

GUILDFORD BOROUGH COUNCIL



MOSELEY MAYOR

Contact Officer:

John Armstrong,
Democratic Services and Elections Manager
Tel: 01483 444102

29 November 2021

To the Councillors of Guildford Borough Council

You are hereby summoned to attend a meeting of the Council for the Borough of Guildford to be held in the **Council Chamber, Millmead House, Millmead, Guildford, GU2 4BB** on **TUESDAY, 7 DECEMBER 2021** commencing at 7.00 pm.



James Whiteman
Managing Director

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Surrey GU2 4BB

www.guildford.gov.uk

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.

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

Time limits on speeches at full Council meetings:	
Public speaker:	3 minutes
Response to public speaker:	3 minutes
Questions from councillors:	3 minutes
Response to questions from councillors:	3 minutes
Proposer of a motion:	10 minutes
Seconder of a motion:	5 minutes
Other councillors speaking during the debate on a motion:	5 minutes
Proposer of a motion's right of reply at the end of the debate on the motion:	10 minutes
Proposer of an amendment:	5 minutes
Seconder of an amendment:	5 minutes
Other councillors speaking during the debate on an amendment:	5 minutes
Proposer of a motion's right of reply at the end of the debate on an amendment:	5 minutes
Proposer of an amendment's right of reply at the end of the debate on an amendment:	5 minutes

AGENDA

1. APOLOGIES FOR ABSENCE

2. DISCLOSURES OF INTEREST

To receive and note any disclosable pecuniary interests from councillors. 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 9 - 44)

To confirm the minutes of the ordinary meeting of the Council on 5 October and the extraordinary meeting held on 1 November 2021.

4. MAYOR'S COMMUNICATIONS

To receive any communications or announcements from the Mayor.

5. LEADER'S COMMUNICATIONS

To receive any communications or announcements from the Leader of the Council.

6. PUBLIC PARTICIPATION

To receive questions or statements from the public.

7. PETITION: MAKE GUILDFORD PESTICIDE-FREE (Pages 45 - 72)

8. QUESTIONS FROM COUNCILLORS

To hear questions (if any) from councillors of which due notice has been given.

9. REGULATION 19 CONSULTATION ON LOCAL PLAN DEVELOPMENT MANAGEMENT POLICIES (Pages 73 - 162)

10. GAMBLING ACT 2005: STATEMENT OF PRINCIPLES 2022-25 (Pages 163 - 234)

11. LOCAL COUNCIL TAX SUPPORT SCHEME 2022-23 (Pages 235 - 274)

12. APPOINTMENT OF EXTERNAL AUDITORS (Pages 275 - 290)

13. REVIEW OF THE NUMERICAL ALLOCATION OF SEATS ON COMMITTEES TO POLITICAL GROUPS: 2021-22 (Pages 291 - 302)

14. SELECTION OF THE MAYOR AND THE DEPUTY MAYOR 2022-23 (Pages 303 - 306)

15. NOTICE OF MOTION A: ENDING VIOLENCE AGAINST WOMEN AND GIRLS

In accordance with Council Procedure Rule 11, Councillor George Potter to propose, and Councillor Fiona White to second the following motion:

“Council notes that:

- i. Sexual violence, sexual harassment, and domestic abuse remain endemic in our society:
 - a. In 2019/20, 4.9 million women were victims of sexual assault in England and Wales, according to the Office for National Statistics (ONS).
 - b. A third of 16-18-year-old girls report experiencing unwanted sexual touching at school, according to End Violence Against Women.
- ii. The pandemic has made the situation worse:
 - a. The ONS report into Domestic abuse during the pandemic in November 2020 found increased demand for victim services and indicators that severity of abuse has increased.
 - b. Plan International UK found that since lockdown began, 1 in 5 girls aged 14-21 experienced public sexual harassment.
 - c. By 2030, 2 million more girls are now at risk of undergoing Female Genital Mutilation (FGM) due to the pandemic according to Plan International.
- iii. The justice system is failing many victims of domestic abuse and sexual violence:
 - a. Out of 139,000 rapes estimated by the ONS in the year ending March 2020, only 58,845 were reported to police. Of those, just 2.4% ended in convictions.
 - b. Three in four domestic abuse cases in England and Wales end without charge, according to Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services.

- iv. Those from minority backgrounds experience domestic abuse disproportionately:
 - a. ONS figures for 2019 show that disabled women were more than twice as likely to experience domestic abuse than non-disabled women.
 - b. LGBT+ people are significantly more likely to experience domestic abuse, with 13 per cent of bisexual women facing intimate partner abuse in 2019/20, according to Stonewall.
 - c. In 2019, 60 per cent of UK police forces admitted referring victims of crime to the Home Office for immigration purposes, harming migrant women.
- v. The Domestic Abuse Act 2021, whilst very welcome, still contains policy gaps, including failure to provide equal protection for migrant women.
- vi. The funding for domestic abuse services in the 2021 Budget falls short of the figure that Women's Aid says is needed by over £200 million per year.
- vii. The UK has failed to ratify the Istanbul Convention, a treaty creating a global framework for protecting women from violence.

Council believes that:

- I. Everyone, regardless of identity, has the right to live a life free from fear and violence.
- II. Current systems and services do not properly tackle continuing violence against women and girls in our society due to underfunding, ingrained culture of victim blaming and lack of available education and training.
- III. Investing in raising awareness, education, and policies aimed at prevention is vital and prevents greater costs long-term.
- IV. An intersectional approach to violence against women and girls is imperative to provide high level care and support to the most vulnerable victims.
- V. Disclosures of abuse must be made easier and always taken seriously by authorities who offer a trauma-informed response.
- VI. Perpetrators of serious violence usually have a history of inflicting abuse and harassment against other women and girls. Tackling violence against women and girls means dismantling this culture.
- VII. Ending violence against women and girls must be a top priority for all levels of government.

Council resolves:

That the Executive be requested:

- A. To recognise misogyny as a hate crime.
- B. To find ways to help support members of our diverse communities who may need specialist care and help.
- C. To ensure that Guildford Borough Council continues to do everything in its power to build a borough free from misogyny and violence against women and girls. This includes continuing to invest in vital services, listening and responding to women and girls about the action needed, and calling out misogyny and sexism wherever we see or hear it.
- D. To work with Surrey Police on improving women's safety in Guildford borough.
- E. To continue to work with local and national networks working to end

violence against women and girls

- F. To become a White Ribbon Accredited Organisation.
<https://www.whiteribbon.org.uk/organisations>

Council calls on Surrey Police to:

- a. record harassment of women and girls as a hate crime as soon as possible, not wait until they are required to do so
- b. prioritise investigating crimes against women and girls and ask them to ensure that women and girls are treated with the required sensitivity.

Council calls on Surrey County Council to:

- a. encourage the teaching of age-appropriate education on consent from primary school.
- b. work with schools and families to tackle toxic masculinity culture, and to educate men through campaigns and bringing in male “allies”.

Council calls on the Government to:

1. Increase efforts to prevent and detect violence against women and girls by:
 - a. Funding an NHS-style public awareness campaign as soon as possible, including on long-lasting trauma impacts.
 - b. Consulting education leaders and the specialist violence against women and girls sector, to take immediate action on sexual harassment in schools and higher education.
 - c. Implementing guidance to include awareness of public sexual harassment and its consequences in the national curriculum.
 - d. Upskilling all school staff via training to ensure confidence in correctly and sensitively handling disclosures of a sexual or abusive nature.
 - e. Introducing a duty on public authorities to ensure all frontline staff are trained to detect and respond appropriately to domestic abuse.
 - f. Improving cross-government coordination of policies and services for separating families across England and Wales.
 - g. Establishing a plan to tackle the social recovery of vulnerable and at-risk women and girls following the pandemic.
 - h. Ensuring the child’s safety and needs are put first when decisions are made as to the appropriate level of contact with an abusive parent.
2. Improve outcomes for victims of sexual violence and domestic abuse by:
 - a. Ensuring migrant women have equal access to protection from abuse.
 - b. Introducing training and guidance for organisations on making their services more trans inclusive.
 - c. Offering a long-term funding model for specialist services, including specialist BAME and LGBT+ services, so they can plan strategically and fully focus on providing support.
 - d. Introducing mandatory training for police and the Crown Prosecution Service in understanding the impact of trauma on victims.
 - e. Improving access to independent legal support for victims, including those with no recourse to public funds.
 - f. Introducing mandatory awareness training for local authority

- Children's Services staff to enable them to appropriately examine and record allegations of domestic abuse which may present as parental conflict.
- g. Ensuring appropriate support is available for those who do not flee from their abuser.
 - h. Giving Local Authorities the duty and funding to provide appropriate accommodation and support for survivors of abuse
3. Strengthen the justice system to properly deal with sexual violence and domestic abuse by:
- a. Urgently increasing funding to reduce Criminal and Family court backlogs.
 - b. Extending protections of 16 and 17-year-olds by expanding the definition of 'position of trust', to include all adults who work/volunteer with under-18s.
 - c. Legislating to make public sexual harassment a criminal offence.
 - d. Legislating to make the promotion of Female Genital Mutilation/Cutting (FGM/C) a hate crime.
4. Establish the UK as a leader in domestic and global efforts to end violence against women and girls by:
- a. Ratifying the Istanbul Convention as soon as possible.
 - b. Setting up an independent commission on 'Ending Violence Against Women and Girls' for ongoing, sustainable accountability and progress in domestic and global efforts."

16. NOTICE OF MOTION B: PENSION FUND DIVESTMENT FROM FOSSIL FUELS

In accordance with Council Procedure Rule 11, Councillor Steven Lee to propose, and Councillor Cait Taylor to second the following motion:

"Council recognises that burning fossil fuels contributes significantly to global warming. Research demonstrates that 80% or more of the world's fossil fuel reserves will have to remain unburnt if we are to meet targets for climate change mitigation. As four-fifths of known fossil fuels must remain in the ground investing in them now presents a substantial financial and environmental risk. Council notes the International Energy Agency has released modelling in 2021 predicting that global oil demand could peak as early as 2025, and that its Executive Director has referred to putting money into oil and gas projects as being potential 'junk investments'.

Guildford Borough Council is a member of the Surrey Pension Fund, which currently has £108 million invested in fossil fuel through its Local Government Pension Fund Scheme.

Council believes that this investment is both environmentally and financially irresponsible. Every indication points to renewable energies and green technologies being much safer investments for pension funds going forwards. With COP 26 having taken place in Glasgow the world's eyes are on the UK to show leadership on climate change. Divesting from fossil fuels in our pension fund is a clear and meaningful action we can take here in Surrey.

Council recognises that fossil fuel investments should be considered part of the council's 'carbon footprint' and that divesting our pension fund is one of the most impactful steps we can take to reduce our impact on our

community and the world.

