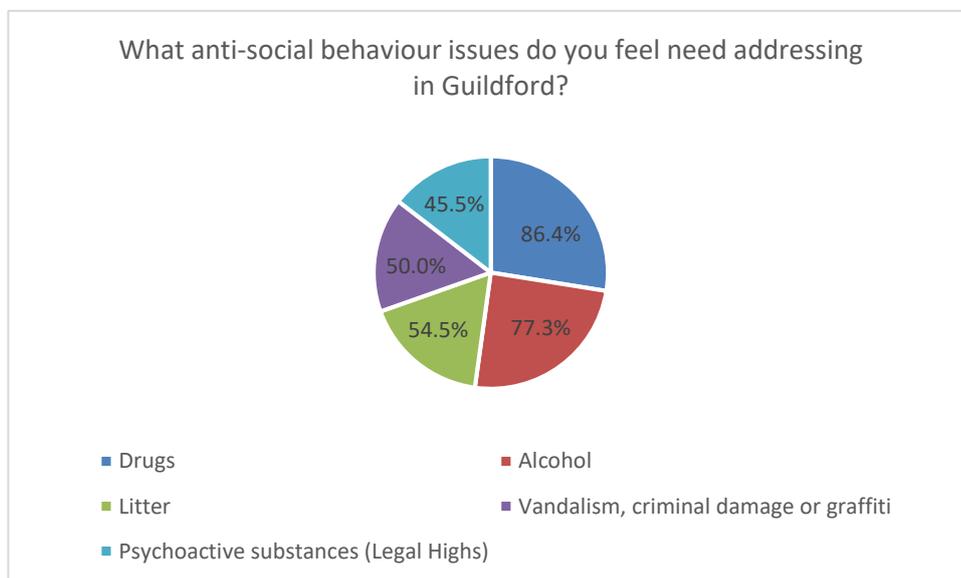
*Outcomes- Locations*

- 3.13 Joseph's Road, The Mount and Lido Road car park featured on the JAG agendas and have multiple ICADs recorded. Additionally, The Mount was raised consistently in the public survey results.
- 3.14 The Mount and Stoke Park both feature on the JAG, ICADs and the public survey.
- 3.15 The location evidence supports the extension of the existing PSPO to include The Mount and Stoke Park. The proximity to Stoke Park of Lido Road and Joseph's Road is significant. Extending the boundary to include those areas, will ensure clarity of boundaries and prevent displacement of behaviours.
- 3.16 The scope of additional evidence collected for this PSPO review was limited to the town centre area. The action plan in Appendix 3 contains further information on how the issues raised through the public survey and the review of JAG agendas will be taken forward.

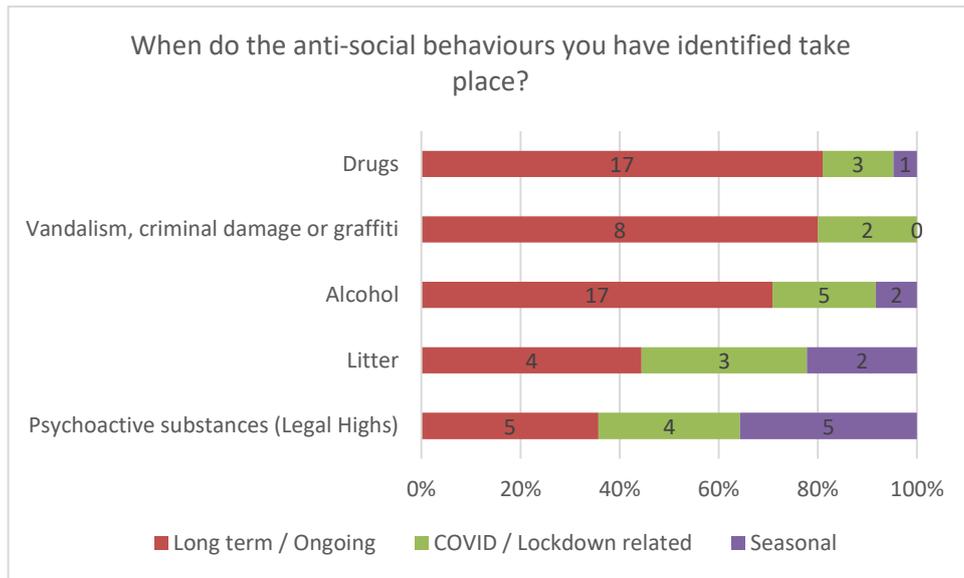
#### 4 Behaviours

##### Partner survey

- 4.1 The partner survey questions asked were intentionally broader and the possible answers provided were more extensive, as the results from this survey were used to form the basis for the questions in the public survey.
- 4.2 The ASB covered by a PSPO must be evidenced to be persistent. Acknowledging the impact of Covid 19, partners were asked to describe each behaviour as long-term/ongoing, COVID-19/lockdown related or seasonal.
- 4.3 When asked what anti-social behaviours need addressing in Guildford, the highest response was drugs, with alcohol the second most popular and litter the third (Figure 6).



**Figure 6: Partner survey relating to ASB behaviours needing addressing**



**Figure 7: Partner survey relating to persistent behaviours**

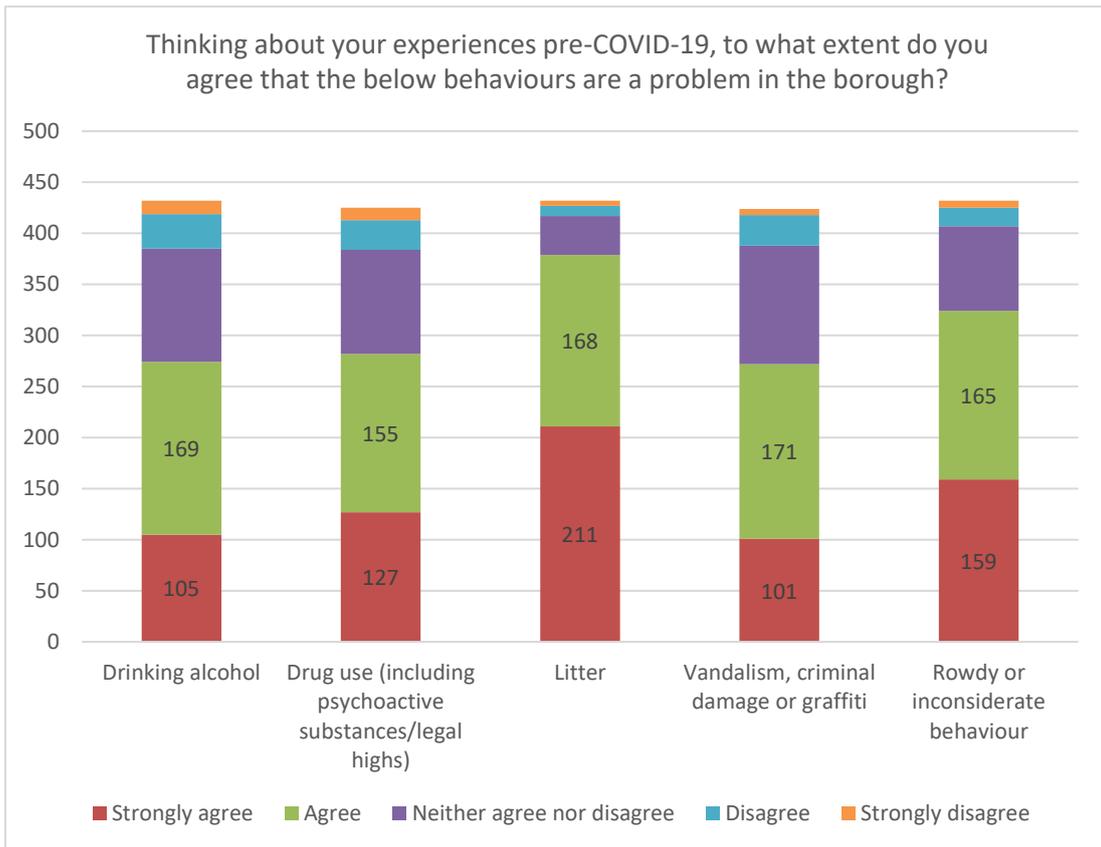
4.4 Figure 7 helps identify the persistence of those behaviours that were selected by at least half of respondents. Drugs, vandalism, criminal damage or graffiti and alcohol were most likely to be described as long-term/ongoing.

*Public survey*

4.5 Respondents to the public survey were asked both if they had been directly affected or witnessed ASB and what their general view was about the types of behaviours that are a problem in the borough. Throughout the survey respondents were asked about their experiences of ASB pre-COVID-19 given that a new or varied PSPO may be in effect for three years, potentially outlasting the changes to ASB trends brought on by the pandemic and national restrictions.

4.6 As a result of feedback from partners, drugs and psychoactive substances were listed together in the public survey due to the perceived difficulty in determining whether ASB is linked to one or the other. ‘Rowdy or inconsiderate behaviour’ was also included as a possible answer as it was by far the most common category of behaviour listed in the ICADs from Surrey Police.

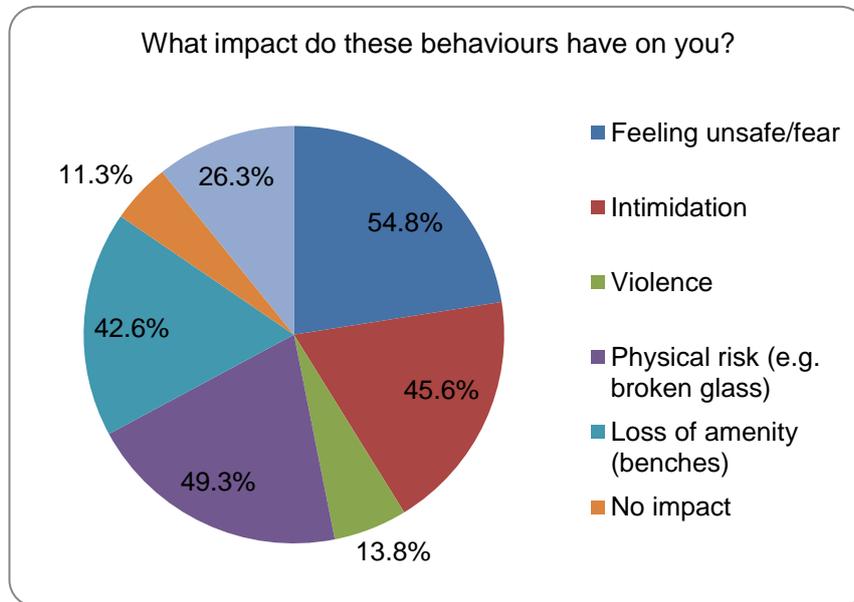
4.7 When asked about their general view of ASB, almost 50% of respondents strongly agreed that litter was a problem in the borough, and almost 40% agreed (Figure 8).



**Figure 8: Public survey relating to problem behaviours**

- 4.8 Three quarters of respondents said they strongly agreed or agreed, that rowdy or inconsiderate behaviour was a problem.
- 4.9 Drugs and alcohol were not deemed as much of a problem by the public respondents as were identified by partners.

4.10 When asked how frequently the behaviours listed in figure 8 take place 67% of respondents said at least weekly, with over 30% saying 2 or 3 times a week. This finding is important as the ASB covered by a PSPO must be persistent. Whilst it can be distressing, there are more suitable tools available than a PSPO to tackle one-off or infrequent ASB.

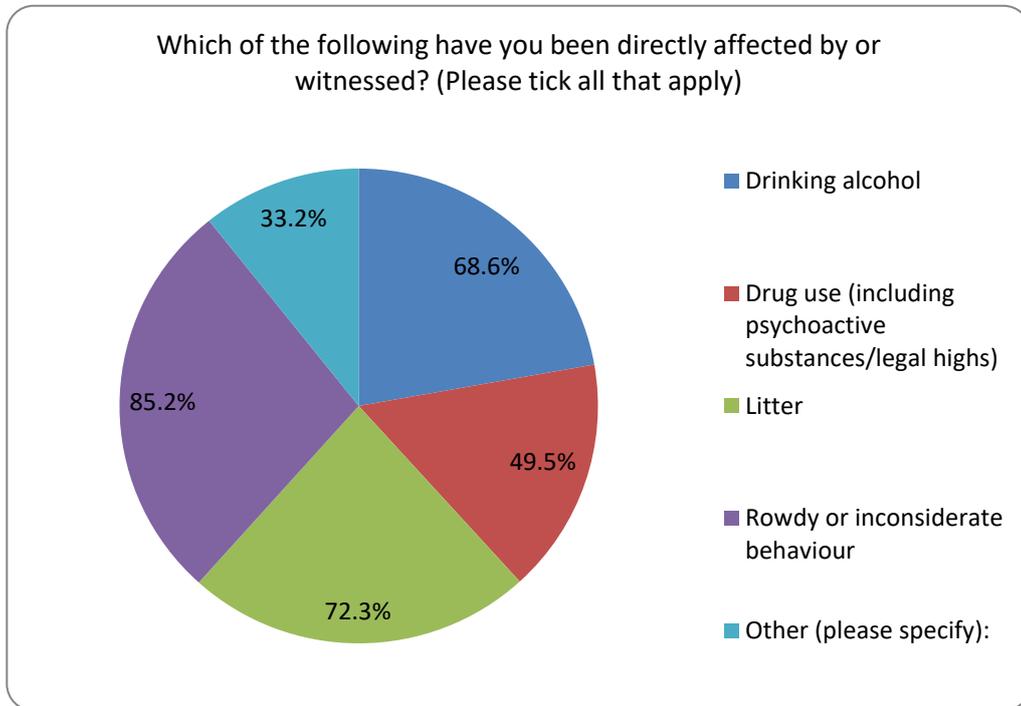


**Figure 9: Public survey relating to the impact of ASB on quality of life**

4.11 Respondents were asked to indicate the impacts the behaviours have on their quality of life. Six potential impacts were listed, with every respondent given the opportunity to list alternatives. The most common effect mentioned but not listed was loss of sleep, with 7% of respondents saying the ASB affected them in this way. Just over 11% said the ASB has no impact on them (Figure 9).

4.12 Respondents were also asked about their personal experiences of ASB. Nearly three quarters of respondents had been directly affected by or witnessed ASB, with around 67% of those saying it was persistent and had a detrimental impact on their quality of life. These results of the public survey show that the behaviours affecting the public are seen to be persistent and detrimental.

- 4.13 When asked which behaviours respondents had been directly affected by 'rowdy and inconsiderate behaviour' and litter were the most common, with 85% and 72% respectively (Figure 10).

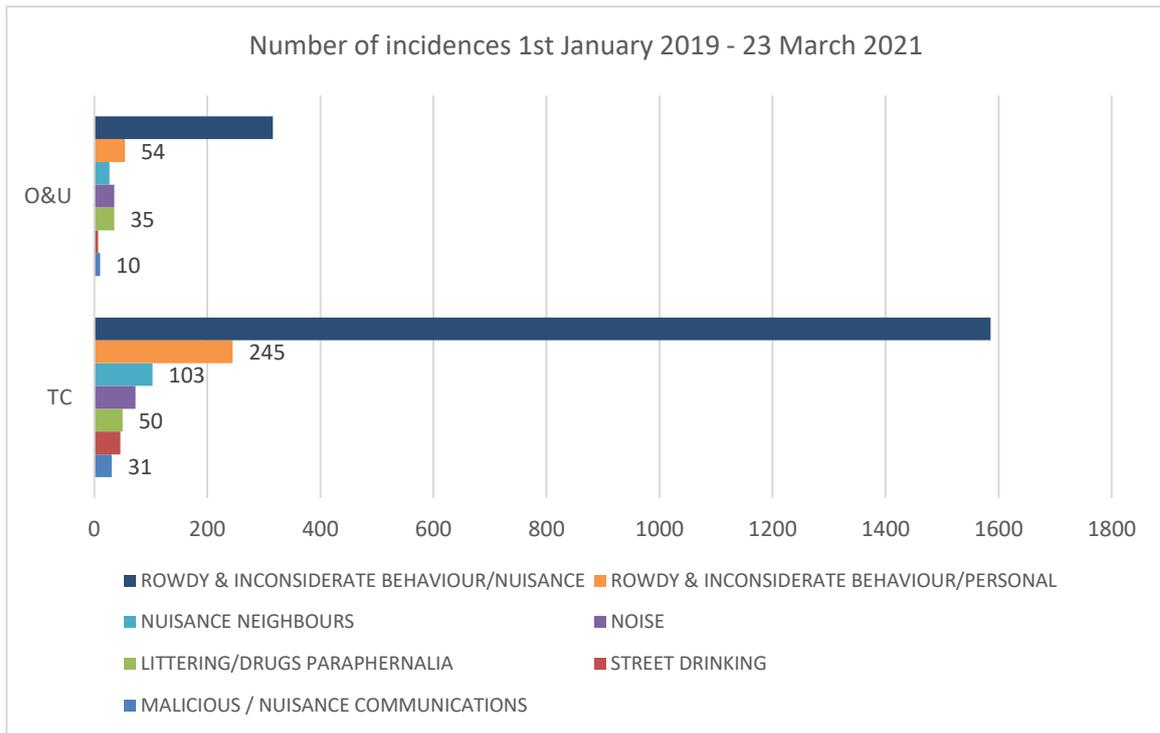


**Figure 10: Public survey relating to direct effect of behaviours**

- 4.14 Alcohol related ASB scored highly, with 68% of respondents saying they had been directly affected or witnessed it.
- 4.15 Drug use including psychoactive substances/legal highs scored just less than 50%.
- 4.16 Nearly 69% said alcohol affects them at least once a week with a quarter saying every day and another quarter saying 2 or 3 times a week. This frequency can be classed as persistent and therefore suggests that the ASB related continues to be relevant for a PSPO.