Council therefore commits to:

- Ensuring our own Investment Strategy rules out new investments in fossil fuel companies.
- Calling on the Surrey Pension Fund to divest from fossil fuels by requesting the Pension Fund Committee to adopt and implement responsible investment policies which:
 - a. Immediately freeze any new investment in the top 200 publicly-traded fossil fuel companies.
 - b. Divest from direct ownership and any commingled funds that include fossil fuel public equities and corporate bonds by 2030.
 - c. Set out an approach to quantify and address climate change risks affecting all other investments.
 - d. Actively seek to invest in companies that will reduce greenhouse gas emissions and minimise climate risk.
 - e. Ensure that the overall investment portfolio is aligned with the Paris Agreement's goal of limiting global warming to 1.5°C.
- Council further instructs the Joint Chief Executive to write to the Leaders and Chief Executives of all other councils that use the Surrey Pension Fund outlining this Council's position and asking for their support to adopt the same policies".

17. MINUTES OF THE EXECUTIVE (Pages 307 - 324)

To receive and note the attached minutes of the meeting of the Executive held on 24 August, 21 September, and 26 October 2021.

18. COMMON SEAL

To order the Common Seal to be affixed to any document to give effect to any decision taken by the Council at this meeting.

GUILDFORD BOROUGH COUNCIL

Draft Minutes of a meeting of Guildford Borough Council held at Council Chamber, Millmead House, Millmead, Guildford, Surrey GU2 4BB on Tuesday 5 October, 2021

* The Mayor, Councillor Marsha Moseley (Mayor)

* The Deputy Mayor, Councillor Dennis Booth (Deputy Mayor)

Councillor Paul Abbey	* Councillor Ted Mayne
* Councillor Tim Anderson	* Councillor Julia McShane
* Councillor Jon Askew	* Councillor Ann McShee
Councillor Christopher Barrass	* Councillor Bob McShee
* Councillor Joss Bigmore	* Councillor Masuk Miah
* Councillor David Bilbé	* Councillor Ramsey Nagaty
* Councillor Richard Billington	* Councillor Susan Parker
* Councillor Chris Blow	* Councillor George Potter
* Councillor Ruth Brothwell	* Councillor Jo Randall
* Councillor Colin Cross	* Councillor John Redpath
* Councillor Guida Esteves	* Councillor Maddy Redpath
* Councillor Graham Eyre	* Councillor John Rigg
* Councillor Andrew Gomm	* Councillor Tony Rooth
* Councillor Angela Goodwin	* Councillor Will Salmon
* Councillor David Goodwin	* Councillor Deborah Seabrook
* Councillor Angela Gunning	* Councillor Pauline Searle
* Councillor Gillian Harwood	* Councillor Paul Spooner
* Councillor Jan Harwood	* Councillor James Steel
Councillor Liz Hogger	* Councillor Cait Taylor
* Councillor Tom Hunt	* Councillor James Walsh
* Councillor Diana Jones	* Councillor Fiona White
* Councillor Steven Lee	* Councillor Keith Witham
* Councillor Nigel Manning	* Councillor Catherine Young

*Present

Before proceeding to the principal business of the meeting, the Council observed a minute's silence in memory of former councillor Tom Sharp, who had passed away on 20 August 2021.

CO41 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Paul Abbey, Christopher Barrass, and Liz Hogger and Honorary Freeman Andrew Hodges and Jen Powell, and Honorary Aldermen Catherine Cobley, Jayne Marks, Terence Patrick, and Lynda Strudwick.

CO42 DISCLOSURES OF INTEREST

There were no disclosures of interest.

CO43 MINUTES

The Council confirmed, as a correct record, the minutes of the Meeting held on 28 July 2021. The Mayor signed the minutes.

CO44 MAYOR'S COMMUNICATIONS

The Mayor informed the Council that she was hosting a charity fund raiser for Shooting Star Children's Hospices and the Mayor's Local Support Fund on Sunday 31 October 2021.

Agenda item number: 3

The Mayor invited councillors to assist with this year's Poppy Appeal collection in Guildford town centre on either Friday 5 November or Saturday 6 November.

The Mayor reported that, in August, she had attended Guildford Chess Club's 125th anniversary event comprising a 125-Board simultaneous display on Guildford High Street, involving nine Masters, who took on all-comers, with each Master facing between 12 to 15 opponents simultaneously.

The Mayor had visited Mrs Ethel Caterham at Abbey Wood Care Home in Ash Vale in August to celebrate her 112th birthday. Mrs Caterham was the second oldest lady in Britain.

The Mayor had recently visited HM Prison Send, which was a closed category women's prison, and had spent the morning with the Chaplaincy to learn about and see the Making Connections Programme which, in conjunction with the charity the Nazareth Way, supported prisoners as they prepared to leave prison.

CO45 LEADER'S COMMUNICATIONS

The Leader reported that Covid cases were currently at around 300 per 100,000 in the borough, which was in line with both Surrey and the south-east, and cases remained highest in the 10 to 19 year old age group. In the previous week, there had been only 30 new hospital admissions at Frimley Park Hospital and 14 at the Royal Surrey County Hospital. Guildford, as a borough, had high vaccination rates but our urban area was amongst the worst in the county despite a more aggressive communication campaign.

The Leader urged those who had not been vaccinated to make an extra effort to before the winter, and noted that the new vaccination centre on Artington Park and Ride was open and ready to receive those requiring vaccination.

The Leader commented on the Car Free Day in Guildford on 23 September 2021, which had been organised to heighten awareness of using modes of transport other than cars, whilst helping residents picture the benefits of further pedestrianisation of our town centre could bring. The Leader had received many messages congratulating the Council on the day and he thanked everyone involved in organising and supporting the event.

The Leader was pleased to report that nearly 11,000 households had signed up to "My Guildford", which was almost double our target for 2021.

Finally, the Leader was pleased to announce that the Council had been awarded a 'Pawprints' award by the RSPCA for the third year running for animal activity licensing, which recognised that we exceeded our requirements in five areas of good practice.

In response to questions from councillors, the Leader confirmed that:

- (1) he would be happy to share the feedback received in respect of the Car Free Day with councillors;
- (2) the annual Christmas Lights switch on event was not supported by Experience Guildford as retailers did not see an uptake in business as a result. In conjunction with Experience Guildford and town centre businesses, the event would be replaced by a programme of smaller events that would bring more people into the town over a longer period to celebrate the Christmas period. It was also felt that holding one large event with a great deal of uncertainty with the Covid pandemic over the winter months, would be inappropriate.

CO46 PUBLIC PARTICIPATION

The following question had been received from Mr Daniel Hill:

"The Truth

You have all been misled by James Whiteman, Joss Bigmore and James Steel. During my allocated time I will elaborate but for now this is a summary and can be fully verified.

- 1. Pirbright residents are very concerned about all contamination and pollution But ESPECIALLY the potential toxic waste leaking from the old dump.*
- 2. Renowned Environmental expert Gareth Simkins is not satisfied with the Environment Agency's "visual" assessment of Stoney Castle. He said water and soil samples need to be taken ASAP.*
- 3. GBC, SCC and EA have had the details of the landowner of the old dump for over 33 years but refused to take legal action.*
- 4. Since 2009 GBC, SCC and EA have had the details of the people occupying Stoney Castle and illegal dumping waste but refused to take legal action.*
- 5. Robin Hill does not own the Old dump at Stoney castle. He owns the land next door which only has about 5% of the waste which has been dumped by the occupiers (who agencies have details of since 09)*
- 6. GBC are aware that the Powers of Attorney ACT 1971 allows me to sign paperwork and make decisions relating to my dad's assets which are in his best interest. It does not make me legally responsible for the land.*

BACKGROUND

The history of illegal waste dumping has been well documented in the Surrey Advertiser and Guildford Dragon. With this question I will be concentrating on the barrels of PCB (toxic waste)

19 June 2021 - Environmental Expert Gareth Simkins - sent email to Environment Agency " I have been aware for some time about the saga of the [Stoney Castle illegal waste site](#), between Farnborough and Woking. I saw a [tweet](#) a moment ago from campaigners seeking to have the site shut down and cleaned up, featuring a picture of chemical drums there. One (if you turn it upside down) appears to say '[INSULATING OIL](#)'. To my mind, that means PCBs - formerly used in electrical transformers but banned for many years. If I am right, and if this was not known already, I think the importance of resolving the matter of Stoney Castle has just leapt up. I look forward to hearing back from you all as soon as possible."

24th June 2021 Daniel Hill email to James Whiteman MD - "Hi James, Can you please tell me what is happening about the toxic waste"

26th June 2021 Daniel Hill email to James Whiteman MD - "I had an email last week from a guy called Gareth Simkins. Who said Toxic waste has been found on the site. Not only that everyone on Twitter is talking about it."

28th June 2021 James Whiteman MD email to Daniel Hill "Thank you for your email. There is nothing further to add I'm afraid."

28th June 2021 Daniel Hill to James Whiteman MD - Hi James, Is this a joke what do you mean there's nothing further to add. You the managing director of Guildford Council. I want to know what you are doing about the toxic waste on my dads land."

4th August 2021 Daniel Hill email to James Whiteman and others " I've been contacted by a number of local residents who are very concerned about the potential toxic waste at Stoney Castle. People keep asking me for updates as they seem to be under the impression my power of Attorney means I have control of the site. Which we both know isn't correct. I have told everyone I don't have any control over the site. And they should be talking to you and GBC for updates. I have told the residents I have spoken to the site isn't safe and they should not be going there taking samples or videos. Can you please ask residents to stop contacting me about the site. It's not my job to keep residents safe that is your job.

5th August 2021 Guildford Borough Council press release

"3,000 litres of unidentified liquids including oils and fuels from Stoney Castle in Pirbright"

"Cllr James Steel, says: We will continue to work with Surrey County Council and the Environment Agency. After listening to residents' concerns about claims of toxic waste, we will be supporting the Environment Agency as they test the nearby canal and stream for any contamination caused by the illegal waste on site, as is their responsibility."

6th August 2021 Daniel Hill email to James Whiteman and others "I was given a very detailed description of the area concerning the local residents. Which are the fields directly next to the site. It wasn't initially obvious but when I moved the grass away with my foot I could see the soil was very oily. The fact residents are now asking me for updates instead of you their elected representative shows how bad the communication has become. Can you please give me some time scales as when we can expect some results."

10th August 2021 Environmental Expert Gareth Simkins tweet "I am increasingly concerned about how the waste was removed from Stoney Castle and what has happened to it - particularly those barrels of insulating oil."

10th August 2021 Environmental expert Gareth Simkins tweet "It is becoming apparent that this was not exactly the best managed of operations. But I must give [@GuildfordBC](#) the benefit of the doubt for the moment"

3rd September 2021 Environmental expert Gareth Simkins tweet " I am on the case about the fate of the suspected barrels of PCBs I identified at the Stoney Castle waste site, after it was cleared a few weeks ago. I am very concerned that it may not have been dealt with properly. "

8th September 2021 Ian Doyle "We emailed the EA on Monday and I also phoned one of the EA team to discuss this issue. It is clear from both email responses and verbal discussion that the EA have no intention of carrying out testing of the watercourse."

"The EA stated they carried out a visual assessment of the site on 28 July 2021. They concluded the site did not present a significant risk to the environment. They have not taken any samples or carried out any analysis, so there is no data to share."

QUESTION

Investigation is required on so many aspects of stoney castle however I am hopeful that now councillors have full information they will begin to scrutinise what has happened.

Q: Can Guildford Borough Council give a FULL DETAILED timeline/report of what happened to the barrels of PCB (toxic waste) removed from Stoney Castle during the recent GBC enforcement action.

Please begin with the date GBC were 1st made aware. To include decision makers and the procedure that identifies why GBC removed Hazardous "WASTE" from stoney castle when they only had enforcement powers to remove NON-WASTE.

Please include legally required copies of the waste transfer notes to confirm the barrels were correctly categorised and correctly disposed of. FYI Included is a screenshot (more evidence held) of said Toxic barrels on July 20th 21 During the clearing which were not present the day cleanup was finished.

The timeline and evidence provided will be assessed by a 3rd party to corroborate if it is the truth."

The Leader of the Council's written response to the question was as follows:

"Before responding to the main question, I would like to clarify a number of issues raised in the introductory material provided.

The Council disagrees with the statement that you have been misled by both Councillors and Council officers.

Whilst the Council works in partnership with both the Environment Agency and Surrey County Council it is not appropriate to respond on matters, such as waste that are their responsibility for enforcement. Any questions should be sent to them directly as previously advised.

Two parcels of land are referenced within the text, one being the site owned by your father, Robin Hill, which was subject to direct action by the Council during the summer of 2021. Please see the Council's statement dated 5 August 2021 in relation to this land (statement attached as Appendix 2 to the Order Paper).

A joint response from the Council, the Environment Agency and Surrey County Council regarding the neighbouring land which has been the subject of a partnership meeting will be issued shortly.

During the course of the Council's direct action and works in default at Stoney Castle a number of containers of unidentified oils and liquids were identified. The Council is not able to confirm if they were PCBs as suggested in the question; however, these were removed and disposed of legally by the Council's contractor under instruction from the Council. Please see the attached waste transfer notices (attached as Appendix 3 to the Order Paper).

Section 111 Local Government Act 1972 allows Local Authorities to take actions that are necessary to facilitate the accomplishment of a duty or power when in exercising duties. In this instance when the Council was exercising its powers by removing 225 tonnes of non-waste materials, 66 cars and caravans, more than 100 tyres and a barn on the land in breach of enforcement notices and environmental health notices, the removal of unidentified oils and liquids was required to facilitate the operation by removing obstructions and so ensure the safety and efficiency of the operation free from obstructions. By this answer no acceptance is made of any unevidenced and unsubstantiated allegations as to the alleged toxicity of the contents of the containers".

Under the arrangements to allow Mr Hill to ask his question without being in physical attendance at the meeting, officers had sent to Mr Hill a copy of the Leader of the Council's

written response, and he was invited to submit a written supplementary question if such question arose from the written response given.

Mr Hill's supplementary question was as follows:

*"Thank you Cllr Joss Bigmore for your response. I'm glad to see that Associated Reclaimed Oil Ltd have correctly categorized the waste as **hazardous** with ref HP7, HP14 and it appears it was correctly disposed of.*

Myself and residents await the joint council response re the neighbouring land at Stoney Castle local known as "the old dump" and look forward to you clearing up the misunderstandings.

The waste transfer note shows that Lantern service removed the 66 vehicles and the hazardous waste oil which as you explained was done under Section 111 Local Government Act 1972 this allowed you, Guildford Borough Council to take necessary action of removing the hazardous waste even though it is the remit of Surrey county council and the Environment agency.

*As mentioned in your response **"the Council works in partnership with both the Environment Agency and Surrey County Council it is not appropriate to respond on matters, such as waste that are their responsibility for enforcement."***

Your enforcement notice from 2013 was to rectify and remove NON-waste materials including the 66 cars and caravans and demolish a barn so my supplementary question is....

Supplementary Question.

Why did Guildford Borough Council instruct Ron Smith Recycling Ltd to remove 17 lorries (40yrd skip) of MIXED WASTE from Stoney Castle when this action was not part of your enforcement powers?"

The Leader of the Council's response to the Supplementary question was as follows:

"The Joint response has now been issued (which was attached as Appendix 4 to the Order Paper). Vehicles including lorries were classed as stored materials so were removed as part of the direct action to achieve compliance with notices served pursuant to S172 of the Town and Country Planning Act 1990. As these items were not claimed by the owner, after assessment it was determined that there was no resale value, so these items were disposed of by the Council's contractor under our instruction."

The Leader also drew attention to a late clarification to his response to Mr Hill's supplementary question, that the initial response had referred to the removal of lorries, when it should have referred to the removal of items stored on the land which were then classed as waste. An email explaining the clarification had been sent to all councillors immediately prior to the meeting.

CO47 QUESTIONS FROM COUNCILLORS

- (a) Councillor Keith Witham asked the Lead Councillor for Development Management, Councillor Tom Hunt, the following question:

"What policies/procedures does the Council have to deal with those who are serial offenders with regard to the use of Retrospective Planning Applications, those motivated by greedy self-interest, who know the planning and enforcement regulations as well as – if not better - than any planning or enforcement officer, and as a result keep on staying one step ahead of the Planning Authority and any enforcement action?"

The Lead Councillor's response was as follows:

"Planning determinations are made in accordance with the Development Plan unless material considerations indicate otherwise and these matters are related to land use matters (s38(6) Planning and Compulsory Purchase Act 2004) not past conduct of the individual applicants which may vary with each individual case.

I think it is important to remember that carrying out works without planning permission is not in breach of any law. However, the developer performs such work entirely at his own risk, as he may be required to comply with a subsequent enforcement notice.

It is also important to note that the vast majority of organisations (individuals and companies) that develop property in Guildford Borough do so reasonably, following the proper processes. Some may choose to build unauthorised developments, but the law does not permit the Council to treat these organisations any differently.

In order to deal with an enforcement notice, one approach to this that you mention is for the developer to apply for retrospective planning permission. Such an application is treated no differently to any "normal" planning application, nor should it be treated differently. Unlike licensing legislation, planning legislation does not generally allow discretion to be applied when dealing with an application. If there is no planning harm caused by the unauthorised development, planning permission will be approved.

Failure to comply with an enforcement notice is illegal, and a developer can be prosecuted for this. In extremis, and only once actual breaches of planning control or clear evidence of apprehended breaches of planning control have been identified, an injunction may be secured, but this is unusual given the high bar the courts set on granting injunctions.

The simple fact of the matter is that planning law does not allow discretion to be exercised to deal with "serial" offenders. Each planning application, retrospective or otherwise, must be dealt with on its own merits".

In his supplementary question Councillor Witham asked whether the Lead Councillor would contact each of the Members of Parliament who represent parts of Guildford Borough to ask them to support a private member's bill on the issue of retrospective planning applications, which included the creation of a national database of planning enforcement cases, and a requirement upon any applicant for a retrospective planning application to declare any previous retrospective applications, with criminal sanctions for persistent offenders. In response, the Lead Councillor did not agree that this private Member's Bill should be supported unequivocally and noted that there were many genuine reasons for retrospective applications, not all of which were nefarious. The Lead Councillor felt that further work needed to be done to consider how retrospective applications could be addressed and how the small minority of applicants could be prevented from misusing the retrospective planning application process to their own ends.

In response to clarification sought as to whether government guidance had changed in relation to retrospective planning applications and the weight that could be applied to them when they were considered, the Lead Councillor indicated that a more comprehensive response could be given to address the very special circumstances in which a retrospective application would be considered negatively. Whilst there was no material difference between a retrospective application and a normal application from a planning policy weighting, it was understood that there was reference in the NPPF to how planning authorities should deal with retrospective applications, and this would be circulated to councillors.

The Lead Councillor also indicated that a written ministerial statement given by Brandon Lewis MP in December 2015 was, in his view, unclear and open to interpretation as to how far the retrospective nature of an application should be considered in giving weight alongside other material considerations when determining a planning application.

- (b) Councillor Susan Parker asked the Deputy Leader and Lead Councillor for Climate Change, Councillor Jan Harwood, the question set out below. (Councillor Harwood's response to each element of the question was as set out in **red type** below.)

"It was agreed at the joint EAB that the Climate Change Board should review the Draft Regulation 19 Climate Change Policies included within the DMP to ensure that the highest possible standards are applied by Guildford.

- A. *Can the Lead Councillor for Climate Change inform the Council whether such a review has been arranged prior to the next Executive scheduled to review the plan?*

"The Council's Climate Change team was consulted as part of producing the draft Local Plan Development Management Policies (LPDMP). It was not considered necessary to seek the views of other Councillors sitting on the Board as these had already been provided through other forums."

- B. *As a separate matter, can he (and the Climate Change Board) also address the following specific points in relation to Climate Change, given the acknowledged climate crisis, the fact that COP26 is looming and that district authorities are expected (by central government) to be agents on behalf of government delivering significant changes needed to address the climate crisis (I hope that changes to the DMP will take these issues on board in the future but they are not currently adequately addressed so would like these considered):*

1. *Explain the basis of the proposed 31% carbon emissions reduction statistic - What does this mean in practice?*

"Under the Building Regulations, every new building (except some limited exemptions) has a Target Emission Rate (TER) expressed as annual kg of CO2 per sqm. The TER is established through an approved methodology (Standard Assessment Procedure (SAP) for houses, Simplified Building Energy Model (SBEM) for non-residential) based on the building type, size and shape. Once the building is designed, its SAP or SBEM assessment must show that the Dwelling Emission Rate (DER, for homes) or Building Emission Rate (BER, for non-residential) is lower than the TER in order to pass the building regulations process. The extant national standards are the Building Regulations 2010 (as amended). The current emission standards were introduced through an amendment in 2013.

The Local Plan Strategy and Sites (LPSS) 2019 includes a requirement for all new buildings to achieve a DER or BER that is at least 20% better (lower) than the TER against the Building Regulations 2013 standards. The proposal is to increase this standard in the new plan to 31%.

The government has been consulting on the proposed Future Homes and Future Buildings (non-residential) standards. The government intends to improve emission standards in new homes in June 2022 by 31% over the 2013 standards. This is an interim step on the route to the full Future Homes standard, which will include further improvements and a ban on gas heating in 2025 to deliver a carbon reduction in the region of 75%. These new homes would then reach zero carbon when the electricity grid does. The Future Buildings proposals are less advanced, but the government's preferred option is a 27% improvement as an interim step on the route to the full Future Buildings standard.

A standard of 31% has been included within the new plan for both homes and non-residential development. The reason for including it for homes even though it has parity with the proposed national standard is because knowing that the standard is incoming means that we have to build the impact into our viability assessment. It is therefore good practice to put the standard in policy so that in the event the national standard is not introduced, the benefit of lower carbon emissions, which have already been built into the viability testing, is not lost."