#### ICADs

- 4.17 The incidences recorded through ICADs have been categorised under one of seven types of ASB. Figure 11 shows the number of incidences for both Guildford Town and Onslow & University by type. Some data labels have been added to help show the scale.



**Figure 11: Number of ICAD incidences Guildford Town and Onslow & University by type**

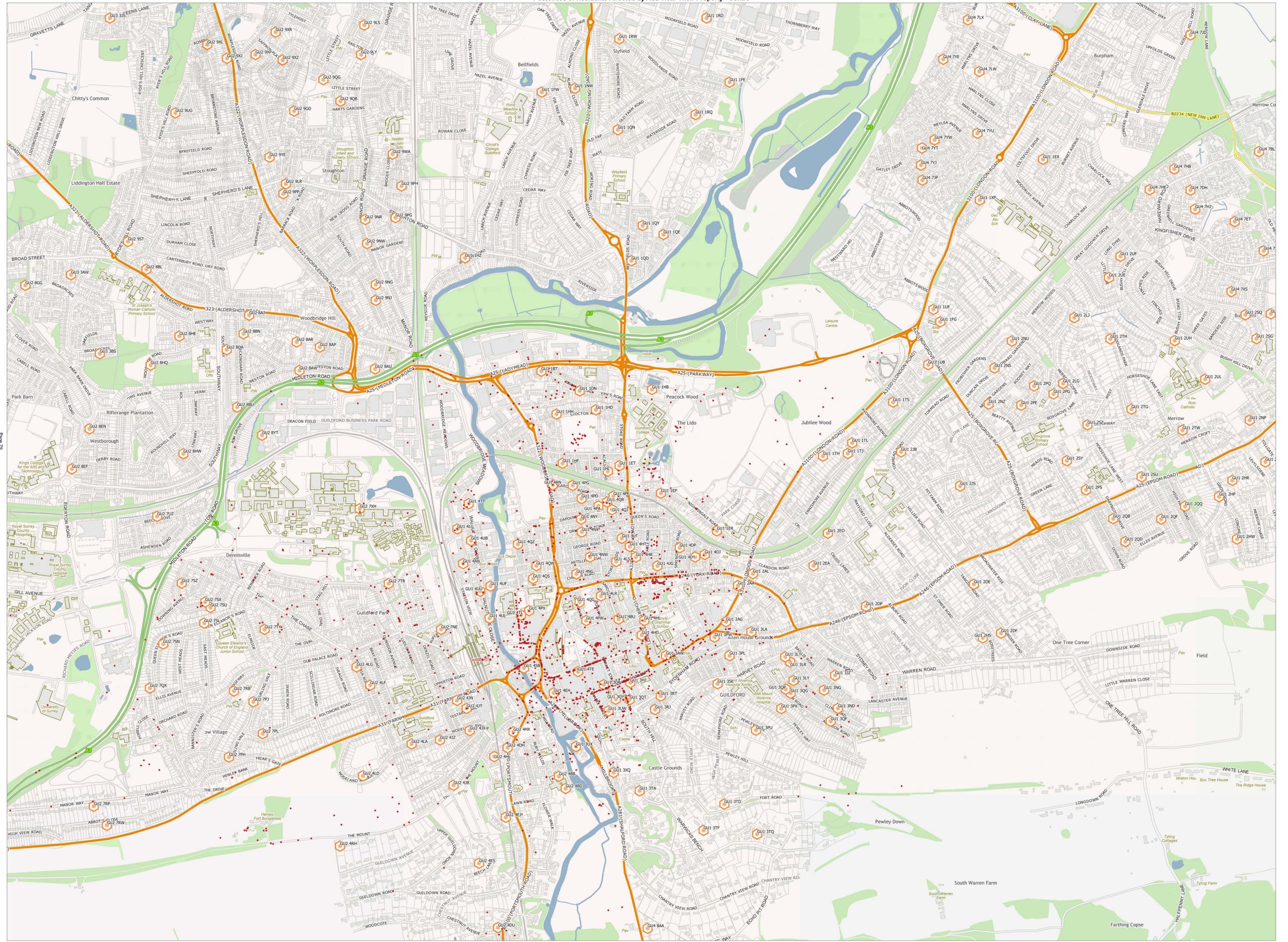
4.18 Rowdy and inconsiderate behaviour is by far the most frequent behaviour recorded through the ICADs for both areas. When ordered by frequency the order of the behaviours is almost the same across the two different areas, with only ‘nuisance neighbours’ and ‘noise’ ranking slightly differently. This suggests both areas experience similar ASB issues, with the town centre experiencing them at a higher frequency – as is to be expected.

*Outcomes- Behaviours*

- 4.19 Consideration of behaviours to include in a PSPO must be given in the context of other tools that are available through legislation and of the impact and frequency.
- 4.20 Given the extensive number of ICADs categorised under ‘rowdy and inconsiderate behaviour’ and the fact that over 85% of public survey respondents who had directly experienced or witnessed ASB said this behaviour had affected them, ‘rowdy and inconsiderate behaviour’ is presented as persistent and detrimental.
- 4.21 Legal highs/psychoactive substances appeared as the fifth most common ASB according to partners whilst drugs/psychoactive substances ranked third on the public survey. Possession of psychoactive substances is not an offence, but the ASB associated with it can be argued to cause alarm and distress. Further consultation with Surrey Police suggests that including the possession and use of legal highs/psychoactive substances may prevent associated ASB.
- 4.22 Existing legislation is available to address illegal drug use, vandalism, criminal damage, and graffiti. These behaviours do not require additional PSPO powers to enforce against them.

- 4.23 Alcohol-related ASB is already covered in the existing PSPO. As highlighted earlier in this report, increased awareness of the existing restrictions alongside a revised enforcement approach is necessary to continue to address this ASB.
- 4.24 Whilst littering was ranked the behaviour most affecting the public, there was limited supporting evidence from other sources. Littering is also already an offence under the Environmental Protection Act 1990. PSPO powers are not required to enforce against littering. Our Compliance Team has committed to undertaking more detailed work to understand the nature of the littering affecting Guildford, including the locations and the days and seasons. The Appendix 3 action plan contains more information on this work.

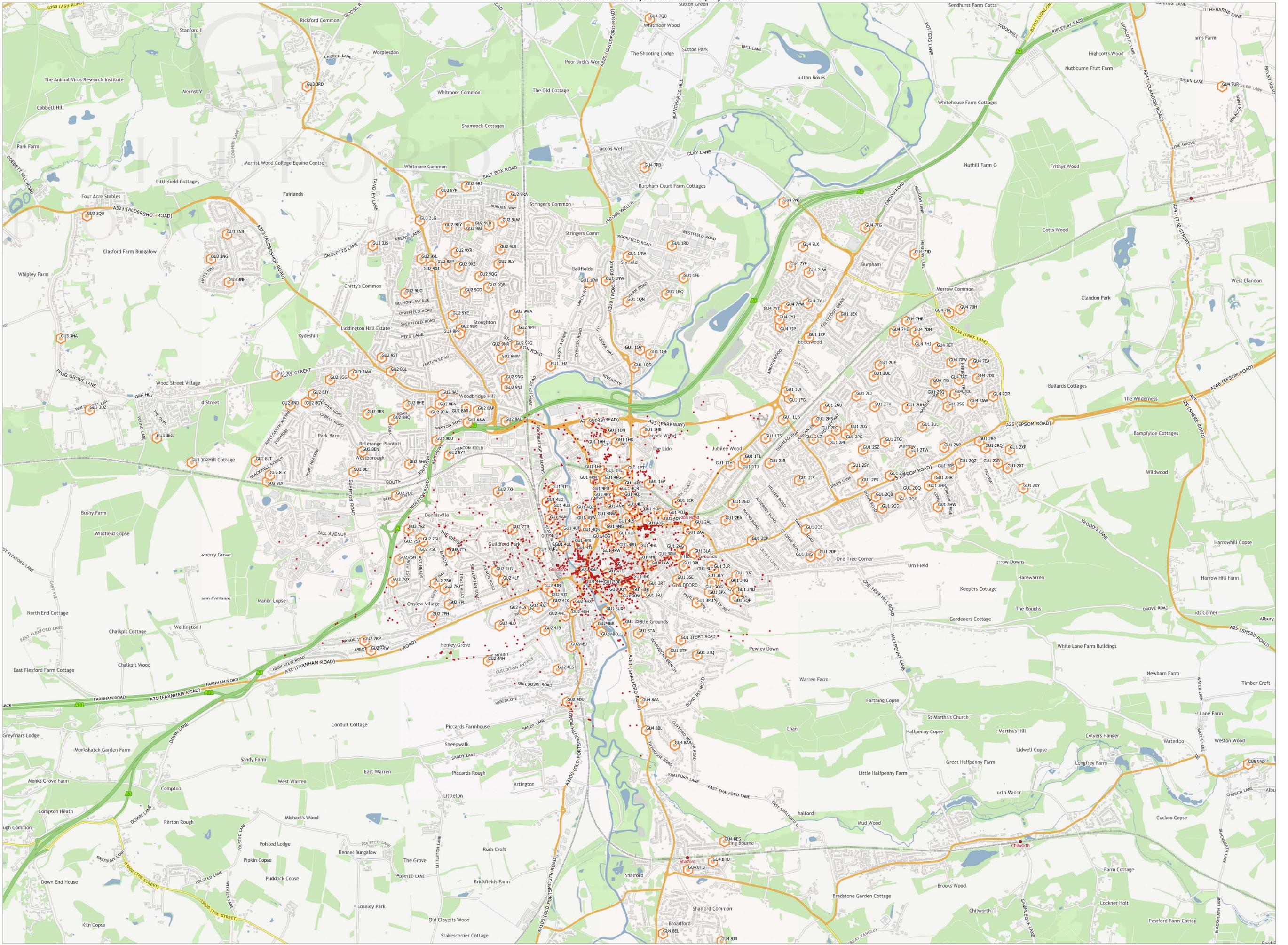
Postcodes of Residents Affected by ASB Near Their Property - Centre



**Legend**

- PSPO
- Postcodes of residents affected by ASB near their property

Postcodes of Residents Affected by ASB Near Their Property - Centre



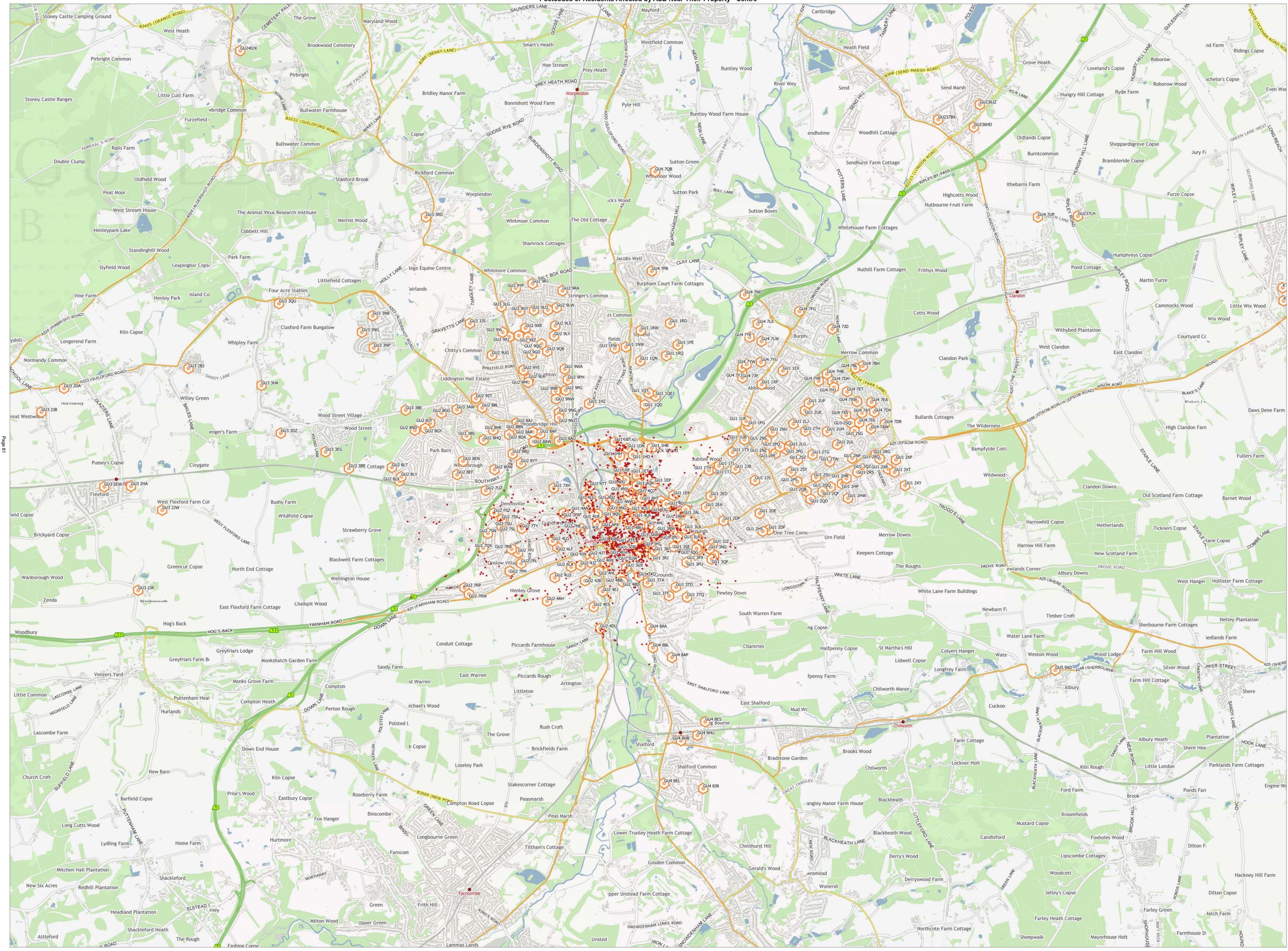
**Legend**

- PSPO
- Postcodes of residents affected by ASB near their property

Publication Date: 2022-01-17  
Scale at A0: 1:10000  
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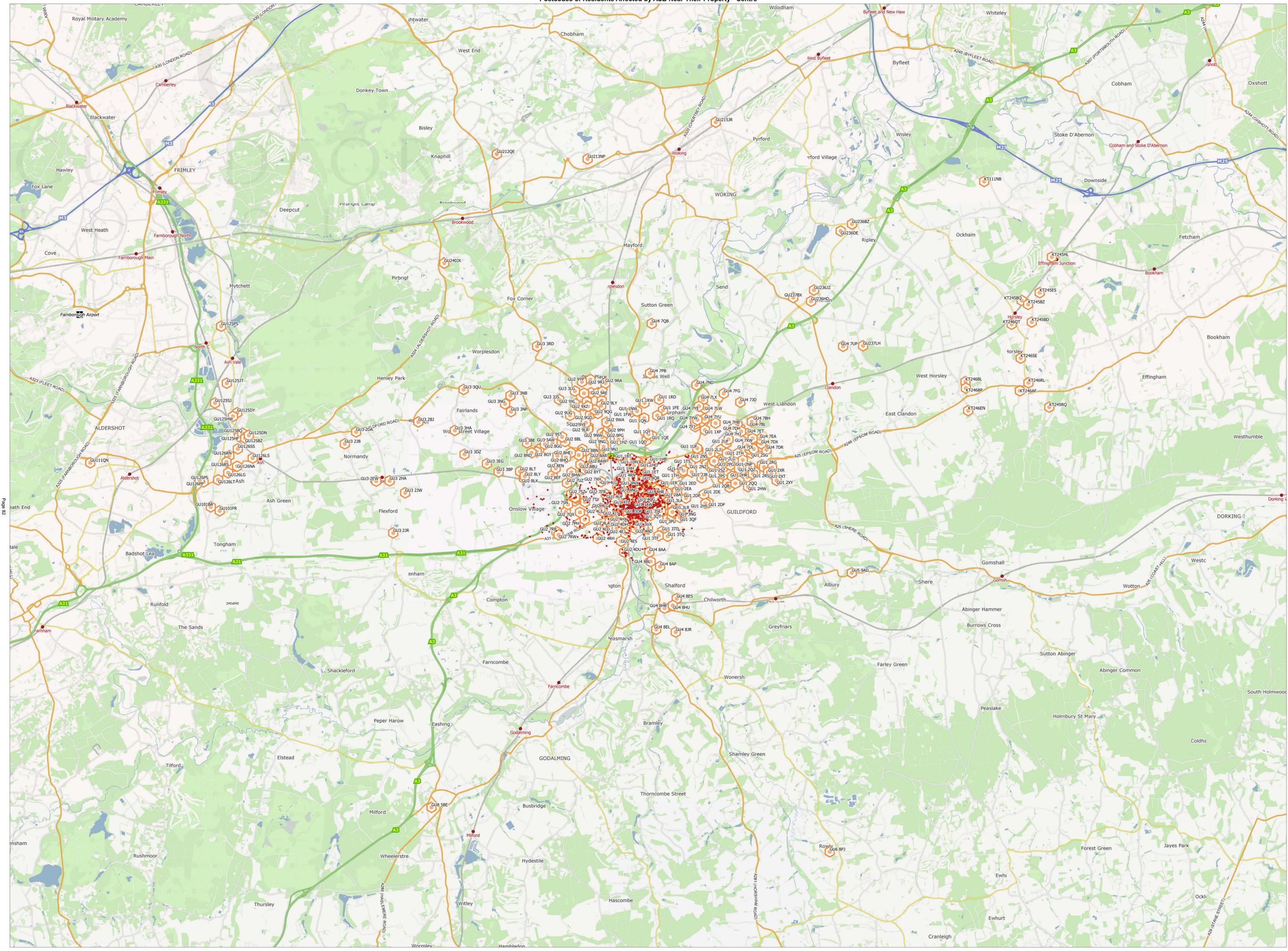
**GUILDFORD**  
BOROUGH

Postcodes of Residents Affected by ASB Near Their Property - Centre



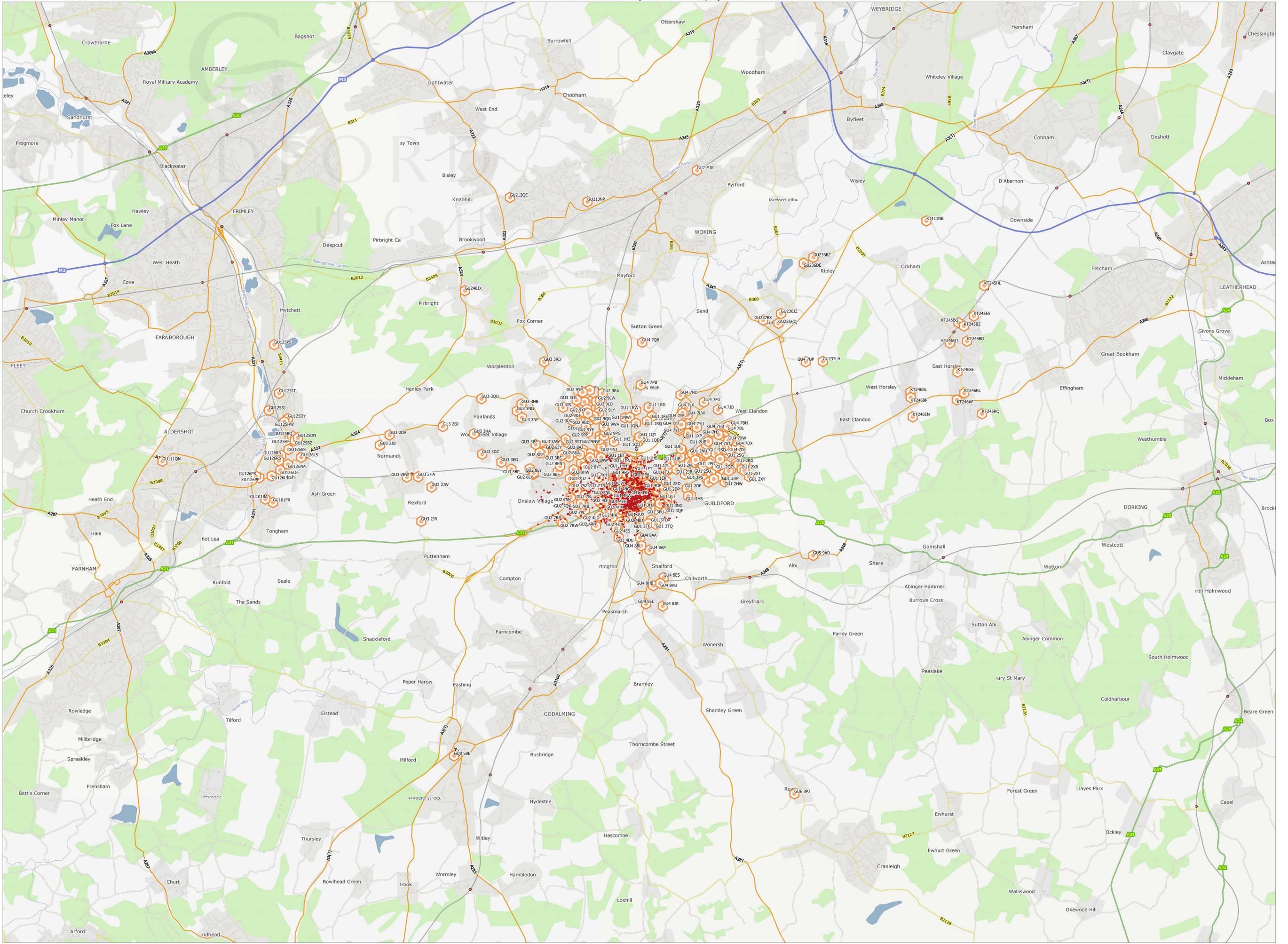
**Legend**  
● PSPO  
○ Postcodes of residents affected by ASB near their property

Postcodes of Residents Affected by ASB Near Their Property - Centre



- Legend
- PSPO
- Postcodes of residents affected by ASB near their property

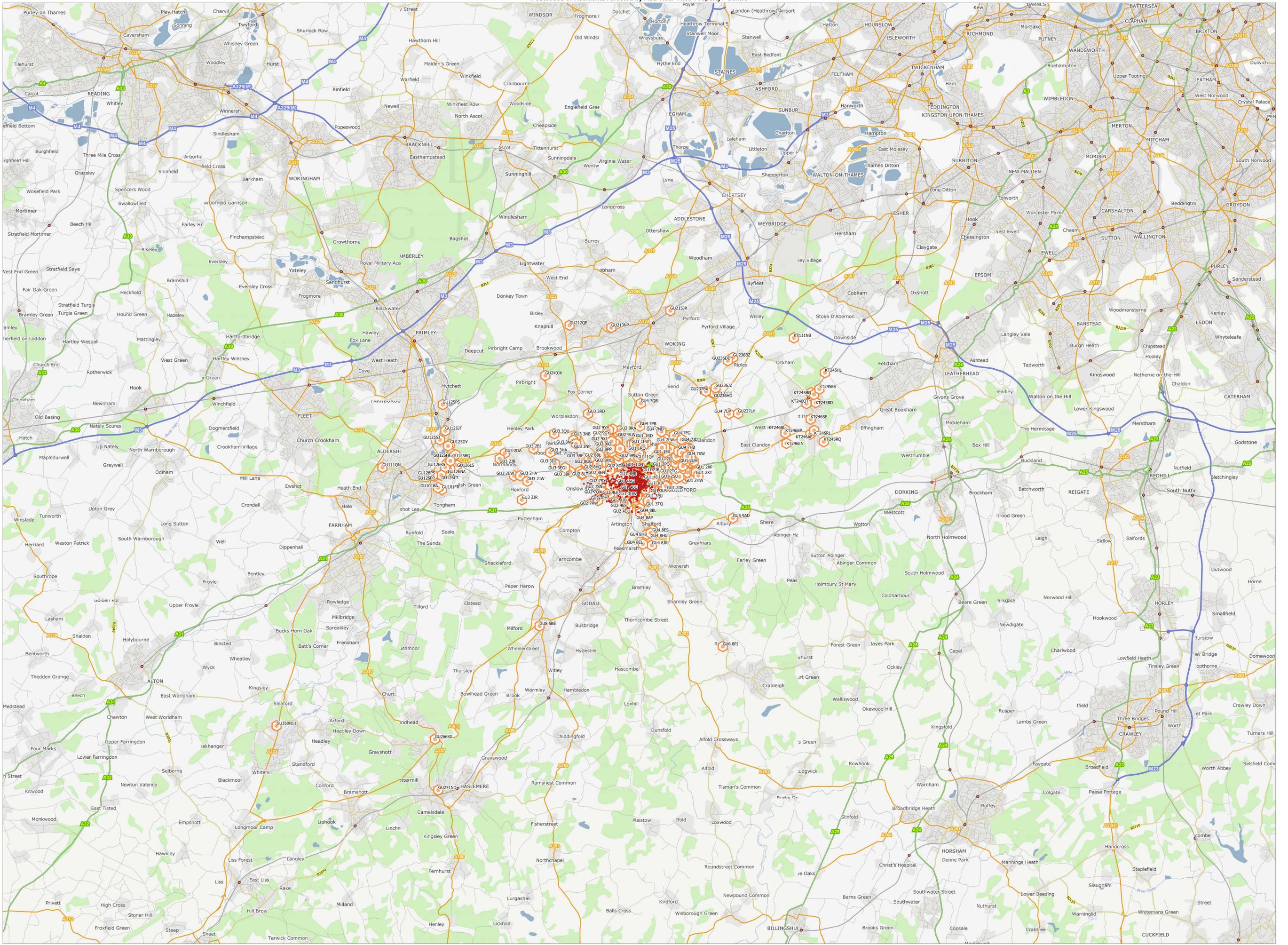
Postcodes of Residents Affected by ASB Near Their Property - Centre



**Legend**

- PSPO
- Postcodes of residents affected by ASB near their property

Postcodes of Residents Affected by ASB Near Their Property - Centre



**Legend**

- PSPO
- Postcodes of residents affected by ASB near their property

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BOROUGH



### Equality Impact Assessment

The purpose of an assessment is to understand the impact of the Council's activities\* on people from protected groups and to assess whether unlawful discrimination may occur. It also helps to identify key equality issues and highlight opportunities to promote equality across the Council and the community. The assessment should be carried out during the initial stages of the planning process so that any findings can be incorporated into the final proposals and, where appropriate, have a bearing on the outcome.

(\*Activity can mean strategy, practice, function, policy, procedure, decision, project or service)

Name of person completing the assessment	Yasmine Makin	Date of assessment	24/02/2022
Name of the proposed activity being assessed	Public Spaces Protection Order (PSPO)	Is this a new or existing activity?	Amended PSPO
Who will implement the activity and who will be responsible for it?	Communication and awareness of the amended PSPO will be the responsibility of the Strategy and Communications Service. Enforcement of the PSPO is the responsibility of authorised council officers (primarily under Regulatory Services) and the Police. The Safer Guildford Partnership will have responsibility for monitoring the PSPO and its effects.		

#### 1. Determining the relevance to equality

What are the aims, objectives and purpose of the activity?	The aim of the PSPO is to reduce antisocial behaviour (ASB) that causes alarm and distress by providing powers to officers with delegated authority and the Police to enforce against such behaviour or behaviour that is likely to cause ASB.		
Is this a major activity that significantly affects how services or functions are delivered?	No. PSPOs are one of a number of ASB tools available to the Council to effectively reduce the impact of ASB. This amended Order contains new behaviours and locations, giving authorised officers additional powers to tackle ASB. The Council's Enforcement Policy contains a section on enforcement of PSPOs.	Who will benefit from this activity and how?	The community and residents/visitors to the geographical area covered by the Order. Enforcement against ASB will reduce alarm and distress and improve quality of life.

Does it relate to a function that has been identified as being important to people with particular protected characteristics?	Appendix 9	Who are the stakeholders? Does the activity affect employees, service users or the wider community?	Residents, visitors, councillors, Surrey Police, Experience Guildford, Compliance Team, Customer Services, Legal
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**Based on the above information, is the activity relevant to equality?**

<p><b>Yes – continue to section 2</b></p> <p><b>No – please record your reasons why the activity is not relevant to equality</b></p>	Yes
--	-----

2. Is the proposed activity accessible for all the protected groups listed below?  
*(Consider in what ways the activity might create difficulties or barriers to parts of the workforce, community or protected groups. How might one or more groups be excluded because of the activity?)*

Protected groups	Yes	No	Evidence
Disability	x		
Race	x		
Gender	x		
Sexual orientation	x		
Age	x		
Religion or belief	x		
Gender reassignment	x		
Marriage and civil partnership	x		
Pregnancy or maternity	x		

3. Is it likely the proposed activity will have a negative impact on one or more protected groups?

Protected groups	Yes	No	Evidence
Disability	x		Responses from the public through consultation on the proposed PSPO wording. <a href="#">National Autism Society</a> and <a href="#">NHS website</a> (for the purposes of assessing the impact of the PSPO on those with protected characteristics, Autism; mental ill health; and Tourette’s Syndrome are classed as disabilities in this assessment)
Race		x	

Gender		x	Appendix 9
Sexual orientation		x	
Age	x		Responses from the public through consultation on the proposed PSPO wording. <a href="#">NHS website</a> – older age is a risk factor linked to urinary incontinence. Anecdotal evidence from partners suggests a disproportionate amount of ASB in the town centre is caused by young people.
Religion or belief		x	
Gender reassignment		x	
Marriage and civil partnership		x	
Pregnancy or maternity	x		Responses from the public through consultation on the proposed PSPO wording. <a href="#">NHS website</a> – pregnancy is a risk factor linked to urinary incontinence.

4. What action can be taken to address any negative impact? What measures could be included to promote a positive impact? (*Consider whether it is possible to amend or change the activity due to the likely adverse impact whilst still delivering the objective. Is it possible to consider a different activity which still achieves the aims but avoids an adverse impact? Is an action plan required to reduce any actual or potential adverse impact?*)

The amended PSPO restricts rowdy and inconsiderate behaviour deemed to cause, or be likely to cause, alarm or distress, including public urination. Some protected groups are more likely to need to urinate more urgently than others (pregnant people, people with disabilities and the elderly), especially in locations where there are no public toilets close-by (e.g., The Mount). This could potentially mean these groups are more likely to experience a negative impact of the PSPO.

The amended PSPO also gives ‘shouting’, ‘screaming’ and ‘swearing’ as examples of rowdy and inconsiderate behaviour. Some protected groups are more likely to display this behaviour than others and/or are less likely to have the intention of causing alarm and distress through this behaviour (for example those with certain disabilities, developmental differences or mental ill health). This could potentially mean these groups are more likely to experience a negative impact of the PSPO.

In order to reduce this likelihood enforcing officers will need to exercise discretion when enforcing against these behaviours and bear in mind the needs of certain protected groups. To address this potential negative impact, we will ensure awareness of the protected characteristics forms part of the training enforcing officers receive when they are trained to enforce the amended PSPO. This action has been added to the action plan produced to implement the outcomes of the PSPO project (appendix 3 to the report).

As stated in section 3, anecdotal evidence suggests that a disproportionate amount of ASB is caused by young people. This may result in an increase level of enforcement against young people compared to other age groups. Whilst the PSPO should still be enforced in these instances, there are ways to ensure enforcement is proportionate and constructive, such as including referrals to youth services and ensuring officers are targeting actual ASB as opposed to more general behaviour seen more commonly in young people such as congregating in groups and not discriminating against them because of their age. Age is a protected characteristic which enforcing officers will receive training on as set out above. The

Agenda item number: 6

Enforcement Policy is Appendix 9 to the Council's Executive April 2022 and states that fixed penalty notices will not be served to children under the age of 18 years. Where there are persistent issues, referrals will be made through the Multi-agency Safeguarding Hub (MASH), Community Harm and Risk Management Meeting (CHaRMM) and potentially Children and Families services. Action against the parent and/or guardian of these offenders may be considered.

5. What are the main sources of evidence that have been used to identify the likely impacts on the different protected groups? (*Use relevant quantitative and qualitative information that is available from sources such as previous EIA's, engagement with staff and service users, equality monitoring, complaints, comments, customer equality profiles, feedback, issues raised at previous consultations and known inequalities*).