- 2. How does Guildford propose to improve its existing building stock compared to national standards in order to promote a Guildford that is recognised as a "green" borough? (Wimbledon requires installation of electric car charging before planning permission is granted for work on existing homes - why don't we? Electric car use replacing petrol/diesel vehicles when associated with existing properties would have a beneficial effect on air quality.) This could be added to our requirements in the DMP for housing extensions - since other boroughs can do this, why don't we?*

"Consequential improvements' policies which require upgrades to existing buildings as a requirement of planning permission for an unrelated matter have been tried in the past with limited success. The Labour and coalition governments both abandoned consequential improvement policies for energy efficiency in 2010 and 2012 (they were dubbed the 'conservatory tax'). Uttlesford District has a limited consequential improvements requirement for residential extensions in a 2007 Supplementary Planning Document. Applicants must submit an EPC report with an application and undertake any 'cost effective' measures it identifies. We are not aware of any current consequential improvement policies in a Local Plan.

Wimbledon is part of the London Borough of Merton and does not have a neighbourhood plan. Planning policy for Wimbledon is provided by the Merton Local Plan and London Plan. Officers have reviewed the Local Plan documents and have been unable to locate the described policy. I should be grateful if Councillor Parker could provide me with further information."

- 3. Can we please have a blanket Tree Preservation Orders (TPOs) on all trees across the borough with trunks > 30cm? (Where there may be permissible exceptions, it is removal of established trees that should require approval, rather than needing a requirement for new TPOs to be approved so that trees are protected). Very few TPOs have been declared this year - please also confirm the number to date. (Established trees are essential carbon sinks and improve our air quality and filter particulates. Saplings often die and have a much smaller impact even as they start to grow, so protecting existing established trees must be a priority - this does not preclude planting in addition.)*

"A Tree Preservation Order is an order made by a local planning authority in England to protect specific trees, groups of trees or woodlands in the interests of amenity. Such tree(s) should be a healthy, prominent tree(s), good example of the species, and visible from the public realm.

Local planning authorities can make a Tree Preservation Order if it appears to them to be 'expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area'.

Climate change alone is not a factor in supporting the need for a TPO.

'Blanket' – Orders are not viable or expedient. The Government guidance even states with 'Area orders' these should really only be used as short term and

authorities are encouraged to resurvey existing orders (never happens in any LPA as lack of resources)

It is also of note that the number of TPOs does not necessarily equate to the same number of trees, of note is the recent woodland order in Ockham which includes a high number of trees. To date this year six Tree Preservation Orders have been served.

There is also a significant resource issue, the making and confirming of TPOs all require time and officer input, without the arboricultural justification there is significant questions over whether this would be an appropriate use of resources.”

- 4. Explain why demonstrably sustainable transport requirements (e.g. applying real modal shift, use of electric trams, safe cycling etc) are not applied to ALL new major developments included in the Local Plan? While this is supposedly included via the Climate Change, Sustainable Design, Construction and Energy SPD ("Climate Change SPD"), much of the sustainable proposals permitted appear to be greenwashing. (An example of greenwashing is the proposed use of cycling to rail stations for the Garlicks Arch major development, when actually any of the required routes involve cycling along a narrow and unsafe A-road which is not practicable and cannot be widespread). Our major developments are required to produce a "sustainability statement" - but we need actual, verifiable sustainability- real mechanisms to reduce the borough's carbon footprint not a box-ticking exercise to greenwash out-of-town developments. How will this be achieved in practice? We need to make real change, not just the illusion of it, and we should not allow developments which are unsustainable so how will this be achieved?*

“The Climate Change SPD does not cover sustainable transport in detail as it provides guidance primarily for Policy D2: Climate Change, Sustainable Design, Construction and Energy, which does not cover transport. Information covering sustainable transport was included largely at the request of councillors and consultation respondents.

The Chartered Institution of Housing and Transportation's Better planning, better transport, better places (2019) report identified that 'Local authorities are not setting out a vision for development in their Local Plans that includes setting accessibility and mode share targets to which developers and promoters can respond' and recommended that 'Local Plans must include clear accessibility and mode sharing requirements. A clear statement of the minimum quality of accessibility by sustainable modes to offer a credible choice must be made.'

We are not aware of any other LPA/council that has yet introduced specific modal share targets for new major developments in its Development Plan, including the Local Plans for Cambridge and Brighton, cities which have both been recognised for achieving significant progress in realising, at least in part, patterns of more sustainable mobility in the period from the 1990s.

At present, Surrey County Council (SCC), the Local Transport Authority, has not defined specific accessibility or mode share requirements for the county as a whole, or for constituent districts, or for other localities, or for new major developments in the county. SCC's draft Local Transport Plan 4 – presently subject to public consultation – does include unquantified ambitions with respect to the Avoid – Shift – Improve concept, involving reducing the number and length of vehicular trips and traffic volumes, increasing the modal shares of walking, cycling and public transport options, and improving emissions intensity and energy efficiency of vehicles.

In this context, it would introduce risks for Guildford Borough Council to seek to set modal share targets for new major developments in the draft LPDMP, and, in addition, such targets were not consulted upon at the earlier Regulation 18 consultation phase. Furthermore, the major development sites were allocated in the LPSS which was adopted in 2019.

At present, the identification of specific modal share targets for new developments will continue to be progressed through the pre-application and planning application processes for such sites, working with SCC and National Highways as the statutory highway authorities.

- 5. High environmental standards are used by other UK councils on all new buildings. In Paris all new buildings are required to have green roofs or electric solar panels. Camden's planning requirements mandate that new Buildings meet a minimum BREEAM target of "Excellent" (70% certification). Our Climate Change SPD published in September 2020 allows developments to submit a sustainability statement instead. While they are allowed to meet either BREAM Outstanding or Excellent criteria as an alternative to publishing a sustainability statement, this option of publishing a statement appears to be an opportunity not to impose higher standards (p9, Climate Change SPD). Why are our standards not following the highest possible standards, and why are we not pushing at the boundaries of the highest requirements permitted?*

"Note: The Building Research Establishment's Environmental Assessment Method (BREEAM) would only apply to commercial development and some conversions and refurbishments. BREEAM does not apply to new homes.

The Climate Change SPD provides guidance for adopted policy, primarily Policy D2: Climate Change, Sustainable Design, Construction and Energy. Policy D2 contains a number of requirements that drive sustainability in new developments alongside the 20% carbon reduction standard and requires compliance to be proven through submission of Energy Statements and Sustainability Statements containing the relevant evidence.

During the drafting of the SPD, we acknowledged that some developers like to use BREEAM certification. We consulted with the Building Research Establishment (BRE) and decided that the BREEAM levels 'Excellent' and 'Outstanding', while not quite the same as Policy D2, would broadly have parity or would exceed its sustainability requirements, and that we could accept those accreditations instead of Sustainability Statements and Energy Statements. This was done in order to avoid forcing the applicant to duplicate processes.

An SPD cannot mandate a standard that is higher than or different to the standard set out in policy so could not mandate BREEAM accreditation.

The use of BREEAM standards in policy has been considered. During engagement with BRE significant problems regarding the wide-scale use of BREEAM in planning decisions were raised, mainly that the typical timing of certification in the BREEAM process do not line up with the key junctions in the planning process.

The Development Management (DM) process requires the submission of evidence to show that any conditioned standards (such as BREEAM) will be met. The BREEAM process includes both a design stage/interim assessment and a final Completion certification which could be used as proof of compliance. However, both present issues for the DM process.

The design/interim stage assessment is not a formal requirement of the BREEAM New Construction process, and it is possible for projects to go straight to Completion certification. BRE would not support a planning requirement for Interim certification as this would present a barrier to the use of the scheme in general. As a proxy for this on schemes undertaking BREEAM, we can (and do) require evidence in lieu of a design stage assessment that the developer/design team demonstrate that they have achieved the relevant Completion certification previously on other sites (this is BRE's recommended approach). However, this approach means BREEAM cannot be applied to developers who have not previously built to the BREEAM process.

There is often a delay between the completion of a scheme, the final assessment and the final certificate being issued (BRE advise there are often delays at interim stage as well). As a result, if the final certificate is conditioned as the required evidence, the DM process would be extended resulting in resource and cost impacts on the DM team. If all commercial schemes are required to provide final certificates, the impacts could cumulatively be significant.

Alongside the issues of practicality, mandating the BREEAM process introduces new process costs to development, which are likely to be greater for developers who do not usually undertake BREEAM.

As a result of the above, allowing BREEAM to be used voluntarily by developers who have a track record of using it seems to be the most reasonable approach while developers who choose to take the Policy D2 route still have to provide evidence that their schemes achieve a broad range of sustainability outcomes in a way compatible with the development management process. This is the same approach taken by other district level councils with climate change policies (for instance, see Milton Keynes Local Plan policy SC1)."

6. *Mid-height kerbside urban pavement hedging (up to 1m high) is used in other UK boroughs and in many countries to create a natural and biodiverse boundary between petrol/diesel fumes and pedestrians, protecting the most vulnerable (the elderly or disabled in wheelchairs, small children and babies/toddlers in pushchairs). Such hedging filters particulates, acts as a carbon sink, and assists temperature cooling as well as assisting in absorbing surface water; it is also a safety barrier minimising the risk to pedestrians. Please can we establish this as a formal requirement bordering roadsides for all new developments, and an aspiration for retrofitting existing urban areas where space and heritage design permits? While there is a loose reference to green and blue infrastructure in the Climate Change SPD (para 5.47 and para 5.49), hedges are not a requirement and we have given extensive planning permission for new developments which do not include any such features.*

"The latest revision to the National Planning Policy Framework requires that all new streets are tree lined. If the government had considered that hedges are also appropriate, they would have widened this requirement to include them. Requiring hedges on all new streets would have a significant land take which would impact the amount of developable land – this could either lead to increased densities of development or increase the amount of land necessary to be allocated to meet development needs.

The LPDMP requires 20% biodiversity net gain – this could include the provision of hedges within the development site. The LPDMP also has a policy on air quality to ensure that development proposals must not result in significant adverse impacts on sensitive receptors, including human health, sensitive habitats and any sites designated for their nature conservation value, from any sources of emissions to air.

Without any evidence to support this proposal, it would be unreasonable to require this on all streets. In terms of retrofitting of existing streets, this would be a matter for Surrey County Council as the Highway Authority as it would be on existing highway land.

It is noteworthy that Surrey County Council's draft Healthy Streets for Surrey: creating streets which are safe and green, beautiful and resilient (2021) – which is subject to further work and expected to be published in 2022 – considers safety considerations for streets with high vehicle volumes/speeds and identifies that buffers such as trees and plantings between the pavement and carriageway will be encouraged.”

7. *Why is there not a presumption in terms of retaining and adapting existing buildings rather than demolition, since demolition followed by construction has a very high carbon footprint?”*

“A policy prohibiting demolition would be considered unreasonable and could constrain brownfield redevelopment. However, both the Climate Change SPD and proposed policy D12 support sustainable refurbishment. It is also of note that demolition can be carried out under permitted development rights.

Blanket support for the reuse of buildings in all circumstances would make it difficult to resist poor quality conversions, and consequently could result in poor quality homes and commercial buildings. As a result, proposed Policy D12 states

“4) Development proposals that will improve the energy efficiency and carbon emission rate of existing buildings to a level significantly better than the Council's adopted standards or national standards for new buildings, whichever is most challenging, are encouraged.”