- Online public consultation of the proposed wording – 14/02/22
- Direct consultation with specialist organisations:
  - I-Access Drug and Alcohol Service
  - Catalyst Drug and Alcohol Service
  - Surrey Adult Social Care Substance Misuse Service
  - HOST rough sleeping outreach and support service
  - Homeless shelters within the PSPO boundary
  - Targeted Youth Support
  - Surrey Youth Cabinet
  - Surrey Clubs for Young People
- Resident Associations in and around the proposed PSPO boundary
- NHS website
- National Autism Society website
- Guildford Access Group

6. Has any consultation been carried out (e.g., with employees, service users or the wider community)? Please provide details

Extensive online public survey on the types of ASB that causes alarm and distress in Guildford and its locations (7 June – 4 July 2021) – shared through Safer Guildford Partnership contacts, hosted on the Council's website, over 400 responses  
Consultation on the proposed wording of the order as set out in section 5

7. Is further consultation required as a result of any negative impact identified? If so, what groups do you intend to engage with and how?

The potential negative impacts that were identified during consultation with the organisations set out in section 5 have been addressed in this assessment and no further consultation is necessary at this stage.

8. Conclusion of Equality Impact Assessment - please summarise your findings

This equality impact assessment has been completed before a decision is made by the Council's Executive and is attached to the committee papers proposing the amended PSPO. This document demonstrates that in preparing the case for the extended and varied PSPO council officers have had due regard to the requirements of the Public Sector Equality Duty which, as required by the legislation, has been exercised in substance, with rigour and with an open mind, and which will therefore allow the Council, when making its decision on the PSPO, to make a PSED-informed and compliant decision. The Council will continue to have regard to the Public Sector Equality Duty by gathering evidence of how the PSPO is being enforced and keeping it under review, revisiting the PSPO where new and relevant information becomes known. Where it is identified that PSED objectives would be better served by changes in ambit of the PSPO and/or reconsideration of enforcement policy, the Council would look at making changes to help achieve the objectives of PSED wherever practicable.

The PSPO is an important tool for reducing alarm and distress which affects residents and visitors, including those with protected characteristics. However, enforcement of the Order must be balanced and mindful of any disproportionate impacts on those with protected characteristics. To achieve this enforcing officers will be trained on protected characteristics and how to exercise discretion and enforce the PSPO proportionately without discriminating.

This training will ensure the Council removes or minimises disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic (as set out in the Public Sector Equality Duty). It also is a step to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it.

**Name of person completing assessment:** Yasmine Makin

**Date:** 24/02/2022

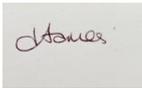
**Job title:** Policy Officer

**Signature:** Y Makin

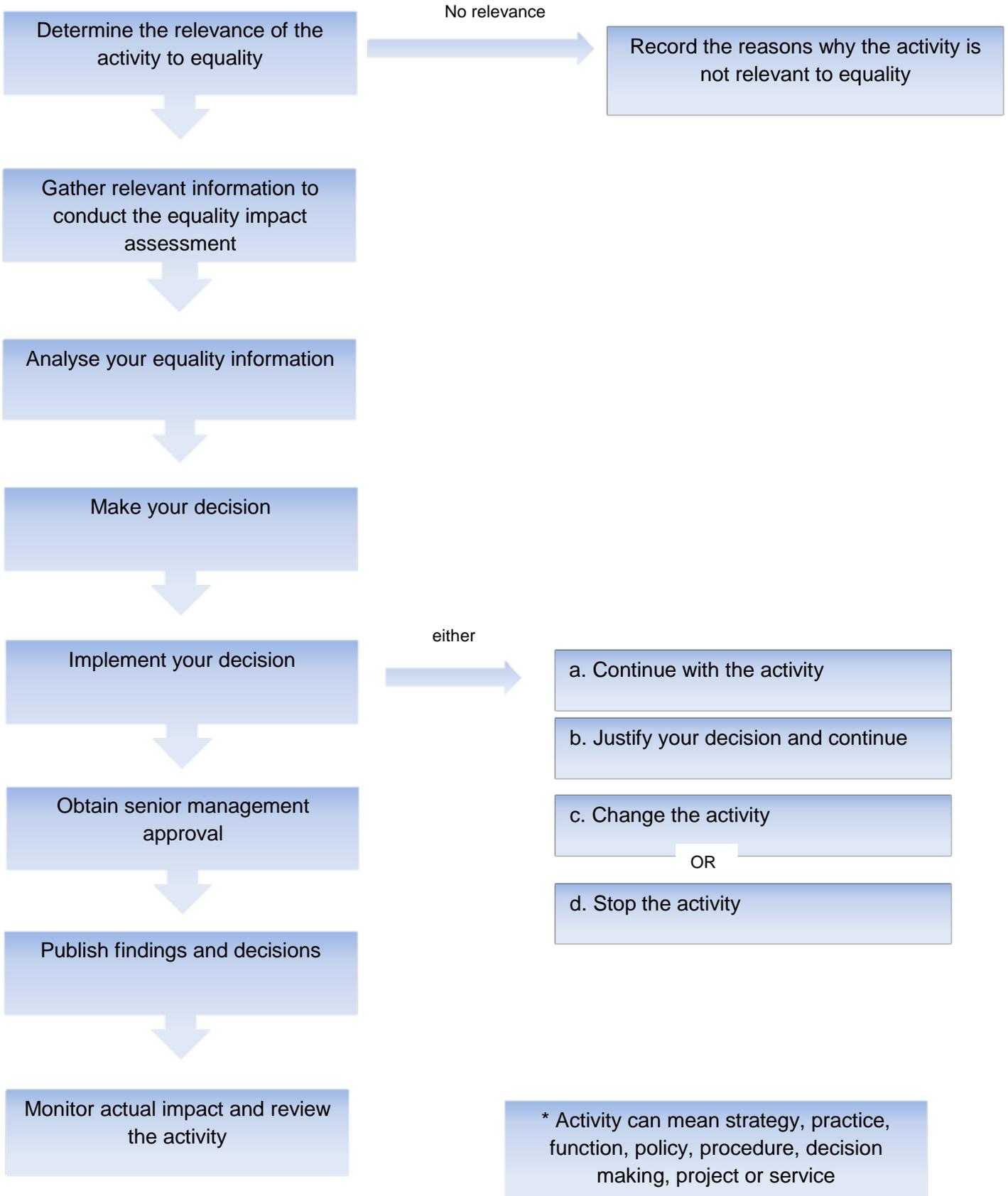
**Senior manager name:** Jo James

**Date:** 24/02/22

**Signature:**



Assessing the impact of your activity\* on equality



Executive Report

Ward(s) affected: All

Report of Director of Service Delivery

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Lead Councillor responsible: Julia McShane

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Date: 22nd March 2022

## Day Care Provision for the Elderly

### Executive Summary

We have two purpose-built day centres providing support and care services for elderly residents. As part of the agreed savings strategy, discretionary services are being reviewed and ways to improve services explored.

As part of this process, public consultation was undertaken on the future of older people's services, including the option of consolidating services at The Hive. The outcome of the consultation exercise and views of key health and social care partners was shared with the Service Delivery Executive Advisory Board (SDEAB) on 13<sup>th</sup> January 2022.

For the Executive to decide on the future of day care provision for the elderly, this report sets out the

- outcome of the consultation exercise, Equalities Impact Assessment and the views of key health and social care partners
- recommendations of the SDEAB to the Executive.

The report concludes that the best quality of care for our elderly residents can be delivered by consolidating service provision at The Hive, whilst making significant savings to contribute to our savings strategy.

### Recommendation to Executive

- 1) That the provision of day care services for the elderly be consolidated at The Hive to maintain high quality service provision for all residents in the borough.
- 2) That the following recommendations for the SDEAB are actioned by the Head of Community Services

- a) The possibility of introducing a lunch provision at Japonica Court be explored to support those residents who previously accessed the lunch club at the Shawfield Centre.
- b) A breakdown of the projected revenue savings of £170,000 be provided to the SDEAB to clarify the amount of funding expected to be saved from the Shawfield Centre closure, balanced against any rise in costs associated with an increase in the use of The Hive and community transport and any ongoing upkeep of the building including utility payments.
- 3) That the Head of Asset Management develops a project mandate in respect of the options for the future use of the Shawfield Centre site without delay to prevent a community facility falling into disuse for a length of time. One of the options should consider the operation of the property by an external organisation such as a parish council, charity or local enterprise

Reason for Recommendations:

To maintain or improve the quality of provision for day centre customers, whilst reducing costs as part of our savings strategy.

## **1. Purpose of Report**

- 1.1 The purpose of this report is to ask the Executive to support the proposal to consolidate day care services for the elderly at The Hive. The report informs the Executive of the outcome of a public consultation and the recommendations made by the SDEAB.

## **2. Strategic Priorities**

- 2.1 As part of our overall savings strategy, we need to reduce expenditure on discretionary services, including community and elderly care. However, these services contribute to our corporate priorities on tackling inequality and working with communities to support those in need. Therefore, the proposals in this report aim to maintain or improve the quality of care for customers whilst reducing costs.

## **3. Background**

- 3.1 The Council is facing a budget deficit of £6 million over the next four years. As part of our overall savings strategy, the need to reduce expenditure on discretionary services by £1.7 million was identified and as reported to the Executive in November 2020, this included delivering savings through reviewing the usage of community and day centres with a view to consolidating sites.
- 3.2 Although community care services are discretionary for the Council and their continued provision must be assessed against what we can afford to spend, we recognise that our support for the elderly and vulnerable is valued highly by residents and contributes to our corporate priorities on tackling inequality and

supporting those in need. Therefore, whilst accepting the need to reduce the cost of day care services, we wish to maintain or improve the quality of provision for residents.

- 3.3 The Council currently has two purpose-built day centres providing care and support services for elderly residents, The Hive (formerly known as the Park Barn Centre) in Guildford and the Shawfield Centre in Ash.
- 3.4 The Shawfield Centre had approximately 60 regular users prior to the pandemic. Most of these users were from Japonica Court for a lunch service. Approximately 25 of these 60 attended the centre for older people's activities and includes customers who accessed specific dementia support funded by Adult Social Care. The space is suitable for its purpose, but the building is tired and in need of refurbishment. The Centre has been closed since the start of the pandemic and was used as a distribution hub for food parcels for some of that time.
- 3.5 Whilst the Shawfield Centre has been closed, its existing customers have been transported to the Hive. Discussions with these customers during this time indicate that they are satisfied with the service provided and have settled in well. Some have found the centre loud at times, but we have created a quiet space for vulnerable customers to use and this has been particularly helpful for those living with dementia. The on-site hairdresser and podiatry treatments are of great health and wellbeing value to all customers, and this is something that was not so readily available at Shawfield.
- 3.6 The Hive has the capacity to absorb the additional numbers from the Shawfield Centre on an ongoing basis. With the improved facilities and services available and by consolidating staffing, we consider that customers would better ongoing support and care at The Hive.

#### **4. Proposal to consolidate day care services for the elderly at the Hive**

- 4.1 The Executive Liaison Group was consulted on options for the future of day care services in March 2021 and accepted that the consolidation of day care services at The Hive could make more effective use of our assets, reduce costs and improve service quality.

It was agreed that consultation should be undertaken on the proposal.

##### Consultation

- 4.2 Consultation ran from 20<sup>th</sup> September until 31<sup>st</sup> October 2021. The consultation questionnaire is attached in Appendix 1.
- 4.3 The Head of Community Services met with NHS colleagues, including the independent chair of the Guildford and Waverley Integrated Care Partnership and Adult Social Care commissioners as well as two community volunteers who provide services to the elderly in Ash. NHS and Adult Social Care partners indicated that a consolidated service at The Hive was the best option.

- 4.4 Partners were impressed with the services on offer and felt that The Hive provided a better model of care than could be offered at the Shawfield Centre due to the limitations of the building. They were also aware that most social care referrals across the borough are made to The Hive - even before Covid - and that there is adequate space to accommodate the allocated commissioned spaces for all residents. They also noted the health and wellbeing benefits of customers being in a multi-generational, multi-purpose space as well as the integrated care provision available to people living with dementia and physical disability.
- 4.5 However, the wider consultation showed concerns about the perceived loss of services at the Shawfield Centre. This geographical focus perhaps overshadowed the improved facilities and services that could be provided at The Hive. Some feedback indicated that the provision of more information on the services available at The Hive could have led to a more positive response.
- 4.6 The outcome of the consultation can be seen in Appendix 2. Headline results were
- 58% of respondents felt any unified provision would have a negative effect.
  - 51% disagreed that with the right support in place, while taking a person's own strengths and capabilities into consideration, we would achieve a better outcome for the older person and their families if we provided a more modern wide-ranging service.
  - 75% of respondents thought it better to offer two services with limited provision.
- 4.7 When considering the results, it should be noted that there were 25 regular users of older people's care at the Shawfield Centre prior to the pandemic. Most people using the Centre were residents of neighbouring Japonica Court who attended for daily lunch and did not receive any care services. All previous customers are able to access elderly care provision at The Hive.
- 4.8 Feedback received during the consultation did identify a number of ways that Ash residents could be supported to access and benefit from services at The Hive, including:
- ensuring community transport journeys from Ash are direct to The Hive by avoiding several pickup points.
  - alternative smaller community transport vehicles could be used to collect vulnerable people living with dementia on an individual basis; and
  - shorter days could be offered at The Hive to enable the most vulnerable customers to return home after lunch.
- 4.9 It also became clear that Japonica Court residents would benefit from increased activities being offered within the sheltered housing scheme. Our Sheltered

Housing and Community Services teams have identified ways in which this can be delivered.

- 4.10 Considering the results of the consultation with health and social care partners, customers and the wider community and the suggestions received to help Ash residents, there is still a strong case that the best way to improve service quality for day care would be through consolidating provision at The Hive.
- 4.11 In addition to this we need to consider the requirement to reduce expenditure on discretionary services as part of our savings strategy. Consolidating service provision at The Hive would deliver savings in the region of £170,000 per annum.

Service Delivery Executive Advisory Board (SDEAB)

- 4.12 To assist the Executive with their decision, the SDEAB considered a report on 13<sup>th</sup> January 2022 (Appendix 3) which outlined the proposal and the consultation responses.
- 4.13 The full minutes of the SDEAB are attached in Appendix 4.

In summary, some of the councillors had visited The Hive and were impressed with the services on offer and achievements realised in recent years. The SDEAB acknowledged that whilst any closure or decrease in service was regrettable, the council's financial position necessitated the review of discretionary services with a view to identifying budget reductions.

- 4.14 The Older People's Champion's views were shared with the SDEAB and contributed to the recommendations made to the Executive, particularly highlighting the need to help elderly residents in sheltered housing access the social contact they need for greater health and wellbeing.
- 4.15 The Lead Member for Housing and Community agreed that following a decision by the Executive, a working group would be established with key officers, the Older People's Champion and Lead member to ensure these issues were addressed and actioned.
- 4.16 The SDEAB have made the following recommendations to the Executive about the future provision of day care services for the elderly.
  - (a) The provision of day care services for the elderly be consolidated at The Hive to maintain high quality service delivery for all residents in the Borough.
  - (b) The possibility of introducing a lunch provision at Japonica Court be explored to support those residents who previously accessed the lunch club at the Shawfield Centre.
  - (c) A mandate be developed in respect of the options for the future use of the Shawfield Centre site without delay to prevent a community facility falling

into disuse for a length of time. One of the options should consider the operation of the property by an external organisation such as a parish council, charity or local enterprise.

- (d) A breakdown of the projected revenue savings of £170,000 be provided to clarify the amount of funding expected to be saved from the Shawfield Centre closure, balanced against any rise in costs associated with an increase in the use of The Hive and community transport and any ongoing upkeep of the building including utility payments.

## **5. Key Risks**

- 5.1 There is a reputational risk related to the perceived loss of service to elderly residents in the Ash area. With support for those in need being a key corporate priority. The SDEAB agreed that the purpose of the consolidation is to provide an improved quality of service to all customers at The Hive.
- 5.2 We also need to ensure that residents in Ash are able to continue to access services. Measures to support this are set out in the SDEAB recommendations.
- 5.3 The Hive and the Shawfield Centre are both currently rest centres as part of our Emergency Planning response. In consolidating services, The Hive could remain as a small rest centre, but the Shawfield centre would no longer act in that capacity.
- 5.4 During Covid 19, we identified the risks around having small rest centres due to the ability to maintain social distancing and wider infection control and management. We have identified that it is important for us to utilise Spectrum and Surrey Sports Park as our main rest centres.
- 5.5 The risk therefore of no longer using Shawfield as a rest centre is reduced because we will have these two larger venues at our disposal as well as The Hive to ensure our residents have a place of safety in an emergency. Community Services would continue to support the infrastructure of an emergency response through provision and storage of equipment and the use of community transport.

## **6. Financial Implications**

- 6.1 We need to review discretionary services as part of our agreed savings strategy. It currently costs approximately £250,000 to run the Shawfield Centre. If older people's services were to consolidate at The Hive, there is the potential to save in the region of £170,000 per annum. In addition, the need to meet the costs of refurbishing the Shawfield Day Centre estimated at £100,000 would be removed.

## **7. Legal Implications**

- 7.1 When a Council is contemplating changes to elderly day care service provision in the way that is proposed, there are a number of legal aspects that need to be fully considered. There are three areas of law which are significant in relation to these decisions.
- a. The duty to consult: there is a requirement that the Council conducts a consultation before making a decision.
  - b. Obligations under the Human Rights Act 1998 (HRA): the Council has obligations to ensure that any actions it takes do not infringe the human rights of persons that were using the day care services.
  - c. The Public Sector Equality Duty (PSED): in coming to a decision about the future of the service the Council must be aware of its duty to promote equality.
- 7.2 The obligations placed on the Council have been considered in the actions of officers and in the preparation of this report.
- 7.3 Case law sets out a number of principles for the conduct of consultation. These are:
- a. Consultation must take place when the proposal is still at a formative stage.
  - b. Sufficient reasons must be put forward for the proposal to allow for intelligent consideration and response.
  - c. Adequate time must be given for consideration and response.
  - d. The product of consultation must be conscientiously taken into account.
- 7.4 The consultation and decision-making process has been designed to ensure that these principles are adhered to, for example, consultation about the future of the service took place at a formative stage. While there is an obligation to consult on all realistic alternatives, the Council is of the view that the two options consulted on were the only realistic options. The Council will continue to engage customers and other stakeholders on the detailed implementation of any changes to day care services. Executive Members will need to consider the consultation responses when reaching their decision.
- 7.5 The Human Rights Act 1998 sets out a number of rights that individuals have. Most relevant in relation to the matter in question are Articles 2 (the right to life), 3 (freedom from torture and inhuman or degrading treatment), 5 (the right to liberty and security) and 8 (respect for your private and family life, home and correspondence).
- 7.6 A decision which potentially interferes with a human right does not necessarily mean that it will be incompatible with the Human Rights Act 1998. Public bodies must also take into account other general interests of the community. Some

interference with rights can, therefore, be implemented where it is necessary and proportionate to do so in order to achieve a legitimate aim. Provided the interference of such a right has a legitimate aim and the restriction itself does not go any further than necessary to protect this aim, then it is likely that it will be compatible with the Human Rights Act 1998. In this way the Human Rights Act 1998 recognises that there are certain situations where a public body is allowed to limit individual rights in the best interests of the wider community.

- 7.7 In this situation, the Council is proposing changes to service configuration which is aimed at achieving an overall improvement of day care facilities for older people (which would ultimately benefit many hundreds of people) whilst acknowledging that in doing so there would be some unavoidable disruption to the lives of its users. Providing that the Council does all that can reasonably be done to minimise the effect on the users then closing the service is not incompatible with the requirements of the Human Rights Act 1998. The actions to minimise the effect to date and proposed are set out in a number of paragraphs including 3.1 to 3.6 and 4.1 to 4.16 above.
- 7.8 Discussion of the Council's duties in relation to equalities is set out in paragraph 9.1. An Equalities Impact Assessment has been completed and is contained at Appendix 5. Consideration will need to be had of the content of the impact assessment by the Executive Members before making any final decision on this matter.
- 7.9 The Council has a funding agreement in place with Surrey County Council for older people's day care provision that sets out how many allocated funded care places must be delivered by the Council. In consolidating services at The Hive, the Council remains compliant with this and has the support of Adult Social Care.
- 7.10 There is a Legal Charge in place on the title of the Shawfield Centre which requires that the Centre is used as a 'day centre' for the elderly, so this may potentially limit the options for future uses on the site unless a release is agreed. The Charge also requires that 60% of the proceeds of any sale are paid to the beneficiary so this will potentially impact the financial advantages of disposing of the site unless a favourable release is agreed. Negotiations should take place with the relevant NHS body who is the beneficiary of the Charge at an early stage.

## **8. Human Resource Implications**

- 8.1 As part of the consolidation of older people's services at The Hive, a staffing restructure will be needed. This will contribute to the savings to be delivered through the proposal but may result in staff redundancies.

## **9. Equality and Diversity Implications**

- 9.1 An Equalities Impact Assessment was completed prior to the consultation exercise. This demonstrates that we are able ensure equality of opportunity to access day care services by consolidating provision at The Hive.

## **10. Climate Change/Sustainability Implications**

- 10.1 Consolidation of older people's service in one location would reduce energy consumption compared to continuing provision at two premises. The transportation of customers from Ash to The Hive would result in a small increase in the number of vehicle journeys, although the minor carbon impact of this will be reduced by the planned move for the community transport fleet to become entirely electric.

## **11. Conclusion**

- 11.1 Following the consultation on the future of day care services for the elderly in the borough and the recommendations of the SDEAB, consolidating day care services for the elderly at The Hive is the best way to improve service quality for our residents.
- 11.2 To support consolidation of services, it is important to action the further recommendations of the SDEAB, by firstly continuing our support for elderly residents in the borough as best we can through the development of lunch provision at Japonica Court and a working group that will help enhance the wider health and wellbeing needs of our elderly in sheltered units and secondly; quickly develop a mandate for the future use of the Shawfield Centre.
- 11.3 Consolidating day care services for the elderly at The Hive will also deliver financial savings in the region of £170,000 per annum as part of the Council's agreed savings strategy and if agreed, the Head of Community Services will report back to the SDEAB with the breakdown of savings following implementation.
- 11.4 The Executive is therefore asked to approve the recommendations made in this report.

## **12. Background Papers**

Day Care Provision for the Elderly Mandate (31<sup>st</sup> March 2021)

## **13. Appendices**

Appendix 1: Older People's Consultation Questionnaire  
Appendix 2: Summary of Older People's Consultation  
Appendix 3: SDEAB report on Day Care Services for the Elderly 13 January 2022  
Appendix 4: SDEAB summary response 13 January 2022  
Appendix 5: Equalities Impact Assessment

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## **Older People Services Consultation Questionnaire**

We are undertaking a programme of consultation from 20<sup>th</sup> September 2021 until 31<sup>st</sup> October 2021

Your views are very important to us so please help us by completing this short survey – this should take no longer than 15 minutes.

### **Proposal Summary:**

We are exploring the possible combining of older people's service provision so that we can improve, modernise and tailor these services at one location - The Hive, Park Barn Drive, GU2 8EN.

The Shawfield Day Centre needs a significant upgrade to meet our vision for Older People's Services – which is to support people of all ages to live well and independently and to provide care that is accessible and upholds the confidence, participation, self-fulfilment and dignity of older people at all times.

To provide our elderly residents with the care they deserve, we are proposing that the day care services provided for older people at the Shawfield Centre combines into the Activity Hub at The Hive where intergenerational and targeted social activities for older people will run 5 days a week alongside lunch provision.

Community Transport will collect all customers from across the borough to ensure everyone is able to receive care and support. No-one will be at a disadvantage because of where they live.

Alongside the older people's Activity Hub, customers will have access to a family coffee shop, hairdresser, podiatry service, community fridge and community wellbeing programmes.

If this proposal is progressed, we will work with local councillors, partnership agencies and local community groups about the future use of the Shawfield Centre.

As well as the questions below – we are asking you to consider the following options about the provision of older people's services in Guildford that we can offer within the resources available to us.

### **Option 1:**

To continue to operate two centres for older people's provision in Guildford – The Hive and The Shawfield Centre but with existing limited provision and services available to residents.

### **Option 2:**

To close the Shawfield Centre to day care services for the elderly and combine provision at The Hive to provide more modernised, wider ranging activities and efficient services for all communities.



**Older People Services Consultation Questionnaire:**

**Please Tick the response most applicable.**

**1. Are you responding to this consultation mainly as**

Older person using the service

A carer

Family member

Member of the public

Health representative / GP

Day centre employee

Voluntary/ Community sector organisation

Private sector organisation

Local ward councillor/ Member of Parliament

Other - if other, please specify

If applicable, please provide the name of your organisation:

Comments:

**2. Do you or the person you look after/know have any special needs, long-term medical conditions or disabilities?**

Yes

No

**3. Prior to the Covid-19 pandemic, have you or the person you look after/know used any of the centres stated below? If so please tick relevant centres.**

The Hive (Park Barn Centre), Guildford

Shawfield Centre, Ash

**4. How often in normal circumstances (e.g. before the Covid-19 crisis) would you use day centre services in Guildford Borough?**

More than 5 times a week

3-5 times a week

1-2 times a week

A few times a month

Once a month

Less than once a month

I do not use any day care centres

**5. For what reason do you or the person you look after/know use our older people's services?**

A hot lunch

Activities

Socialisation

Other – please specify

Comments:

**6. How would you or the person you look after/know normally get to and from the centre you use?**

Community Transport Service

Public transport

Drive independently

Family member supports you

Other – please specify

Comments:

**7. Do you think the proposed changes will have a positive, negative or no impact on you, your family and/or others?**



A positive impact

A negative impact

No impact

Don't know / not sure –

(please explain in the box below)

Comments:

**8. We believe that with the right support in place, while taking a person's own strengths and capabilities into consideration, we would achieve a better outcome for the older person and their families.**

**Do you agree or disagree that the proposed changes will achieve this?**

Agree

Disagree

Don't know / not sure

(please explain your answer in the box below)

Comments:

**9. Do you have any suggestions for alternative ways that the Council can deliver Older People Services?**

Comments:

**10. Which option do you think the Council should take around Older People's provision.**

Option 1:

To continue to operate two centres for older people's provision in Guildford – The Hive and The Shawfield Centre but with existing limited provision and services available to residents.

Option 2:

To close the Shawfield Centre to day care services for the elderly and combine provision at The Hive to provide more modernised, wider ranging activities and efficient services for all communities.

**Do you have any further comments that the Council should consider? Please write in the box below.**

Comments:

**About you:**

The information you provide in the 'about you' section gives the Council additional information about who has responded to the consultation and will help in the analysis of the feedback. Your feedback is always treated confidentially and will not be shared with any third party. We will ensure that it will not be possible to identify individuals when reporting results.



**11. What is your home postcode? This question will be used for analysis purposes only.**

Post Code:

**12. Which age group do you belong? Please one box only.**

Under 18

18 – 24

25 – 34

35 - 44

45 – 54

55 – 64

65 and over

Prefer not to say

If you complete the survey on paper, please return your completed questionnaire to  
[info.communityservices@guildford.gov.uk](mailto:info.communityservices@guildford.gov.uk)

If access to email is difficult, please give your completed questionnaire to a member of the  
Community Services Team

This survey is also available on

[www.guildford.gov.uk/article/25059/View-past-and-present-consultations](http://www.guildford.gov.uk/article/25059/View-past-and-present-consultations)

**The closing date for the survey is 31<sup>st</sup> October 2021**

Thank you for your feedback.

## Older People Services Consultation Survey

### 1. Page 1

1. Are you responding to this consultation mainly as				
Answer Choices			Response Percent	Response Total
1	Older person using the service		29.41%	65
2	A carer		4.52%	10
3	Family member		12.67%	28
4	Member of the public		35.75%	79
5	Health representative / GP		0.90%	2
6	Day centre employee		0.45%	1
7	Voluntary/ Community sector organisation		2.71%	6
8	Private sector organisation		0.00%	0
9	Local ward councillor / Member of Parliament		0.90%	2
10	Other (please specify):		12.67%	28
			answered	221
			skipped	11
If applicable, please provide the name of your organisation: (27)				

2. Do you or the person you look after or know have any special needs, long-term medical conditions or disabilities?				
Answer Choices			Response Percent	Response Total
1	Yes		57.14%	120
2	No		42.86%	90
			answered	210
			skipped	22

3. Before the Covid-19 pandemic, have you or the person you look after or know used our centres below? If so please tick.				
Answer Choices			Response Percent	Response Total

3. Before the Covid-19 pandemic, have you or the person you look after or know used our centres below? If so please tick.				
1	The Hive (Park Barn Centre), Guildford		26.24%	37
2	Shawfield Centre, Ash		80.14%	113
			answered	141
			skipped	91

4. How often in normal circumstances (e.g. before the Covid-19) would you use day centre services in Guildford borough?				
Answer Choices			Response Percent	Response Total
1	More than 5 times a week		0.47%	1
2	3-5 times a week		24.77%	53
3	1-2 times a week		31.31%	67
4	A few times a month		6.54%	14
5	Once a month		1.87%	4
6	Less than once a month		1.40%	3
7	I do not use any day care centres		33.64%	72
			answered	214
			skipped	18

5. Why do you or the person you look after or know use our older people's services?				
Answer Choices			Response Percent	Response Total
1	A hot lunch		61.54%	112
2	Activities		71.43%	130
3	To socialise		85.16%	155
4	Other (please specify):		14.29%	26
			answered	182
			skipped	50
Comments: (58)				

6. How would you or the person you look after or know normally get to and from the centre you use?				
Answer Choices			Response Percent	Response Total
1	Community Transport Service		45.60%	83
2	Public transport		12.09%	22
3	Drive independently		12.64%	23
4	Family member supports you		27.47%	50
5	Other (please specify):		21.98%	40
			answered	182
			skipped	50
Comments: (42)				

7. Do you think the proposed changes will have a positive, negative or no impact on you, your family and/or others?				
Answer Choices			Response Percent	Response Total
1	A positive impact		20.00%	41
2	No impact		8.78%	18
3	A negative impact		58.05%	119
4	Don't know / not sure		13.17%	27
			answered	205
			skipped	27
(please explain your answer in the box below (111))				

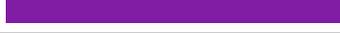
8. We believe that with the right support in place, while taking a person's own strengths and capabilities into consideration, we would achieve a better outcome for the older person and their families. Do you agree or disagree that the proposed changes will achieve this?				
Answer Choices			Response Percent	Response Total
1	Agree		30.14%	63
2	Disagree		51.20%	107
3	Don't know / not sure		18.66%	39
			answered	209
			skipped	23
Please explain your answer in the box below (95)				

9. Do you have any suggestions for alternative ways that we can deliver Older People Services? Please write in the box below.			
Answer Choices		Response Percent	Response Total
1	Open-Ended Question	100.00%	92
		answered	92
		skipped	140

10. Which option do you think we should take around Older People's provision?			
Answer Choices		Response Percent	Response Total
1	Option 1: To continue to operate two centres for older people's provision in Guildford – The Hive and The Shawfield Centre but with existing limited provision and services available to residents.	75.73%	156
2	Option 2: To close the Shawfield Centre to day care services for the elderly and combine provision at The Hive to provide more modernised, wider ranging activities and efficient services for all communities.	24.27%	50
		answered	206
		skipped	26
Do you have any further comments that we should consider? Please write in the box below. (98)			

## 2. About you

11. What is your home postcode? Your answer will be used for analysis purposes only.			
Answer Choices		Response Percent	Response Total
1	Open-Ended Question	100.00%	216
		answered	216
		skipped	16

12. Which age group do you belong?				
Answer Choices			Response Percent	Response Total
1	Under 18		0.00%	0
2	18 – 24		0.44%	1
3	25 – 34		3.52%	8
4	35 - 44		6.61%	15
5	45 – 54		9.25%	21
6	55 – 64		17.18%	39
7	65 and over		59.91%	136
8	Prefer not to say		3.08%	7
			answered	227
			skipped	5

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Service Delivery Executive Advisory Board Report

Ward(s) affected: All

Report of Director of Service Delivery

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Date: 13 January 2022

## Day Care Provision for the Elderly

### **Executive Summary**

We have two purpose-built day centres providing support and care services for elderly residents. As part of the agreed savings strategy, discretionary services are being reviewed and ways to improve services explored.

As part of this process, public consultation was undertaken on the future of older people's services, including the option of consolidating services at The Hive. This report sets out the outcome of the consultation exercise and the views of key health and social care partners.

The report concludes that the best quality of care for our elderly residents can be delivered by consolidating service provision at The Hive, whilst making significant savings to contribute to our savings strategy.

### **Recommendation to Executive Advisory Board (EAB)**

- (a) That the provision of day care services for the elderly be consolidated at The Hive to maintain high quality service provision for all residents in the borough.
- (b) That a mandate be developed on options for the future use of the Shawfield Centre site.

### Reason for Recommendation:

To maintain or improve the quality of provision for day centre clients, whilst reducing costs as part of our savings strategy.