Note: any conversion, e.g. from commercial to residential, would need to meet building regulations standards for the new use, so it reserves support for those that go beyond minimum standards in order to avoid greenlighting any and every conversion or refurbishment”.

In response to a supplementary question regarding requirements to provide electric vehicle charging points, the Lead Councillor confirmed that the Council's approach was not to mandate specific solutions from developers but rather to provide a range of options for developers to meet our standards. Many developers had found that providing electric vehicle charging points was a good way of meeting our requirements. It was also confirmed that the Council was not likely to insist on the installation of an electric vehicle charging point as a condition to mitigate the environmental impact of a planning application for an extension of a domestic dwelling.

- (c) Councillor Guida Esteves asked the Deputy Leader and Lead Councillor for Climate Change, Councillor Jan Harwood, the question set out below. (Councillor Harwood's response to each element of the question was as set out in **red type** below.)

“The draft schedule for the Community Infrastructure Levy (CIL) was published and consulted on in 2015. Since then, two viability studies in 2016 and 2017, were commissioned and published. Subsequently a number of implementation dates for CIL have been set and delayed. The levy is a non-negotiable developer contribution towards infrastructure in the Borough. New development will nearly always have an impact on infrastructure with different types of development and scales of development having different effects. A single new dwelling may not appear to have an impact but the cumulative impact of twenty or so single dwellings will have. It is therefore fair that all

development pays a share towards the cost of infrastructure, services and amenities that everyone uses and not just large-scale development. Through CIL all but the smallest building projects will make a contribution towards additional infrastructure.

Could the Lead Councillor for Climate Change please provide information on the target delivery date for CIL including:

1. *Why this has not yet been implemented?*

“The emerging Local Plan Development Management Policies (LPDMP) includes a number of draft policies with cost impacts for development. A viability study is being prepared to support the Plan. This is to ensure that development in the borough is deliverable, accounting for policy and infrastructure costs along with other recent value and cost assumptions. It is considered that this study will provide updated information necessary for any next steps on CIL.”

2. *What still needs to be done to implement CIL, given there have already been two viability studies done?*

“The Council needs to complete the viability study to inform recommended CIL rates – a draft of the study will be completed later this year. The next steps toward implementing a CIL charge would include developing a draft charging schedule (DCS) and associated policies, consultation, review, submission for examination, examination hearings, and adoption. The Council is aware of Government proposals to replace the existing s106/CIL regimes with a new national ‘Infrastructure Levy.’ We will be monitoring developments in this regard and any implications for the Council’s processes.”

3. *Details of what the CIL collection value would have been based on the draft schedule (In total and split between the Borough and the relevant parish councils/Neighbourhood plan areas) since the adoption of the local plan in April 2019, and this compared to the financial S106 contributions for the same (including how much was subsequently reduced/changed/removed).”*

“The Council publish an Infrastructure Funding Statement (IFS) on its [website](#) with details of s106 contributions as part of the Section 106 report at appendix 3. Figures are available for 2019-20 in the latest IFS reflecting a total of £12,979,611.20 to be provided under planning obligations during that financial year. This excludes non-monetary contributions to infrastructure such as on-site provision of open space, private SANG, roadworks, etc. Attempting to quantify a CIL collection value (as a comparison) would require extensive speculation including regarding un-adopted CIL rates (whilst there were early indications of what these could have been during the LPSS process – varying between £40/sqm and £300/sqm for residential floorspace, these were prior to Local Plan strategy and sites updates and consideration of LPDMP policies, both of which have cost impacts). These figures are considered to be no longer valid.

Regarding small scale residential development (fewer than 10 homes), the potential for cumulative impacts on infrastructure is acknowledged. In this regard, the Council is seeking to provide a basis for securing open space contributions from this scale of development as part of its emerging LPDMP. An infrastructure levy would hold opportunities in this regard. However, a significant majority of residential development (likely upward of 90%) in the borough will continue to be in the form of major development schemes (10 or more homes) which contribute toward infrastructure via established mechanisms.”

In her supplementary question, Councillor Esteves asked why the Community Infrastructure Levy had not been implemented, and when would the Council be able to quantify the opportunity cost of continued delay in implementing the current community infrastructure levy.

In response, the Lead Councillor stated that there were a range of policies currently being worked on and the CIL was not currently the top priority. In any event, the Lead Councillor was not sure that the national Government's approach to planning had a future for the CIL.

- (d) Councillor Graham Eyre asked the Lead Councillor for Community and Housing the following question:

“After a recent visit to Japonica Court in Ash with my Ward colleague, Councillor Paul Spooner, to meet concerned tenants, we were both shocked to see how run down and neglected the building had become. The communal areas are in darkness and unused, and many residents therefore spend their days in their rooms and rarely venture out. The gardens and outside areas are a disgrace in places with weeds some three or four feet high. Interestingly Surrey County Council have also been allowed to take over two of the Rooms designated for residents’ use with no consultation with tenants. Whilst lifts have been replaced (but no fire safe lifts fitted) and some areas of carpet have been replaced, it is clear that the level of investment is not enabling staff on the ground to provide the service and support that is required, and this is unfair on our tenants and on our hard-working staff. This from a Council that says it cares for, and looks after, the vulnerable and elderly.

Could the Lead Councillor for Community & Housing please confirm how much money the Council has spent on Japonica Court in the past two years, discounting the cost of the lifts and what are the plans to return Japonica Court to being a site we can be proud of and staff can deliver services that enable a fair quality of life for tenants? Ash and Tongham deserve better!”

The Lead Councillor's response was as follows:

“As a sheltered housing scheme, we encourage residents to live independently and choose where they spend their time; this means that sometimes communal areas will be being used but at others they will not, what is important is they are available, which they are at Japonica Court. Sadly, over the last year or so in line with Government guidance this has not always been possible, and whilst some tenants remain understandably cautious, we are encouraging use of the facilities and we are now seeing these spaces increasingly used.

Councillor Spooner visited on 28 September 2021 during the first residents’ coffee morning held for some time and was able to see how this is working and that particular event was able to raise a considerable amount for Macmillan Cancer Relief. The scheme is also used by a number of other local groups with further events planned later in the month.

In respect of the gardening, we are currently reviewing the arrangements with Oakleaf a local social enterprise organisation who support and work with those with mental health issues and provide gardening services at the scheme. We recognise the positive impact there is from working with organisations such as Oakleaf but also need to ensure the services we receive and the work carried out helps to maintain, improve, and enhance the gardens. The standards have been below those we would normally expect but we will continue to work with Oakleaf to achieve a much better standard and help them support our wider community.

Over the last two years the Council has invested £155,000 in repairs and maintenance at this property which has included decorating external and all internal areas, and whilst not all of the carpet has been replaced, we will continue to review and replace other areas over time. If there are other specific issues that have been identified, we will be happy to work with Councillors and residents to resolve these.

As part of the programme of continued investment we have also recently renewed the lifts to this block, these are fully compliant with the appropriate standards and as required by these standards the lifts are fire rated to 2 hours. Whilst lifts in high rise properties are required to be able to be controlled by the fire service on high floors to help them get to a fire, in a low level block such as this there is no requirement for this type of control and the lifts therefore do not need to meet those standards, as access can be more easily be gained from the stairs.

I can confirm that we will continue to invest in this scheme with further investment planned which should benefit residents, the wider community and also for our staff who have worked so hard over the last year to support the residents of this and other schemes in what we all understand to have been a difficult period.

Lastly, we are not aware of rooms being removed from residents without consultation. In 2016 one room at the back of Japonica Court was converted into a community services office space. Surrey County Council and adult social care do have access to the office suite at the front of the building as part of their role in supporting the most vulnerable residents at Japonica Court and this has been in place for many years."

Councillor Julia McShane
Lead Councillor for Community and Housing

In response to Councillor Eyre's supplementary question seeking a breakdown of the £155,000 expenditure on repairs and maintenance, the Lead Councillor indicated that the written response referred to some of the items of expenditure but that a more detailed breakdown would be provided.

In response to a further supplementary questions, the Lead Councillor confirmed that:

- (i) she would be visiting Japonica Court and hopefully all other sheltered housing accommodation, which had not been possible to date due to the Covid pandemic;
 - (ii) ward councillors could request to visit council owned properties following repair works by contacting the Head of Housing; and
 - (iii) that the Council could improve communications with its tenants and officers were putting together a strategy in order to achieve that, amongst a number of other things, in order to provide improved services for tenants.
- (e) Councillor Graham Eyre asked the Lead Councillor for Community and Housing the following question:

"Councillor Paul Spooner and I recently visited the former Shawfield Day Centre. The Centre looked sad and empty and is obviously not in a state to be reopened. From the recent Public Consultation published by the Council, and its biased questions, GBC plan to close down this Centre permanently and only fund the recently renamed 'Hive' in Park Barn. The Shawfield Days Centre is essential for the west of the Borough and it is shameful that other sites except Park Barn are being abandoned. Two points spring to mind. The first is that Park Barn just happens to be in the Lead Member's Ward, and secondly, once again this is from a Council that says it cares for, and looks after, the vulnerable and elderly.

Could the Lead Councillor for Community & Housing please confirm how much money the Council has spent on Shawfield Day Centre in the past two years, and how much on Park Barn, and can the Lead Councillor share the evidence that supports her position that residents of Ash and Tongham will be able and willing to travel to support the Hive in her ward as a preference to a site within the large residential area of Ash, Tongham and neighbouring villages? Has the Older Persons Champion at GBC been involved in the decision-making process?"

The Lead Councillor’s response was as follows:

“As Councillor Eyre will know, given the extremely challenging financial position faced by the Council, the approved Savings Strategy included a project to review community and day centres with a view to consolidating sites. The target was to deliver savings in the region of £300,000 per annum.

In response, we have developed a proposal to reduce the costs of day care services, whilst maintaining or improving the quality of provision. This would involve transporting existing clients of the Shawfield Day Centre to the Hive. With the improved facilities and services available at The Hive and by consolidating staffing, we believe that clients would receive improved support and care. We are now consulting on that proposal.

The consultation is not biased, just a reflection of the options we have in this very difficult circumstance.

The fact that the Hive happens to be in Westborough, my ward, is irrelevant to this process. What is relevant is to ensure we deliver what will benefit all our residents in the borough within the constraints we face.

Clearly, clients and their families are most directly affected by the proposal and we are undertaking in-depth consultation with them. This includes one-to-one conversations and drop-in sessions. We also held a drop-in session for councillors last week to discuss the consultation options in more detail.

The consultation questionnaire will also allow us to gather the views of wider stakeholders on the proposal. Both the detailed views of clients and families and the results of the consultation questionnaire will be reported to the Service Delivery EAB to facilitate an informed discussion on the future of day care services.

In answer to the question around budgets, I hope it is helpful to share the budget spend over the last five years. Please note that The Hive spend will usually be higher due to it being a larger site with a much larger footfall. This affects costs around staffing, janitorial services, utilities, and catering. The Hive budget pre Covid also absorbed the Dray Court Lunch club staffing and food expenses. This lunch club has not restarted since the start of the pandemic and is under review.