### **Confidentiality of Draft Report Pending Publication**

The draft report must remain confidential until such time as it is placed in the public domain by being published as part of an agenda for a meeting to which the public have

access. If the report is to be included in the open agenda, Committee Services staff will remove the watermark from the final draft before publication of the agenda.

## **1. Purpose of Report**

- 1.1 This report informs the Executive Advisory Board (EAB) on the outcome of public consultation on proposals for the future of day care services for the elderly and invites comments on the recommended consolidation of provision at The Hive.

## **2. Strategic Priorities**

- 2.1 As part of our overall savings strategy, we need to reduce expenditure on discretionary services, including community and elderly care. However, these services contribute to our corporate priorities on tackling inequality and working with communities to support those in need. Therefore, the proposals in this report aim to maintain or improve the quality of care for clients whilst reducing costs.

## **3. Background**

- 3.1 The Council is facing a budget deficit of £6 million over the next four years. As part of our overall savings strategy, the need to reduce expenditure on discretionary services by £1.7 million was identified and as reported to the Executive in November 2020, this included delivering savings through reviewing the usage of community and day centres with a view to consolidating sites.
- 3.2 Although community care services are discretionary for the Council and their continued provision must be assessed against what we can afford to spend, we recognise that our support for the elderly and vulnerable is valued highly by residents and contributes to our corporate priorities on tackling inequality and supporting those in need. Therefore, whilst accepting the need to reduce the cost of day care services, we wish to maintain or improve the quality of provision for clients.
- 3.3 The Council currently has two purpose-built day centres providing care and support services for elderly residents, The Hive (formerly known as the Park Barn Centre) in Guildford and the Shawfield Centre in Ash.
- 3.4 The Shawfield Centre had approximately 60 regular users prior to the pandemic. Most of these users were from Japonica Court for a lunch service. Approximately 25 of these 60 attended the centre for older people's activities and includes customers who accessed specific dementia support funded by Adult Social Care. The space is suitable for its purpose, but the building is tired and in need of refurbishment. The Centre has been closed since the start of the pandemic and was used as a distribution hub for food parcels for some of that time.
- 3.5 Whilst the Shawfield Centre has been closed, its existing clients have been transported to the Hive. Discussions with these clients during this time indicate that they are satisfied with the service provided and have settled in well. Some have found the centre loud at times, but we have created a quiet space for

vulnerable clients to use and this has been particularly helpful for those living with dementia. The on-site hairdresser and podiatry treatments are of great health and wellbeing value to all customers and this is something that was not so readily available at Shawfield.

- 3.6 The Hive has the capacity to absorb the additional numbers from the Shawfield Centre on an ongoing basis. With the improved facilities and services available and by consolidating staffing, we consider that clients would better ongoing support and care at The Hive.
- 3.7 The Executive Liaison Group was consulted on the following options for the future of day care services in March 2021:

Do Nothing

Keep both day centres operating as at present.

(No financial savings would be achieved, services to clients would be more limited than provided at The Hive and the Shawfield Centre would require refurbishment with estimated costs in the region of £100,000.)

Do More

Close Shawfield Day Centre and make alternative arrangements for current users at The Hive.

(This would deliver operational savings and improvements to care and support for clients.)

- 3.8 Depending on the preferred option, it was recognised that the Shawfield Centre site could become available for alternative purposes, such as community use or much needed affordable housing. This would need to be subject to a separate mandate.
- 3.9 The Executive Liaison Group accepted that the consolidation of services at The Hive could make more effective use of our assets, reduce costs and improve service quality and agreed that consultation should be undertaken on the proposal. The outcome of that consultation exercise is reported in the next section of this report.
- 3.10 The consultation demonstrated support from health and social care partners that improved care could be delivered through a consolidated service model at The Hive. However, the wider consultation showed concerns about the perceived loss of services at the Shawfield Centre. This geographical focus perhaps overshadowed the improved facilities and services that could be provided at The Hive. Some feedback indicated that the provision of more information on the services available at The Hive could have led to a more positive response.
- 3.11 When considering the results, it should also be noted that there were 25 regular users of older people's care at the Shawfield Centre prior to the pandemic. Most

people using the Centre were residents of neighbouring Japonica Court who attended for daily lunch and did not receive any care services. All previous clients are able to access elderly care provision at The Hive.

3.12 Feedback received during the consultation did identify a number of ways that Ash residents could be supported to access and benefit from services at The Hive, including:

- ensuring community transport journeys from Ash are direct to The Hive by avoiding several pickup points.
- alternative smaller community transport vehicles could be used to collect vulnerable people living with dementia on an individual basis; and
- shorter days could be offered at The Hive to enable the most vulnerable clients to return home after lunch.

3.13 It also became clear that Japonica Court residents would benefit from increased activities being offered within the sheltered housing scheme. Our Sheltered Housing and Community Services teams have identified ways in which this can be delivered.

3.14 Taking into account the results of the consultation with health and social care partners, clients and the wider community and the suggestions received to help Ash residents, we believe there is still a strong case that the best way to improve service quality for day care would be through consolidating provision at The Hive.

3.15 We also need to consider the requirement to reduce expenditure on discretionary services as part of our savings strategy. Consolidating service provision at The Hive would deliver savings in the region of £170,000 per annum.

#### **4. Consultations**

4.1 The Head of Community Services met with NHS colleagues, including the independent chair of the Guildford and Waverley Integrated Care Partnership and Adult Social Care commissioners as well as two community volunteers who provide services to the elderly in Ash. NHS and Adult Social Care partners indicated that a consolidated service at The Hive was the best option.

4.2 Partners were impressed with the services on offer and felt that The Hive provided a better model of care than could be offered at the Shawfield Centre due to the limitations of the building. They were also aware that most social care referrals across the borough are made to The Hive - even before Covid - and that there is adequate space to accommodate the allocated commissioned spaces for all residents. They also noted the health and wellbeing benefits of clients being in a multi-generational, multi-purpose space as well as the integrated care provision available to people living with dementia and physical disability.

- 4.3 In addition to consultation with key partners, a public consultation on the options for the future delivery of older people's services was undertaken between 20 September and 30 October 2021. A copy of the questionnaire is attached as Appendix 1.

Option 1:

To continue to operate two centres for older people's provision at The Hive and Shawfield Centre, but with existing limited provision and services available to residents.

Option 2:

To close the Shawfield Centre for day care services for the elderly and combine provision at The Hive to provide more modernised, wider ranging activities and efficient services for all communities.

(As part of the consultation, some concerns were raised about the nature of the consultation questions. However, these options were based on the most realistic assessment of what the service would be able to offer within the financial constraints facing the Council.)

- 4.4 The consultation was available on our website and hard copy consultation questionnaires were shared with clients who use our services and were made available to anyone who did not have computer access.
- 4.5 The consultation was shared with all councillors because older people's care is a service that is available to all borough residents. Councillors were also invited to a meeting to discuss the consultation on 22 September 2021 and, at their request, a meeting was held with Ash and Tongham councillors on 30 November 2021 to discuss the outcome of the consultation. Feedback was received at the latter meeting that more information could have been presented in the consultation on the services available at The Hive and that this may have led to a more positive response to proposals to consolidate provision.

Consultation Responses

- 4.6 The full results of the consultation are summarised in Appendix 2 and, understandably, there were concerns about the perceived loss of services at the Shawfield Centre. Headline results were:
- 58% of respondents felt any unified provision would have a negative effect.
  - 51% disagreed that with the right support in place, while taking a person's own strengths and capabilities into consideration, we would achieve a better outcome for the older person and their families if we provided a more modern wide-ranging service.

- 75% of respondents thought it better to offer two services with limited provision.

## **5. Key Risks**

- 5.1 There is a reputational risk related to the perceived loss of service to elderly residents in the Ash area. With support for those in need being a key corporate priority, we need to emphasise that the purpose of the consolidation is to provide an improved quality of service to all clients at The Hive.
- 5.2 We also need to ensure that residents in Ash are able to continue to access services. Measures to support this are set out in paragraph 3.12 of the report.
- 5.3 The Hive and the Shawfield Centre are both currently rest centres as part of our Emergency Planning response. In consolidating services, The Hive could remain as a small rest centre, but the Shawfield centre would no longer act in that capacity.
- 5.4 During Covid 19, we identified the risks around having small rest centres due to the ability to maintain social distancing and wider infection control and management. We have identified that it is important for us to utilise Spectrum and Surrey Sports Park as our main rest centres.
- 5.5 The risk therefore of no longer using Shawfield as a rest centre is reduced because we will have these two larger venues at our disposal as well as The Hive to ensure our residents have a place of safety in an emergency. Community Services would continue to support the infrastructure of an emergency response through provision and storage of equipment and the use of community transport.

## **6. Financial Implications**

- 6.1 We need to review discretionary services as part of our agreed savings strategy. It currently costs approximately £250,000 to run the Shawfield Centre. If older people's services were to consolidate at The Hive, there is the potential to save in the region of £170,000 per annum. In addition, the need to meet the costs of refurbishing the Shawfield Day Centre estimated at £100,000 would be removed.

## **7. Legal Implications**

- 7.1 We have conducted public consultation on the possible changes to older people's services along with an Equalities Impact Assessment and will continue to engage customers and other stakeholders on the detailed implementation of any changes to day care services.
- 7.2 We have a funding agreement in place with Surrey County Council for older people's day care provision that sets out how many allocated funded care places must be delivered by the Council. In consolidating services at The Hive, we remain compliant and have the support of Adult Social Care.

## **8. Human Resource Implications**

- 8.1 As part of the consolidation of older people's services at The Hive, a staffing restructure will be needed. This will contribute to the savings to be delivered through the proposal but may result in staff redundancies.

## **9. Equality and Diversity Implications**

- 9.1 An Equalities Impact Assessment was completed prior to the consultation exercise and this is included as Appendix 3 to this report. This demonstrates that we are able ensure equality of opportunity to access day care services by consolidating provision at The Hive.

## **10. Climate Change/Sustainability Implications**

- 10.1 Consolidation of older people's service in one location would reduce energy consumption compared to continuing provision at two premises. The transportation of clients from Ash to The Hive would result in a small increase in the number of vehicle journeys, although the minor carbon impact of this will be reduced by the planned move for the community transport fleet to become entirely electric.

## **13. Summary of Options**

- 13.1 The options which form the basis of this report are:
- (a) to continue to operate two centres for older people's provision at The Hive and Shawfield Centre: or
  - (b) to consolidate day care services for the elderly at The Hive.

## **14. Conclusion**

- 14.1 Taking into account the results of the consultation with health and social care partners, clients and the wider community and the suggestions received to help Ash residents access services, we recommend that the best way to improve service quality for day care is by consolidating provision at The Hive. This option will also deliver financial savings in the region of £170,000 per annum as part of the Council's agreed savings strategy.

## **15. Background Papers**

Day Care Provision for the Elderly Mandate (31<sup>st</sup> March 2021)

## **16. Appendices**

Appendix 1: Older People's Consultation Questionnaire  
Appendix 2: Summary of Older People's Consultation  
Appendix 3: Equalities Impact Assessment



## **DAY CARE PROVISION FOR THE ELDERLY – SUMMARY OF SERVICE DELIVERY EXECUTIVE ADVISORY BOARD COMMENTS**

At its meeting held on 13 January 2022, the Service Delivery Executive Advisory Board (EAB) was invited to consider a report which informed it of the outcome of a public consultation in respect of proposals for the future delivery of day care services for the elderly and sought comments regarding the recommended consolidation of provision at The Hive, Guildford. The report also recommended that a mandate be developed concerning options for the future use of the Shawfield Centre, Ash, following the proposed consolidation of provision at The Hive.

The Head of Community Services introduced the report and the ensuing points arose from related questions, comments and discussion for forwarding to the Executive:

1. Whilst the EAB acknowledged that any closure of, or decrease in, services was regrettable and could evoke a sense of loss amongst service users, the Council's financial situation necessitated the review of discretionary services with a view to identifying budget reductions as part of its Savings Strategy.
2. The Shawfield Centre had been closed since the COVID-19 outbreak and displaced service users had been transported to The Hive since that time, when Government guidance allowed. Robust risk assessments and temperature testing had been undertaken and there had not been any Coronavirus issues at The Hive.
3. Virtually all people who had received day care services from the Shawfield Centre prior to the pandemic now attended The Hive, if they were able to do so, and there was no knowledge of anyone previously in receipt of care now being without. Although the Shawfield Centre had offered day care facilities and was not merely a lunch facility, the majority of users attended for the lunch club only when the facility had been open prior to the pandemic. It was felt that this group, the majority of who resided in the neighbouring Japonica Court, were reluctant for the Centre to close. Therefore, consideration could be given to identifying an alternative lunch provision in the sheltered setting, possibly utilising the kitchen area and the Benson Room, within available resources.
4. Discrepancy As the number of consultation responders selecting Option 1 (to continue to operate two centres for older people's provision) outweighed the number of total service users, it was suggested that the findings should be considered with an element of caution. Consultation responses from the NHS and Surrey County Council Adult Social Care (ASC) advised that neither organisation referred people to the Shawfield Centre and would refer them to The Hive irrespective of their address in the Borough.
5. The reference in the report to the residents of Japonica Court benefiting from increased activities being offered within the sheltered housing scheme were being pursued by the Council's Sheltered Housing and Community Services Teams. This involved liaison with community leaders to assist with the provision of some activities such as quizzes, lunches, a social club and the Memory Lane initiative for people with dementia. Although there was limited staffing capacity to support increased activities, this matter had been prioritised and preparations, based on an activity plan, were at an advanced stage, COVID-19 allowing.
6. Some councillors had visited The Hive and were impressed with the services on offer and achievements realised in recent years. The premises included a quiet sanctuary area and an under-utilised store would be converted to form a further break out provision.
7. The capacity of The Hive was 100 clients per day and whilst it was difficult to predict future service demand in the Ash area owing to potential new residential developments, it was confirmed that The Hive had adequate capacity to serve the Borough in the foreseeable future.

8. In terms of people living with dementia, levels of severity varied and the NHS and ASC had requested the Council to provide an integrated model of care. The service sought to maintain a ratio of people with severe dementia representing under half of service users in order to maintain a manageable situation. As people's dementia level deteriorated, alternative suitable care provision was sought. Reference was made to Surrey County Council's draft Dementia Strategy and associated survey, to which anyone affected by dementia as a sufferer or carer could respond.
9. The Council operated its own community transport fleet which consisted of 11 vehicles which were being replaced with electric versions as they became due for renewal to improve the Council's carbon footprint. The fleet served the whole Borough and had sufficient capacity to transport all users of The Hive, where the vehicles were based. There was also the option of utilising a car to transport individuals who preferred to travel alone in a smaller vehicle with a regular driver. Although there was a possibility of adding a further car to the fleet for this purpose at some point in the future, this would be dependent upon the review of the overall fleet in terms of need and capacity, which were currently being met. The community transport service was well publicised with links to relevant community groups and services. The vehicles were available for community transport bookings whilst service users were visiting The Hive. The drivers were paid Council employees.
10. The identification of a direct transport route between Ash and The Hive avoiding pick up / drop off points and delays would be beneficial in the event that the Shawfield Centre remained closed. Although service users were currently collected from their place of residence in logical groupings to minimise delays, it was possible for the Council to organise pick up / drop off points as an alternative for those who were able to access them.
11. Although many service users attended day care provision from 9:00 am to 4:00 pm including travelling time, there were more flexible options for those who preferred a shorter day and there was vehicle scheduling capacity to facilitate this. Visits tended to focus on lunchtime to enable people to have a hot meal. Carers were welcome to accompany their cared for to The Hive and engage fully with the variety of activities on offer, also receiving some respite time if wished. There was a special area tailored to the needs of dementia sufferers where alternative activities could be pursued.
12. The Shawfield Centre was currently designated as a rest centre in case of emergency, leaving remaining rest centres at The Hive, the Spectrum and Surrey Sports Park in the event of its permanent closure. However, Applied Resilience was undertaking some work to identify assets owned by other organisations, such as parish councils and churches, outside the town centre which could be utilised as rest centres with supplies being provided by the Council. It was requested that further information be provided to the EAB when officers were in receipt.
13. In terms of the financial implications associated with the closure of the Shawfield Centre, officers were confident that the projected savings identified in the report would be achieved. However, some councillors felt that a breakdown of the savings would be informative. The EAB was advised that the building running costs were the most significant financial factors for the Council in this scenario whilst additional clientele attending The Hive could be absorbed into the existing services. There were also some savings opportunities relating to staffing and service contracts relating to meal provision. It was noted that, in the event that the Shawfield Centre re-opened, it would require refurbishing at an estimated cost of £100,000 to render it fit for purpose as a day care service facility.
14. The future use of the Shawfield site, following consolidation of provision at The Hive, would be subject to a separate mandate. There was a covenant in respect of the land which could create legal complexities. If the building was to be retained as a community facility such as a community hall, this would need to be outside the Council's ownership for financial reasons. It was felt that the future use of the building

should be addressed as rapidly as possible to avoid a community facility falling into disuse for any length of time.