Budget Year	Shawfield Centre	The Hive
2016-17	£235,989	£345,533
2017-18	£206,061	£355,170
2018-19	£249,403	£406,710
2019-20	£290,403	£490,504
2020-21	£482,625	£346,638

The finance team have confirmed that the higher costs for the Hive in 2018 – 2020 are due to agency costs needed to support the service as well as the IAS10 Superann Adjustment (an accounting procedure). This budget period also reflects the pandemic.

The higher costs for the Shawfield Centre in 2020-21 included £25,000 of overtime cover for the pandemic and IAS19 Superann Adjustment.

Further context to the consultation may also help and reassure councillors around service provision. Prior to the pandemic, the Shawfield Centre had on average 15 people attending older people's services each day, The Hive had on average 40 people attending older people's services. We currently have 25 customers of Ash and Tongham taking our community transport offer to The Hive – so we have several new customers from Ash and Tongham. We also have 17 customers travelling to the Hive from other areas of the borough that are of equivalent distance to The Hive as Ash.

The team have capped all travel journeys to the same amount for everyone in the borough and if people have difficulty with finances we, along with adult social care, look at ways to support so that no one misses out on the care they need.

The older people's champion can participate in the consultation as can all councillors. The decision to consult on our options was taken by myself as Lead Councillor along with the Leader of the Council.

We all acknowledge that difficult decisions will be needed to address our substantial budget shortfall.”

Councillor Julia McShane
Lead Councillor for Community and Housing

In response to a supplementary question seeking a breakdown of the £482,625 expenditure on Shawfield Day Centre in 2020-21, the Lead Councillor confirmed that she would ensure that this information was circulated to all councillors.

In response to a number of further supplementary questions the Lead Councillor confirmed that:

- (i) the consultation related to the provision of older persons' services across the Borough, not to the closure of the Shawfield Centre;
 - (ii) the 1 to 1 conversations would have been held with the older people who used the facility, not with councillors, but did not have any further detailed information in that regard;
 - (iii) she believed that there was a proposal during the previous administration to close Shawfield;
 - (iv) the question as to whether Overview and Scrutiny Committee should review older persons' services would be a matter for the chairman of that Committee;
 - (v) information regarding the Meadow Centre for mental health would be circulated to councillors;
 - (vi) with regard to the recent drop-in session for councillors, an e-mail had been sent to all Councillors in relation to the consultation which included an invitation to, and information about, the event which was held at The Hive.
- (f) Councillor Ramsey Nagaty asked the Deputy Leader and Lead Councillor for Climate Change, Councillor Jan Harwood, the question set out below. (Councillor Harwood's response to each element of the question was as set out in **red type** below.)

“The Council agreed to a Local Plan Review, but the review process lacks transparency.

What is happening and when?

“This is yet to be agreed”.

We are told the transport / infrastructure evidence base is being updated. This is not enough. This is not the only aspect that needs to be updated. With our 2019 Local Plan now being clearly out of date due to climate change, covid, air quality concerns, lack of infrastructure provision, excessive housing need and the OSR / ONS declarations there are exceptional circumstances which need to also be considered for immediate review and action. These should be included in the terms of reference.

“The Council will have regard to all relevant factors when undertaking the review in the context of national policy and guidance on the matter, including as set out by the National Planning Practice Guidance as follows:

‘What can authorities consider when determining whether a plan or policies within a plan should be updated?’

The authority can consider information such as (but not exclusively):

- conformity with national planning policy;*
- changes to local circumstances; such as a change in Local Housing Need;*
- their Housing Delivery Test performance;*
- whether the authority can demonstrate a 5 year supply of deliverable sites for housing;*
- whether issues have arisen that may impact on the deliverability of key site allocations;*
- their appeals performance;*
- success of policies against indicators in the Development Plan as set out in their Authority Monitoring Report;*
- the impact of changes to higher tier plans;*
- plan-making activity by other authorities, such as whether they have identified that they are unable to meet all their housing need;*
- significant economic changes that may impact on viability; and*
- whether any new social, environmental or economic priorities may have arisen.’*

Paragraph: 065 Reference ID: 61-065-20190723”

What are the terms of reference for the review and who is carrying this out internally and externally?

“The Council will have regard to all relevant factors when undertaking the review (see above). At this point there are no external consultants appointed to undertake work associated with the Local Plan review. Internally, planning policy are responsible for the review.”

A formal review or update with a date of 2025 is not acceptable. This would enable developments which are questionable to proceed in the meantime. In any case technically a review should be completed by 2024 as per Government rules on Local Plans.

“The timing in terms of finalising the review has not been agreed. It is accepted this should be by 2024 (5 years from the Local Plan strategy and sites adoption date)”.

The Guildford Greenbelt Group formally request that the Councillors receive an update report prior to each Full Council going forward, if necessary, as pink papers in confidence.”

“We are committed to providing regular updates as and when relevant through the Local Plan Panel which was specifically setup to disseminate this information. We do not wish to commit to providing a report if there is simply nothing to provide an update on. Full

Council will, of course, be provided with detailed reports ahead of any decision-making points in the process ahead.”

In response to supplementary questions, asking when the review of the Local Plan would start, and why an independent planning specialist had not yet been appointed to lead the review, the Lead Councillor responded by explaining:

- (i) that the review had been triggered once it became apparent that the transport infrastructure proposals had been de-prioritised;
 - (ii) the difference between a review and an update of the Local Plan as they were not the same thing. A review looked at the options available and determined whether an update was necessary and, if so, what that update should comprise. The Council was not committed to an update, but that process may or may not be necessary pending the review. The Executive was currently looking at the scope of the review, being mindful of the risks involved.
- (g) Councillor David Bilbé asked the Lead Councillor for Environment, Councillor James Steel the following question:

“The current Executive leadership prides itself on openness and transparency. In that spirit could I ask why I am hearing rumours that the Tourist Information Centre (TIC) is to be closed and many of the current service enjoyed by residents and visitors is to be moved on line with a residual presence at Guildford Museum. If indeed this is true, why has this not been properly articulated and debated by Council? I was the Executive member for tourism previously and I can state that the TIC is a real asset for Guildford.

Further, if the premises are vacated then what is the plan for selling or developing the location and can I receive an assurance that the disposal will be handled transparently and at a fair market value?”

The Lead Councillor’s response was as follows:

“No decision has been made to close the TIC. It is correct that we are currently looking to move the TIC to the Museum to increase visitor awareness of the museum offer and, in these financially challenging times, to maximise the efficiency of the resources deployed. The area the TIC currently occupies in Guildford House Gallery is planned to return to its former use by the Brewhouse Shop, currently operating from the building at the back of the site. This prime retail spot will help the shop reach a wider range of high street customers and will continue to support local craft suppliers.

The museum is perhaps an under-appreciated attraction in the town and will benefit from greater visitor numbers and an increased awareness through the transfer of the TIC. Visitors to Guildford continue to be an important part of the local economy, however it is important to give potential customers the services they need to get the most from their visit to our borough. There is an ongoing channel shift towards customers using virtual data as their primary source of visitor information, driven by the convenience of the smartphone. We will continue to be mindful of the changing expectations of visitors and are looking at developing a long-term plan for the future of tourist information in Guildford.

As you will be aware, the Council is facing challenging financial targets and every aspect of the Council’s non-statutory services must be reviewed to ensure they continue to offer the right service at the right cost. This review includes every aspect of Council spend, including the heritage sites and tourist Information service; we must ensure we provide our community with value for money. All councillors have a responsibility to correct rumour with fact. It is extremely unfair on our officers to allow rumours to destabilise our staff when there is understandable uncertainty about the future.”

Councillor James Steel
Lead Councillor for Environment

In response to supplementary questions, asking when the TIC would move from the High Street to the Museum, clarification as to the opening hours following the move, and what consultations with councillors took place regarding the decision, the Lead Councillor indicated that he would confirm the date of the move and opening times in due course following appropriate consultations.

CO48 CAPITAL AND INVESTMENT OUTTURN REPORT 2020-21

The Council considered the Capital and Investment Outturn report for 2020-21, which had set out:

- a summary of the economic factors affecting the approved strategy and counterparty updated
- a summary of the approved strategy for 2020-21
- a summary of the treasury management activity for 2020-21
- compliance with the treasury and prudential indicators
- non-treasury investments
- capital programme
- risks and performance
- Minimum Revenue Provision (MRP)
- details of external service providers
- details of training

In total, expenditure on the General Fund capital programme had been £29.4 million against the original budget of £171.5 million, and revised budget of £28.8 million. Details of the revised estimate and actual expenditure in the year for each scheme were set out in Appendix 3 to the report. The budget for Minimum Revenue Provision (MRP) had been £1.64 million and the outturn was £1.29 million. This was due to slippage in the capital programme in 2019-20.

The Council noted that one of the strands of the Savings Strategy was to review the projects in the capital programme. At its meeting on 24 August 2021, the Executive had agreed to remove three schemes due to the length of time they had been in the programme, and as such the original proposal was no longer relevant and a new business case would need to be prepared if any of the schemes were to come forward in the future. These were:

- Guildford Gyrotory and Approaches - £10.967 million on the provisional capital programme in 2024-25
- Stoke Park Office Accommodation - £665,000 on the provisional programme in 2024-25
- Stoke Park – Home Farm redevelopment - £4 million on the provisional programme in 2024-25

The Council's investment property portfolio stood at £155 million at the end of the year. Rental income had been £8.1 million, and income return had been 5.8% against the benchmark of 4.6%.

The Council's cash balances had built up over a number of years, and reflected a strong balance sheet, with considerable revenue and capital reserves. Officers carried out the treasury function within the parameters set by the Council each year in the Capital and Investment Strategy. As at 31 March 2021, the Council held £159.1 million in investments, £310.5 million in long-term borrowing of which £118.5 million was short-term borrowing, and £192 million in respect of long term borrowing related to the HRA, resulting in net debt of £151.4 million.

The Council had borrowed short-term from other local authorities for cash flow purposes and aimed to minimise any cost of carry on this. No additional long-term borrowing was taken out during the year.

The report had confirmed that the Council had complied with its prudential indicators, treasury management policy statement and treasury management practices (TMPs) for 2020-21. The policy statement was included and approved annually as part of the Capital and Investment Strategy, and the TMPs were approved under delegated authority.

Interest paid on debt had been lower than budget, due to less long-term borrowing taken out on the general fund because of slippage in the capital programme. The slippage had resulted in a lower CFR than estimated.

The yield returned on investments had been lower than estimated, but the interest received was higher due to more cash being available to invest in the year – a direct result of the capital programme slippage. Officers had been reporting higher interest receivable and payable and a lower charge for MRP during the year as part of the budget monitoring when reported to councillors during the year.

The report had also been considered by the Corporate Governance and Standards Committee and Executive at their respective meetings held on 29 July and 24 August 2021, and both had endorsed the recommendation in the report.