15. A recent visit by a councillor to Dray Court, Guildford, had revealed that residents were content with the services being provided at The Hive. However, there was an issue at the premises whereby some residents went out and pursued activities such as visiting The Hive, whereas other occupants generally remained confined to their personal accommodation and did not visit the communal area. A further issue was the closure of kitchenettes in sheltered accommodation. These factors highlighted the need for an overall review of Older People's Services in the wake of COVID-19. Officer discussions were taking place in this regard and could lead to the establishment of a working group, including the Older People's Champion, to secure improvements to the communal areas and activities in sheltered housing units within available resources.

The Lead Councillor for Community and Housing thanked the EAB for its varied and thoughtful questions and comments arising from the report. She advised that attention would be given to working more closely with the Older People's Champion in respect of future reviews and consultations of this nature. The Champion's views were included in the EAB's submission to the Executive.

Having indicated its general support for the proposals in the report, the EAB agreed the following recommendations to the Executive:

- (a) The provision of day care services for the elderly be consolidated at The Hive to maintain high quality service delivery for all residents in the Borough.
- (b) The possibility of introducing a lunch provision at Japonica Court be explored to support those residents who previously accessed the lunch club at the Shawfield Centre.
- (c) A mandate be developed in respect of the options for the future use of the Shawfield Centre site without delay to prevent a community facility falling into disuse for a length of time. One of the options should consider the operation of the property by an external organisation such as a parish council, charity or local enterprise.
- (d) A breakdown of the projected revenue savings of £170,000 be provided to clarify the amount of funding expected to be saved from the Shawfield Centre closure, balanced against any rise in costs associated with an increase in the use of The Hive and community transport and any ongoing up keep of the building including utility payments.

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The purpose of an assessment is to understand the impact of the Council's activities\* on people from protected groups and to assess whether unlawful discrimination may occur. It also helps to identify key equality issues and highlight opportunities to promote equality across the Council and the community. The assessment should be carried out during the initial stages of the planning process so that any findings can be incorporated into the final proposals and, where appropriate, have a bearing on the outcome.

(\*Activity can mean strategy, practice, function, policy, procedure, decision, project or service)

<b>Name of person completing the assessment</b>	Sam Hutchison	<b>Updated assessment</b>	20/02/2022
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<b>Name of the proposed activity being assessed</b>	<p><b>Consolidation of Day Care Services at The Hive. Closing the Shawfield Centre to day care users and moving the service into one space at The Hive</b></p> <p>(A consultation took place September – October 2021 on potential movement of Day Care Services from the Shawfield Centre to The Hive)</p> <p>The proposal to consolidate service encompasses several aspects</p> <ul style="list-style-type: none"> <li>• The closure of the Shawfield Centre with the consolidation of Older People Services at The Hive</li> <li>• Flexible Community Transport to make the service accessible to all residents</li> <li>• Change in eligibility criteria to allow the service to be proactive in ensuring access to underrepresented groups</li> <li>• Possible contract changes for employees with the Care and Facilities teams, resulting in change of workplace and change from part-time to full-time hours</li> </ul>	<b>Is this a new or existing activity?</b>	<p>During the Covid pandemic, the Activity Hub services was amalgamated with that of The Hive due to restrictions and has operated successfully since May 2021.</p> <p>A permanent closure will be considered a new activity.</p>
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<b>Who will implement the activity and who will be responsible for it?</b>	Samantha Hutchison (Head of Community Services) will lead and be responsible for the proposed changes.
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1. Determining the relevance to equality

Appendix 8

<p><b>What are the aims, objectives and purpose of the activity?</b></p>	<p>The overarching aim of the consolidation is to introduce a modernised model of day care opportunities which will promote choice, flexibility, independence and wellbeing. It will also achieve efficiencies through rationalisation of the use of buildings and other resources.</p> <p>The drivers for the need to change existing Guildford Borough Council Day Care Services are</p> <ul style="list-style-type: none"> <li>• The Shawfield Centre is not being fully utilised by day care customers</li> <li>• We need to provide a range of services to meet people’s needs and help them stay as independent as possible.</li> <li>• Due to the impact of the pandemic, the demographic of the borough is changing and a greater number of older people require support through different outreach services such as home visits, welfare checks and calls as well as the option to access day care.</li> </ul> <p>We aim to</p> <ul style="list-style-type: none"> <li>• Use our buildings in different ways so community buildings are used fully</li> <li>• Ensure residents with a high level of need should not have to travel out of the borough to receive day care services. We will support all residents across the borough to access appropriate transport (community buses or smaller one to one vehicle so they can attend day care at The Hive).</li> <li>• Maximise on the modern care model of The Hive that encourages wider community use and intergenerational activity as well as specific day care support.</li> <li>• Use The Hive as an integrated Community Services Hub so that we have a borough community space with equal focus on all services.</li> <li>• Make sure that we have a range of day opportunities with new and current providers, voluntary organisations and local community groups</li> <li>• Ensure services are available for people with lower-level needs in the community</li> <li>• Enable further efficiencies to be made through possible amalgamation of staff posts / hours to ensure The Hive is fully staffed and resilient</li> </ul> <p>Guildford Borough Council’s commitment to our most vulnerable means that we will promote people’s independence and wellbeing and deliver at The Hive</p> <ul style="list-style-type: none"> <li>• access to information, advice and support so that communities can help themselves and each other.</li> <li>• support to people so they can live independently</li> <li>• help to those who need to regain their skills and confidence after illness, injury or life events.</li> <li>• a safe environment where health and social care partners work together to meet the needs of our residents</li> </ul>
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Is this a major activity that significantly affects how services or functions are delivered?	Who will benefit from this activity and how?		
	<p><b>Consolidating day care services at The Hive would require</b></p> <ol style="list-style-type: none"> <li>1. A flexible transport offer so that people can access The Hive easily. This will include provision of community buses and smaller one to one car journeys.</li> <li>2. Removal of the lunch service that Japonica Court residents attended at the Shawfield Centre (although not part of the day care offer) will have an effect on Japonica Court residents. The Community Services Team and Sheltered Housing staff will work together to provide a lunch offer at the Benson Room in Japonica Court. (this may not be daily)</li> <li>3. A service restructure to address service resilience and that appropriate levels of care can be provided to day centre customers. Community Services is looking to make a cultural change away from traditional isolated day centre provision towards a service that promotes community interaction of all ages, independence and the development of individual skills and potential through a greater choice of activities in the centre with wider community and stronger support to pathways to work instead.</li> </ol>		<ol style="list-style-type: none"> <li>1. Elderly Residents accessing day care services across the borough will benefit from scheduled direct journeys avoiding too many stops. Those who struggle with community buses can access one to one journeys via a smaller vehicle – which is particularly helpful for those living with dementia. Flexibility of transport also means that residents who are particularly frail or vulnerable are able to leave the centre before scheduled return journeys.</li> <li>2. Residents at Japonica Court will be able to access a lunch offer in the Benson Room and be able to interact with other residents in the scheme.</li> <li>3. Our older and more vulnerable residents will benefit alongside our less advantaged communities through accessing greater support to address health and wellbeing needs. Staff within Community Services will be consulted on all staff change proposals and will be able to contribute to the design of this new model of delivery. Our customers will benefit from a staffing structure that offers resilience and diversity of support.</li> </ol>

<p><b>Does it relate to a function that has been identified as being important to people with particular protected characteristics?</b></p>	<p><b>Appendix 5</b></p> <p>The current Day Care Service offers a range of structured activities and support across the borough to older people, those living with dementia and disabled customers with assessed needs.</p> <p>Day Care Services are currently used more by women although we are seeing a rise in male attendance.</p> <p>Day care services are also important to the families and carers of customers. Not only does the service provide support to the service user but also provides respite for family and carers.</p> <p>Day Care Services also are a huge support to the NHS and Adult Social Care and provide support to their hospital discharge programmes. Health and Social Care partners approve of the consolidated model.</p>	<p><b>Who are the stakeholders? Does the activity affect employees, service users or the wider community?</b></p>	<p>The consolidation will affect (as described above) various stakeholders, but we have liaised with various stakeholders and will continue to do so to ensure mitigations for any issues that may arise are in place.</p> <p>Stakeholders are</p> <p>The service users and families/carers of day care services at the Shawfield Centre and The Hive.</p> <p>Residents of Japonica Court around the provision of a lunch club</p> <p>People who are likely to need day opportunities in the future, e.g., young people with disabilities in transition, and a range of older people who may be assessed as having a need for a Day Service</p> <p>Adult Social Care and NHS partners who are keen to make more referrals to The Hive as it offers better provision.</p> <p>Community and voluntary agencies who are collaborators in community development and empowerment have expressed support of the consolidation and the new integrated model of working.</p> <p>Staff will need to implement and manage the changes that consolidation brings. They may face new staffing structures and working environments</p>
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**Based on the above information, is the activity relevant to equality?**

<p><b>Yes – continue to section 2</b></p> <p><b>No – please record your reasons why the activity is not relevant to equality</b></p>	<p>Yes</p>
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<p>1. Is the proposed activity accessible for all the protected groups listed below?  <i>(Consider in what ways the activity might create difficulties or barriers to parts of the workforce, community or protected groups. How might one or more groups be excluded because of the activity?)</i></p>			
Protected groups	Yes	No	Evidence
Disability	✓		<p>Services offered as part of Day Care Services will no longer have a criterion of eligibility (as we did previously) stating that prospective customers must:</p> <ul style="list-style-type: none"> <li>• be diagnosed with a physical disability or mental health issue and require support accessing public transport</li> <li>• suffer with short- or long-term ill health</li> <li>• have diagnosed learning difficulties</li> </ul> <p>The proposed changes to the structure of Day Care Services will make the services accessible for all – particularly focussing on a flexible transport model at no extra cost.</p>
Race	✓		Day Care Services is available to all and the use of The Hive as a community hub enables wider community activities to be available to everyone.
Gender	✓		Women tend to access day care services more than men, but our offer is available to all genders.
Sexual orientation	✓		Day Care Services is available to all and the use of The Hive as a community hub enables wider community activities to be available to everyone.
Age	✓		<p>Current services offered as part of Day Care Services have a criteria of eligibility: To be over the age of 50 years old</p> <p>The proposed changes will not limit services to a specific age category, instead making it accessible to those that wish to use them.</p>
Religion or belief	✓		Day Care Services is available to all and the use of The Hive as a community hub enables wider community activities to be available to everyone. We have created prayer space for our customers who need to pray at certain times of the day.
Transgender or transsexual	✓		Day Care Services is available to all and the use of The Hive as a community hub enables wider community activities to be available to everyone.
Marriage and civil partnership	✓		Day Care Services is available to all and the use of The Hive as a community hub enables wider community activities to be available to everyone.
Pregnancy or maternity	✓		We have a regular breastfeeding clinic at The Hive and Community Services at The Hive include family support and accessibility to a play zone for children and clothing supplies.

2. Is it likely the proposed activity will have a negative impact on one or more protected groups?

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Protected groups	Appendix 5	No	Evidence
Disability	✓		See evidence above
Race			
Gender			
Sexual orientation			
Age	✓		See evidence above
Religion or belief			
Transgender or transsexual			
Marriage and civil partnership			
Pregnancy or maternity			

3. What action can be taken to address any negative impact? What measures could be included to promote a positive impact? (*Consider whether it is possible to amend or change the activity due to the likely adverse impact whilst still delivering the objective. Is it possible to consider a different activity which still achieves the aims but avoids an adverse impact? Is an action plan required to reduce any actual or potential adverse impact?*)

We will ensure all customers in Day Care Services will have a personal support plan review to ensure we are providing the service needed so that there is no negative impact on minority or protected groups – this will include the flexible transport approach and flexible timings to attend Day Care Services. At the Hive, there is also a quiet space for people living with dementia to access as well as hairdressing and podiatry treatment that is dementia and disability friendly.

As part of the development of Community Services, we will ensure that alternative services are offered to our most vulnerable customers to ensure support is in place should they not be able to attend The Hive due to illness. We will make regular telephone welfare checks and home visits until they are well enough to resume attendance. Our Community Meals can be delivered to homes to ensure adequate nutrition during this time.

The restructure of staff will look at whether there is potential to consolidate service and streamline some posts so that we have a more resilient full-time workforce. This would potentially have a negative impact on staff as it may require them to reapply for their positions. We will support all staff through the restructure process with the support of HR. Possible consolidation of services will also require a contract change for those assigned to the Shawfield Centre. This would include a change of place of work resulting in possible concerns with ability to access the workplace. We will look to help with possible transport opportunities if possible.

4. What are the main sources of evidence that have been used to identify the likely impacts on the different protected groups? (*Use relevant quantitative and qualitative information that is available from sources such as previous EIA's, engagement with staff and service users, equality monitoring, complaints, comments, customer equality profiles, feedback, issues raised at previous consultations and known inequalities*).

Client Data:

Client record information captures the profile of all customers using Day Care Services. This data provides valuable insight to the demographic and needs information about customers accessing the services. The client data has been compared to demographic profiles of protected groups to inform this assessment.

5. Has any consultation been carried out (e.g., with employees, service users or the wider community)? Please provide details

Consultation:

Consultation occurred in September- October 2021 with an aim for the consultation to set out a meaningful approach to give customers and the wider community a voice and genuine opportunity to influence the decisions around what the service can reasonably and practically deliver. We have had criticism over the consultation questions and have taken measures to meet with the community and concerned individuals to talk through the proposals in an open and transparent fashion.

6. Is further consultation required as a result of any negative impact identified? If so, what groups do you intend to engage with and how?

No further consultation is needed on the consolidation of services, but we will be engaging at all times with our stakeholders about the services we deliver and any changes/improvements we need to make.

7. Conclusion of Equality Impact Assessment - please summarise your findings

To support our most vulnerable to live independently and safely in their own homes and giving them choice and control over their health and wellbeing is a key priority for Guildford Borough Council. To achieve this, Community Services must ensure that our services offer the best care possible within our financial constraints and build a service that supports our communities to become resilient and live well. This service needs to be sustainable and deliverable.

Day Care Services provide a range of activities and support across the borough to residents with assessed needs. The service provides respite to families and carers, which plays a crucial role in reducing social isolation, maintaining the health and wellbeing of residents and helping to reduce the demand for more costly interventions. Providing daytime support in a well maintained and intergenerational setting that has moved away from a segregated care model to an integrated model will serve our most vulnerable and our health and social care partners better.

Due to the closure of the Shawfield Centre during the pandemic and the decreasing numbers attending day care services there prior to the pandemic, a better quality of care and a more financially stable model of support will be delivered through consolidating services at The Hive.

We have mitigations in place to support our elderly customers as well as those who live with dementia and disability and the proposal to consolidate Older People Services at The Hive is rooted in our commitment to support our most vulnerable and empower all communities across the borough to have greater access to wider health and wellbeing initiatives.

The support of the proposal of our health and social care partners as well as our voluntary, charity, faith and community collaborators are important. Their support is key to us consolidating our model of care so that we can work together in difficult financial times for all sectors of public service to provide innovative, efficient and integrated models of care and support for our less advantaged.

Name of person completing assessment: Samantha Hutchison

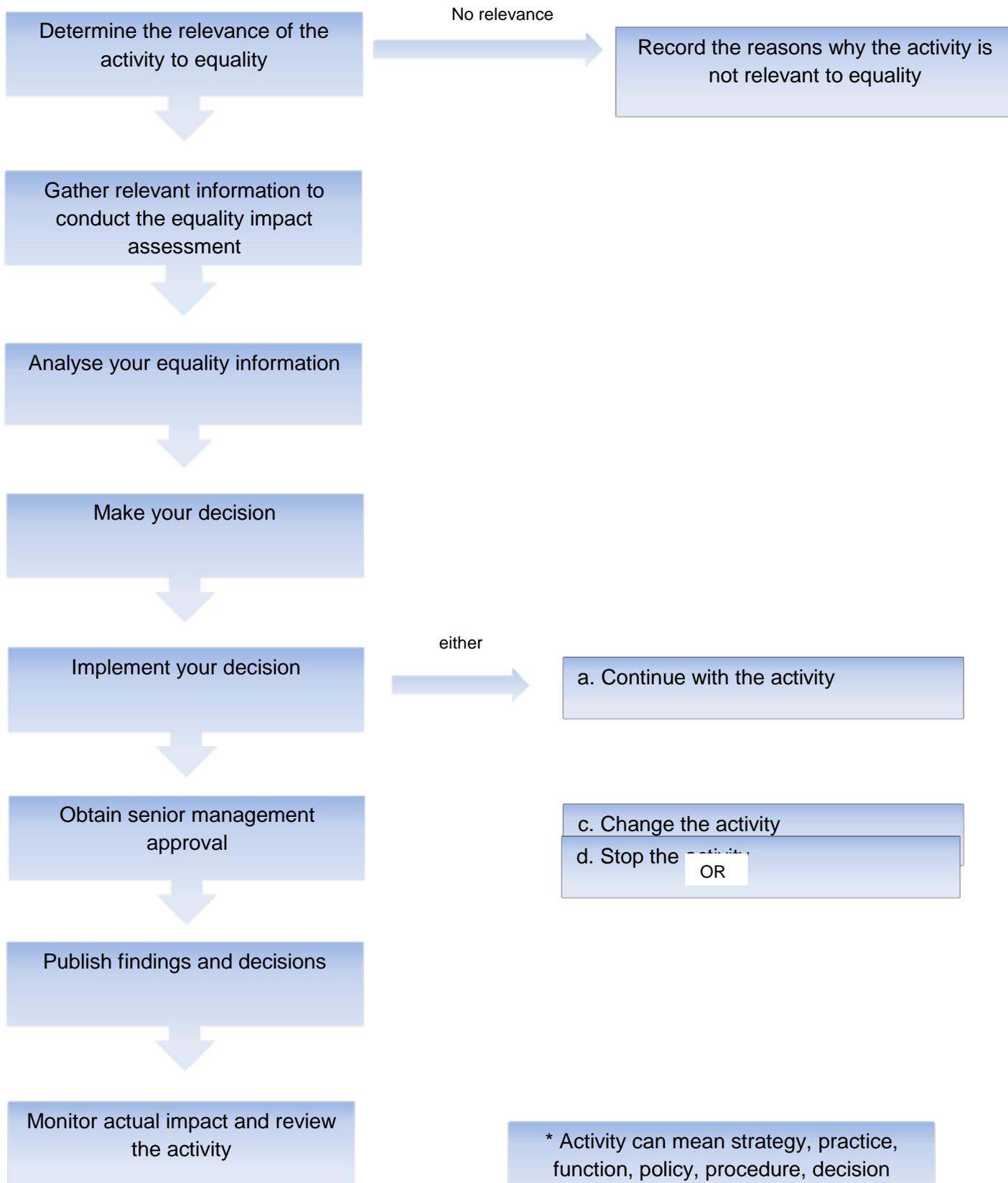
Date: 20/02/22

Job title: Head of Community Services

Senior manager name: Samantha Hutchison

Date: 20/02/2022

Assessing the impact of your activity\* on equality



\* Activity can mean strategy, practice, function, policy, procedure, decision making, project or service

Executive Report

Ward(s) affected: n/a

Report of the Interim Monitoring Officer

Author: Stephen Rix

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Lead Councillor responsible: Joss Bigmore

Email: joss.bigmore@guildford.gov.uk

Date: 22nd March 2022

## Pre-Election Period Publicity Policy

### Executive Summary

The Pre-Election Period is the period prior to an election. There are statutory restrictions that apply to Council publicity during the Pre-Election Period.

The Pre-Election Period Publicity Policy seeks to ensure that the Council acts lawfully in relation to the use of Council resources in the lead up to an election, to provide guidance to Councillors and Officers and to limit Council and Committee meetings and other decision making which takes place during the Pre-Election Period to those which are strictly necessary and business as usual.

### Recommendation to Executive

That full Council (on 5 April 2022) approves the Pre-Election Period Publicity Policy, as set out in Appendix 1 to this report, with immediate effect.

### Reason(s) for Recommendation:

To protect the interests of the Council, and to provide guidance to Councillors and Officers on publicity and the use of Council resources during the Pre-Election Period.

**Is the report (or part of it) exempt from publication?** (delete as appropriate)

No

### 1. Purpose of Report

1.1 To adopt the Pre-Election Period Publicity Policy.

## **2. Strategic Priorities**

- 2.1 To ensure the Council acts lawfully and consistently during the Pre-Election Period.

## **3. Background**

- 3.1 The Pre-Election Period is the period of approximately 6 weeks prior to an election. There are statutory restrictions that apply to Council publicity during the Pre-Election Period.
- 3.2 The Council must comply at all times with restrictions outlined in Section 2 of the Local Government Act 1986 which says the Councils should “*not publish any material which, in whole, or in part, appears to be designed to affect public support for a political party*”. Publicity is defined as “*any communication, in whatever form, addressed to the public at large or to a section of the public.*”
- 3.3 In addition, a Code of Recommended Practice on Local Authority Publicity published in 2011 makes it clear that particular care should be taken in periods of heightened sensitivity, such as in the run up to an election. The Code of Practice recommends that councils should generally not issue any publicity which seeks to influence voters and that publicity relating to candidates and politicians involved directly in the election should not be published unless expressly authorised by statute.
- 3.4 The Pre-Election Period Publicity Policy (‘the Policy’) seeks to ensure that the Council acts lawfully in relation to the use of Council resources in the lead up to an election, to provide guidance to Councillors and Officers and to limit Council and Committee meetings and other decision making which takes place during the Pre-Election Period to those which are strictly necessary and business as usual.

## **Content of the Policy**

- 3.5 The Policy defines what is covered by ‘publicity’ and sets out in detail what is and is not an acceptable use of Council resources during the Pre-Election Period. Press releases should generally come from Officers during the Pre-Election Period or the Mayor when an elected Councillor response is required. Particular care should be taken by Officers in relation to the Council’s social media accounts during the Pre-Election Period.
- 3.6 A key aspect of the Policy is limiting Council and Committee meetings during the Pre-Election Period. Specifically:
- Regular Full Council, Executive, and Committee meetings (excluding Planning Committee, Licensing Sub-Committee and Licensing Regulatory Sub-Committee) will not be scheduled during the Pre-election Period;
  - Where an unscheduled election is called, meetings scheduled to take place in the Pre-election Period (other than meetings of the Planning Committee,

- Licensing Sub-Committee and Licensing Regulatory Sub-Committee) may be cancelled if it is considered by the Joint Chief Executive prudent to do so; and
- Extraordinary Full Council and/or Special Committee meetings will be arranged if, in the opinion of the Joint Chief Executive and Monitoring Officer, it is considered to be in the Council's interests to hold them for urgent items of business.

It should be noted that the current timetable of meetings approved by Full Council on 9 February 2022 took into account these principles so adoption of the Policy will not impact on timetabled meetings in the 2022-23 municipal year.

- 3.7 Other important aspects of the Policy to highlight are specific guidance for Councillors and Officers in carrying out their roles including delegated decision making. The Policy also specifically limits initiating public consultation processes during the Pre-Election Period. By-Elections are also covered in the Policy.
- 3.8 The Policy clarifies the position of the Mayor and provides guidance around the publicity from and about the Mayor.
- 3.9 The Policy makes it clear that decision making in relation to which Council and Committee meetings should proceed and the deferral of items, events and decisions are to be made by the Joint Chief Executive, in consultation with the Monitoring Officer, this makes the decisions non-political and gives clear accountability which is lacking currently.

#### **4. Consultations**

- 4.1 The following Councillors have been consulted: the Mayor and Deputy Mayor, the Leader and Deputy Leader, all political group leaders, all committee Chairmen and Vice Chairman.
- 4.2 The following officers have been consulted: Joint Chief Executive, Corporate Management Team, Head of Place, Communications Manager and the Democratic Services and Elections Manager.

#### **5. Key Risks**

- 5.1 The risks are set out in the report and the Policy.

#### **6. Financial Implications**

- 6.1 There are no financial implications arising from this report.

#### **7. Legal Implications**

- 7.1 The Legal Implications are set out in the Report.

#### **8. Human Resource Implications**

- 8.1 There are no human resource implications arising from this report.

## **9. Equality and Diversity Implications**

- 9.1 Public authorities are required to have due regard to the aims of the Public Sector Equality Duty (Equality Act 2010) when making decisions and setting policies.

The Council has a statutory duty under section 149 of the Equality Act 2010 which provides that a public authority must, in exercise of its functions, have due regard to the need to (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it. The relevant protected characteristics are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

This duty has been considered in the context of this report and it has been concluded that there are no equality and diversity implications arising directly from this report.

## **10. Climate Change/Sustainability Implications**

- 10.1 No such implications apply.

## **11. Summary of Options**

- 11.1 There are 3 options:

- The Council can adopt the Policy as drafted.
- The Council can decide not to adopt the Policy and continue with the status quo.
- The Council can ask for amendments to be made to the Policy and a further version to be drafted.

## **12. Conclusion**

- 12.1 The recommendation is that the Pre-Election Period Publicity Policy is adopted by the Council, as drafted and set out in Appendix 1 to this report, to ensure that the Council, Councillors and Officers are protected.

## **13. Background Papers**

None

## **14. Appendices**

Appendix 1: Pre-Election Period Publicity Policy – February 2022

## **Pre-election period publicity and decision-making Policy for all Elections conducted in the Borough of Guildford**

This Policy applies from the date of the publication of the Notice of Election until after polls close being the period when Pre-election Period publicity restrictions apply. This policy restricts the Council and its officers during the pre-election period; it does not fetter candidates and councillors from their own political campaigning when doing so using their own resources.

### **Statutory requirements**

There are statutory restrictions that apply to Council publicity before all elections. Although it should be *business as usual* in relation to decision-making, there are also some important sensitivities and conventions that councillors and officers should follow to reduce the risk of legal challenge being brought against the Council.

The Council must comply with restrictions outlined in Section 2 of the Local Government Act 1986 ('the Act'). In addition, a Code of Recommended Practice on Local Authority Publicity published in 2011 ('the Code of Practice') makes clear that particular care should be taken in periods of heightened sensitivity, such as in the run up to an election. The Act defines publicity as "**any communication, in whatever form, addressed to the public at large or to a section of the public.**"

Section 2 of the Act says that we should "**not publish any material which, in whole, or in part, appears to be designed to affect public support for a political party.**" The Code of Practice recommends that Councils should generally not issue any publicity which seeks to influence voters and that publicity relating to candidates and politicians involved directly in the election should not be published unless expressly authorised by statute.

The Code of Practice recommends that communications are issued with care during periods of heightened sensitivity.

### **Publicity**

The Council must not issue:

- proactive publicity of candidates and other politicians involved directly in the elections (this includes a candidate, agent, proposer, seconder, or assenter) who are named in the published Statement of Persons Nominated notice for the elections (but see also the section on the mayoralty below)
- publicity that deals with controversial issues that could specifically be linked to a relevant issue in the elections. If this cannot be avoided, the publicity should present issues clearly and fairly with opposing points of views represented.

- publicity that reports views in such a way that clearly identifies them with individual members or groups of members directly involved in the elections.

Publicity includes:

- news releases and media enquiries
- emails, online and printed newsletters
- banners, posters, leaflets, booklets and publications
- social media information - such as postings on Facebook or Twitter – including video and audio clips and photographs
- consultation information
- information on our website

However, the Council can:

- respond to enquiries from the media provided that the answers given are factual and not party political
- if needed, publish factual information which identifies the names, wards and parties of candidates
- comment on a relevant issue where there is a genuine need for a councillor-level response to an important event outside of the Council's control or in relation to reactive media releases, with a response by a relevant lead officer
- continue with *business as usual* officer decision making and urgent meetings if required.

During the pre-election period the Council will avoid:

- **including councillors or persons directly involved in the election in any publicity** other than the factual information referred to above - relevant lead officers may be quoted instead as necessary
- organising photo opportunities or events which could be seen as giving candidates, councillors or other political office holders a platform for political comment
- publications, events or promotions, and postpone them until after the elections if proceeding could give the appearance of seeking to affect support for a political party or candidate involved in the elections

- commenting on matters of political controversy unless to refrain from comment would, in the opinion of the Joint Chief Executive and Monitoring Officer, be harmful to the Council's reputation and best interests
- references in publications to the period the current administration has been in office or to the Council's future commitments, if to do so could be seen to affect support for a political party or candidate involved in the elections

## **Social media**

The following guidance applies to all Council social media channels that are managed and monitored by Council officers. These rules apply generally at all times but some need more careful consideration during the pre-election period.

Officers must not:

- Share content from political parties, councillors or politicians (but see also the section on the mayoralty below).
- Add content on matters that are politically controversial.
- Post, tweet, or share text, images, or video of political parties, councillors, politicians or subjects that are politically controversial.
- Start a significant digital campaign, unless it can be demonstrated that this was included in the communications schedule before the election was called and is not politically controversial

## **Decision making and Committee Meetings**

The principle of the Council carrying on with *business as usual* during the pre-election period is subject to the wider context of pre-election sensitivity as to publicity.

Specifically:

- Regular Full Council, Executive, and Committee meetings (excluding Planning Committee, Licensing Sub-Committee and Licensing Regulatory Sub-Committee) will not be scheduled during the Pre-election Period;
- Where an unscheduled election is called, meetings scheduled to take place in the Pre-election Period (other than meetings of the Planning Committee, Licensing Sub-Committee and Licensing Regulatory Sub-Committee) may be cancelled if it is considered by the Joint Chief Executive prudent to do so; and
- Extraordinary Full Council and/or Special Committee meetings will be arranged if, in the opinion of the Joint Chief Executive and Monitoring Officer, it is considered to be in the Council's interests to hold them for urgent items of business.

## **Public Consultation**

Public consultation exercises should generally not take place during the Pre-election Period, unless not to do so would be harmful to the Council best interests or unlawful.

The Joint Chief Executive, in consultation with the Monitoring Officer, will make the final decision in relation to whether a public consultation exercise should take place or not.

## **Third parties**

The restrictions on publicity in an election period apply to publicity issued by third parties if they are assisted by Council funding. For example, where it could be shown that Council funding is being used to pay for a charity's publicity, the Council will take reasonable steps to ensure that that organisation complies with this pre-election period policy.

## **The Mayoralty and Council events**

The Mayoralty is considered to be politically neutral and where, during the pre-election period, an elected Councillor response is required the Mayor should be the spokesperson.

Council communications including Social media posts by and about the Mayor can continue as long as they are not of a political nature.

The Council should avoid holding events which could give the appearance of seeking to affect support for a political party or candidate involved in the elections. The Joint Chief Executive, in consultation with the Monitoring Officer, will make the final decision in relation to whether an event should be deferred or not.

## **Requests for Information**

The Council is still legally required to respond to requests for information under Freedom of Information and related legislation. The Council should continue to ensure that all requests are treated even-handedly, with no preference shown to a particular group or party.

## **Elected councillors**

Please note that the pre-election period restrictions generally relate to the Council and publicity in that period and not to individual councillors.

This means that individual councillors or political parties may contact the press directly, respond to their calls and set up their own photo shoots and publicity to promote a candidate or political party in the elections. However, they may not use

the Council's resources (including ICT resources and email accounts), premises or facilities to do so. Councillors who breach or attempt to breach the restrictions or who put pressure on officers to break these rules may be in breach of the Councillors' Code of Conduct.

### **Council officers**

Officers should take care in responding to requests for ad hoc meetings of a public nature to ensure that they are required only for the proper discharge of the Council's business.

Officers should not supply Council photographs or other materials to councillors or anyone directly involved in the election, unless they have verified that they will not be used for campaigning purposes.

Officers should exercise caution if invited to any event in which election candidates participate. They should seek the Monitoring Officer's advice in such circumstances.

Those officers who are in politically restricted posts must refrain from taking part in canvassing or campaigning for a political candidate or party.

*Business as usual* officer decisions may continue be taken. However, politically controversial items may be deferred until after the election if to continue would, in the opinion of the Joint Chief Executive, the Borough Returning Officer and the Monitoring Officer, be harmful to the conduct of the election.

### **Risks**

If these rules about publicity are broken, the Council could be subject to legal challenge and, in a worst-case scenario, election results could be invalidated. Officers who fail to observe the rules may be liable to disciplinary action.

### **By-Elections**

Although the full pre-election publicity procedures set out in the Policy will not be appropriate for ward by-elections, the Council and its officers will exercise extra caution and may apply some of the principles of this policy.

### **Useful Links**

The Code of Recommended Practice on Local Authority Publicity

[Recommended code of practice for local authority publicity - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/442222/recommended-code-of-practice-for-local-authority-publicity.pdf)

Local Government Association (LGA) – pre-election period overall section

[Pre-election period | Local Government Association](https://www.local.gov.uk/pre-election-period)

LGA short guide to publicity during the pre-election period

[A short guide to publicity during the pre-election period | Local Government Association](#)