In view of the concerns over persistent slippage in the capital programme, the Council noted that the Corporate Governance and Standards Committee was putting in place arrangements to regularly monitor progress of major projects on the capital programme.

Upon the motion of the Lead Councillor for Resources, Councillor Tim Anderson, seconded by the Leader of the Council, Councillor Joss Bigmore, the Council

RESOLVED:

- (1) That the Treasury Management Annual Report for 2020-21 be noted.
- (2) That the actual prudential indicators reported for 2020-21, as detailed in Appendix 1 to the report submitted to the Council, be approved.

Reason:

To comply with the Council's treasury management policy statement, the Chartered Institute of Public Finance and Accountancy (CIPFA) Code of Practice on treasury management and the CIPFA Prudential Code for Capital Finance in Local Authorities.

CO49 COUNCILLOR EMAIL SIGNATURE GUIDANCE

The Council noted that, following a councillor misconduct complaint which had been referred for investigation, the investigator had identified an issue that needed to be addressed by the Council. The issue was the apparent confusion around the email signatures used by some councillors who tended to list various non-Council roles in their signature, resulting in confusion in respect of the capacity in which a councillor was communicating with a correspondent. The matter had been referred to the Corporate Governance Task Group for consideration.

The Task Group considered the matter initially on 12 April and, more recently, on 16 August 2021 and had drafted the guidance for councillors. The Task Group recommended that the guidance be adopted and that all councillors be advised to apply the template, content, and format as set out so as to provide clear communication when conversing with residents and other correspondents. The draft guidance was subsequently considered by the Corporate Management Team (CMT), and then by the Executive at its meeting held on 21 September

2021. The Executive approved the guidance, incorporating a number of amendments, which were appended to the report submitted to the Council.

The Task Group had also recommended, and the Executive agreed, that it should be a requirement in the Councillors' Code of Conduct that councillors comply with this guidance, in the same way that it was agreed last year that the Code of Conduct should include a requirement for councillors to comply with the adopted Social Media Guidance for Councillors.

Any amendments to the Code of Conduct can only be approved by full Council.

Upon the motion of the Leader of the Council, Councillor Joss Bigmore, and seconded by the Chairman of the Corporate Governance Task Group, Councillor Deborah Seabrook, the Council:

RESOLVED: That the following amendment be made to paragraph 9 of the Councillors' Code of Conduct:

- '9. In addition to compliance with this Code of Conduct, you are also expected to comply with:
- (i) the relevant requirements of the Protocol on Councillor/Officer Relations, the Social Media Guidance for Councillors, **the Councillor Email Signature Guidance**, and the Probity In Planning – Councillors' Handbook, and
 - (ii) any reasonable request by the Council that you complete a related party transaction disclosure.'

Reason:

To ensure clarity for the recipients of emails sent by ward councillors in which capacity they are writing.

CO50 PROTOCOL ON THE APPOINTMENT, ROLE, STATUS, RIGHTS AND OBLIGATIONS OF HONORARY FREEMEN AND HONORARY ALDERMEN

Councillors noted that, in 2014, the Council had adopted a Protocol on the appointment, role, status, rights and obligations of Honorary Freemen and Honorary Aldermen.

At the request of the Leader of the Council and in anticipation of the Council conferring the title of Honorary Alderman upon five former councillors at a meeting to be specially convened for the purpose on 2 December 2021, the Corporate Governance Task Group had been asked to review the Protocol, particularly in relation to the requirement that Honorary Freemen and Aldermen should refrain from making public statements which were critical of the Council.

The Task Group had suggested a number of changes to the Protocol, which were considered by the Corporate Governance & Standards Committee at its meeting on 23 September 2021. The Committee agreed with the Task Group's suggested changes and had recommended that the Council adopts the revised Protocol, a copy of which was appended to the report submitted to the Council.

Upon the motion of the Leader of the Council, Councillor Joss Bigmore, and seconded by the Chairman of the Corporate Governance and Standards Committee, Councillor George Potter, the Council:

RESOLVED: That the revised Protocol on the appointment, role, status, rights and obligations of Honorary Freemen and Honorary Aldermen, as set out in Appendix 2 to the report submitted to the Council, be adopted.

Reason:

To bring the Protocol up to date, including for the purpose of clarifying the rights and obligations placed upon Honorary Freemen and Honorary Aldermen.

CO51 APPOINTMENTS TO EXTERNAL ORGANISATIONS: VACANCY FOR TRUSTEE ON GUILDFORD POYLE CHARITIES

The Mayor informed the Council that that the only nomination received in respect of the appointment of a trustee representative on Guildford Poyle Charities had been submitted by Councillor Ruth Brothwell. Therefore, under the existing delegation to the Democratic Services and Elections Manager, Councillor Brothwell's appointment had been confirmed and this matter was therefore withdrawn from the agenda.

CO52 MINUTES OF THE EXECUTIVE

The Council received and noted the minutes of the meeting of the Executive held on 20 July 2021.

CO53 EXCLUSION OF THE PUBLIC

Upon the motion of the Mayor, Councillor Marsha Moseley, and seconded by the Deputy Mayor, Councillor Dennis Booth, the Council

RESOLVED:

That under Section 100A(4) of the Local Government Act 1972 (as amended), the public be excluded from the meeting for consideration of the item of urgent business set out in the urgent item of business in Agenda Item 12a on the grounds that it involved the likely disclosure of exempt information, as defined in paragraphs 1 and 4 of Part 1 of Schedule 12A to the Act.

CO54 ITEM OF URGENT BUSINESS - PROPOSED REDUNDANCY TERMINATION PAYMENT

At its extraordinary meeting on 6 July 2021, the Council had considered options for collaborative working with Waverley Borough Council and had resolved to pursue the option of creating a single management team with Waverley Borough Council, comprised of statutory officers (Head of Paid Service; Chief Finance Officer; Monitoring Officer), Directors and Heads of Service. The two councils would share a management structure, which would be responsible for recommending any further collaboration, service-by-service.

At the Council meeting on 28 July 2021, Council had agreed that the redundancy and any settlement costs incurred as a result of the recruitment of a Joint Chief Executive shall be shared equally between the councils and that any pension strain costs would remain the responsibility of the employing authority of the affected officer.

Consultation with both affected employees had taken place between 10 August 2021 and 9 September 2021 and they were aware of the proposed redundancies of their posts. Feedback and representations received during the consultation process had been reviewed by the Joint Appointments Committee at its meeting on 22 September 2021. Following this review, any minor amendments that had been made to the proposals had been confirmed to the employees at their end of consultation meetings held on 28 September 2021.

Expressions of Interest had been invited for the Joint Chief Executive post from both affected employees. The Council's Managing Director had notified the Leader of the Council that he did not wish to be considered for the role and had requested voluntary compulsory redundancy. The report to the Council had sought approval to make a termination payment to James Whiteman in line with the Council's Early Termination of Employment Discretionary Compensation Policy.

The Council had the option of setting a policy where it could use new capital receipts to fund revenue expenditure that would generate ongoing savings. Officers were seeking to use this option to finance the implementation costs of the Guildford and Waverley collaboration project and in particular the redundancy and pension strain costs. A strategy on the Flexible use of Capital Receipts was appended to the report, which the Council was asked to approve.

Whilst suitable receipts were anticipated during 2021-22, there was a risk that the receipts might be delayed. If sufficient capital receipts were not received during the financial year 2021-22, officers had sought approval to finance the redundancy costs from the invest to save reserve.

The Council considered a report on this matter and was invited to consider the proposed redundancy termination payment which exceeded the £95,000 threshold referred to in the Council’s adopted Pay Policy Statement for 2021-22.

The report had also been considered by the Employment Committee on 4 October 2021. The Committee had endorsed the proposed redundancy termination payment and had recommended the payment to Council for approval.

The Council noted the correction to paragraph 3.5 of the report in respect of the pay-back period, which should have stated 4.3, rather than 0.9, years.

Upon the motion of the Leader of the Council, Councillor Joss Bigmore, seconded by the Deputy Leader of the Council, Councillor Jan Harwood, the Council

RESOLVED:

- (1) That the Council approves the recommendation of the Employment Committee to make a termination payment associated with the voluntary compulsory redundancy of James Whiteman, Managing Director (post number PO1721) of the sum set out in the table in paragraph 3.1 of the report submitted to the Council.
- (2) That the Council approves the Flexible Use of Capital Receipts Strategy as set out in Appendix 4 to the report so that the implementation costs outlined in paragraph 3.4 of the report can be financed from the flexible use of capital receipts should they be incurred.
- (3) That in the event that sufficient receipts are not received during 2021-22, Council approves the use of the invest to save reserve to finance the implementation costs outlined in paragraph 3.4 of the report should they be incurred.

Reason:

To enable the payment of the full entitlement of termination pay to the employee whose post would be made redundant.

A recorded vote on this matter was requested by Councillor Keith Witham, supported by four other councillors. The motion was carried with forty-one councillors voting in favour, one against, and three abstentions, as follows:

For	Against	Abstain
Councillor Tim Anderson Councillor Jon Askew Councillor Joss Bigmore Councillor David Bilbé Councillor Richard Billington Councillor Chris Blow The Deputy Mayor, Councillor Dennis Booth	Councillor Keith Witham	Councillor Guida Esteves The Mayor, Councillor Marsha Moseley Councillor Susan Parker

For	Against	Abstain
Councillor Ruth Brothwell Councillor Colin Cross Councillor Graham Eyre Councillor Andrew Gomm Councillor Angela Goodwin Councillor David Goodwin Councillor Angela Gunning Councillor Gillian Harwood Councillor Jan Harwood Councillor Tom Hunt Councillor Diana Jones Councillor Steven Lee Councillor Nigel Manning Councillor Ted Mayne Councillor Julia McShane Councillor Ann McShee Councillor Bob McShee Councillor Masuk Miah Councillor Ramsey Nagaty Councillor George Potter Councillor Jo Randall Councillor John Redpath Councillor Maddy Redpath Councillor John Rigg Councillor Tony Rooth Councillor Will Salmon Councillor Deborah Seabrook Councillor Pauline Searle Councillor Paul Spooner Councillor James Steel Councillor Cait Taylor Councillor James Walsh Councillor Fiona White Councillor Catherine Young		

The Council also considered an urgent related matter that had arisen in respect of the Council's membership on the Joint Appointments Committee (JAC) which was overseeing the recruitment process for the appointment by this Council and Waverley Borough Council of a Joint Chief Executive.

Councillor Paul Spooner had withdrawn from membership of the JAC, which left a vacancy that would otherwise fall to the Conservative group to fill. However, Councillor Spooner had also indicated that no other member of his group wished to be considered for appointment to the JAC to replace him.

As there was now a vacancy, it was up to full Council to appoint another councillor to the JAC.

Upon the motion of the Leader of the Council, Councillor Joss Bigmore, seconded by Councillor Catherine Young, the Council

RESOLVED: That Councillor Ramsey Nagaty be appointed to the Joint Appointments Committee for the remainder of the 2021-22 municipal year.

Reason:

To ensure that Guildford continued to be represented by three members on the JAC

Note: By reason of the special circumstances described below, the Mayor considered that this item should be dealt with at this meeting as a matter of urgency pursuant to Section 100B 4 (b) of the Local Government Act 1972.

Special Circumstances: The agenda for this Council meeting had to be published on 27 September 2021, which was before the deadline for receipt of formal expressions of interest from affected employees in respect of the new Joint Chief Executive role, which was 29 September 2021.

CO55 COMMON SEAL

The Council

RESOLVED: That the Common Seal of the Council be affixed to any documents to give effect to any decisions taken by the Council at this meeting.

The meeting finished at 9.20 pm

Signed
Mayor

Date

GUILDFORD BOROUGH COUNCIL

Draft Minutes of an extraordinary meeting of Guildford Borough Council held at the Council Chamber, Millmead House, Millmead, Guildford, Surrey GU2 4BB on Monday 1 November 2021

* The Mayor, Councillor Marsha Moseley (Mayor)

* The Deputy Mayor, Councillor Dennis Booth (Deputy Mayor)

- | | |
|----------------------------------|-------------------------------|
| * Councillor Paul Abbey | * Councillor Ted Mayne |
| * Councillor Tim Anderson | * Councillor Julia McShane |
| * Councillor Jon Askew | * Councillor Ann McShee |
| * Councillor Christopher Barrass | * Councillor Bob McShee |
| * Councillor Joss Bigmore | * Councillor Masuk Miah |
| * Councillor David Bilbé | * Councillor Ramsey Nagaty |
| * Councillor Richard Billington | * Councillor Susan Parker |
| Councillor Chris Blow | * Councillor George Potter |
| * Councillor Ruth Brothwell | * Councillor Jo Randall |
| * Councillor Colin Cross | * Councillor John Redpath |
| * Councillor Guida Esteves | * Councillor Maddy Redpath |
| * Councillor Graham Eyre | * Councillor John Rigg |
| * Councillor Andrew Gomm | Councillor Tony Rooth |
| Councillor Angela Goodwin | Councillor Will Salmon |
| Councillor David Goodwin | * Councillor Deborah Seabrook |
| * Councillor Angela Gunning | * Councillor Pauline Searle |
| * Councillor Gillian Harwood | * Councillor Paul Spooner |
| * Councillor Jan Harwood | * Councillor James Steel |
| * Councillor Liz Hogger | * Councillor Cait Taylor |
| * Councillor Tom Hunt | * Councillor James Walsh |
| * Councillor Diana Jones | * Councillor Fiona White |
| * Councillor Steven Lee | * Councillor Keith Witham |
| * Councillor Nigel Manning | * Councillor Catherine Young |

*Present

CO56 APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Councillors Chris Blow, Angela Goodwin, David Goodwin, Tony Rooth, and Will Salmon and Honorary Freeman Andrew Hodges, Jen Powell, and David Watts, and Honorary Aldermen Catherine Cobley, Sarah Creedy, Jayne Marks, and Lynda Strudwick.

CO57 DISCLOSURES OF INTEREST

There were no disclosures of interest.

CO58 MAYOR'S COMMUNICATIONS

The Mayor thanked everyone who came along to Weybourne House to support the Halloween Charity lunch in aid of Shooting Star Children's Hospices and the Mayor's Support Fund, in particular to the Civic Secretary and those who generously donated raffle prizes. The Mayor was delighted to announce that the event raised over £1,000.

On Friday 22 October, the Mayor attended on behalf of the Borough Council, the launch of the Surrey Royal British Legion's Poppy Appeal at the ATC in Pirbright. The Mayor reminded Councillors that they had already received invitations to attend the Armistice Day 2 minutes' silence at 11 o'clock on Thursday 11 November and the Remembrance Day Church Service

and Parade on Sunday 14 November 2021. The Mayor asked Councillors who had not already done so, to confirm whether they can attend as soon as possible.

The Mayor expressed thanks to those Councillors who had already volunteered to sell poppies on behalf of the Royal British Legion this coming weekend. Any further volunteers were asked to contact the Civic Secretary.

Finally, on behalf of the Council, the Mayor wished Councillor Chris Blow a full and speedy recovery from his recent fall. The Mayor was pleased to announce that although Councillor Blow was still in hospital, he was making good progress and was very grateful for all the messages of support he had received.

CO59 LEADER'S COMMUNICATIONS

The Leader congratulated the Mayor for hosting the Halloween Charity lunch in aid of Shooting Star Children's Hospices and the Mayor's Support Fund, and thanked her for her commitment to the Mayoralty.

The Leader announced that residents should have received a bin collection calendar by the end of this week, with details of collection dates including our Christmas timetable and reminder of which item goes into which bin to ensure maximisation of what we re-use and recycle.

The Leader informed councillors that the Council would be launching Crowdfund Guildford on 10 November. The launch event would be online at guildford.gov.uk/crowdfundguildford and it was going to be a new way for local people and groups to raise funds and support Guildford.

The Leader drew the Council's attention to a special exhibit of the Surrey Infantry Collection at Guildford House Gallery to commemorate the period of Remembrance and to celebrate 100 years since the Poppy was adopted as a symbol of Remembrance. The exhibit is open from 6 to 14 November between 10 30am and 3.30 pm.

Finally, the Leader apologised that the feedback from the recent car free day was still being reviewed and had not yet been published. The Leader was able to report early positive headlines such as 90% of those who responded would like Guildford to be more pedestrianised, 80% were satisfied with the event, and 90% would like to see a similar event again. However, areas for improvement were highlighted such as the need for better links with available public transport and more cycle friendly options. The Leader would circulate the feedback to councillors upon completion of the review.

In response to a question in which it was noted that disabled parking bays in the town centre had been suspended during Car Free Day, the Leader confirmed that for future Car Free Days, he would take into account the needs of disabled drivers, many of whom have no alternative to travelling by car.

CO60 PUBLIC PARTICIPATION

No members of the public had given notice of their wish to ask a question or make a statement.

CO61 QUESTIONS FROM COUNCILLORS

Councillor Paul Spooner asked the Lead Councillor for Climate Change, Councillor Jan Harwood, the following question:

"The published agendas for the Executive on 26 October 2021 and Full Council on 1 November 2021 included Regulation 19 Consultation on Local Plan: Development Management Policies and the Local Development Scheme 2021.

Shortly prior to the Executive the items were removed from the agenda on the basis that more time was needed to consider comments. Can the Lead Councillor explain why, after two and a half years since the change of administration in May 2019, this important part of the Local Plan has been 'pulled' at the last minute and advise the Council on the repercussions of this delay for the community across the Borough in not having up to date Development Management Policies and can the Lead Councillor provide a new timeline for progressing the Local Plan to Regulation 19 and through to adoption with an updated Local Development Scheme 2021".

The Lead Councillor's response was as follows:

"The Development Management Policies item expected at Executive last week has been delayed in order to consider a number of minor amendments as requested by the Joint EAB. We expect this item to be brought back to the Executive at its next meeting on 23 November, with a view to submission to full council at its meeting on 7 December. This short delay is unlikely to affect the consultation timetable.

Given the strength of feeling amongst all councillors on the topic of development management and planning, we are hoping to achieve wide apolitical support for these important policies. We believe a small procedural delay is worth it to make sure these last-minute amendments do not have unintended consequences"

Councillor Jan Harwood
Lead Councillor for Climate Change

In response to a supplementary question, the Lead Councillor confirmed that the report and papers on the agenda for this meeting would not be reissued for subsequent consideration of this matter. Councillors who had received a hard copy of the papers were requested to retain them. It was anticipated that any changes would be of a fairly minor nature.

In response to another supplementary question in which the lead councillor was asked to confirm whether the 71 amendments proposed by the Joint EAB to 26 policies would be robustly considered and brought back to the Executive as mentioned, the Lead Councillor confirmed that this had been the reason for the delay, as the Executive was not comfortable in recommending the policies to Council and were currently working through attempts to reach a broader consensus.

In response to a further supplementary question, in which the Lead Councillor was asked to consider referring the proposed amendments to the DMPs to the Climate Change Board to enable it to review their impact on climate change, the Lead Councillor responded by stating that every member of the Climate Change Board was already represented on the Joint EAB. The Lead Councillor felt that as these issues had been robustly and extensively covered by the Joint EAB, it was not necessary for the Climate Change Board to repeat the process.

In response to the final supplementary question regarding anticipated timescales, the Lead Councillor confirmed that he hoped reaching a broad consensus on the DMP document would be worth the small delay of approximately two months in respect of the commencement of the Regulation 19 consultation.

CO62 REGULATION 19 CONSULTATION ON LOCAL PLAN: DEVELOPMENT MANAGEMENT POLICIES

Prior to the Executive meeting on 26 October 2021, councillors were informed that this matter had been withdrawn from the agenda due to the need for additional time to enable Executive Members to give full consideration to the feedback given by Members of the Joint Executive Advisory Board at their meeting on 20 September 2021, and that this matter, together with the Local Development Scheme, would be considered at the next earliest opportunity.

As the Local Plan was part of the policy framework of the Council, and it was a requirement that proposals contained within policy framework documents that were presented to the Council were approved by the Executive, this item had therefore been withdrawn from the agenda for this extraordinary meeting of the Council.

CO63 CORPORATE PLAN 2021 - 2025

Following two public consultation exercises on the Council's revised corporate priorities and consideration by the Joint Executive Advisory Board on 15 March 2021, the Council considered a report on the adoption of a new Corporate Plan for the period 2021-2025.

At its meeting on 26 October 2021, the Executive considered this matter and a modification to the draft Corporate Plan was suggested to include reference to the importance of biodiversity. The Leader indicated that he would confer with the Lead Councillor for Climate Change to see if this could be included. Subject to such modification, the Executive had endorsed the recommendation to the Council to adopt the Corporate Plan.

The Leader of the Council, Councillor Joss Bigmore proposed, and the Deputy Leader of the Council, Councillor Jan Harwood seconded the following motion:

“That the proposed new Corporate Plan 2021-2025, as set out in Appendix 1 to the report submitted to the Council, be adopted.

Under Council Procedure Rule 15 (o), Councillor Bigmore as the mover of the original motion, indicated that, with the consent of his seconder and of the meeting, he wished to alter his motion so that it read as follows:

“That the proposed new Corporate Plan 2021-2025, as set out in Appendix 1 to the report submitted to the Council, be adopted *subject to the following minor modifications*:

(1) *Amend the first paragraph of the second page of the Foreword (page 963 of the agenda) as follows:*

*“Sustainable transport systems, cycle ways and footpaths and improved public transport routes are vital. New housing developments will be required to have lower carbon emissions. High energy efficiency standards, electric vehicle charging points and renewable energy sources will all be features. **By using land more sustainably, we can also protect and create new habitats to enhance biodiversity**”.*

(2) *In the second sentence of the third paragraph of the second page of the Foreword (page 963 of the agenda), substitute “I am immensely proud of the way in which our staff responded to the crisis” with “**We are** immensely proud of the way in which our staff responded to the crisis”.*

(3) *In the third sentence of the fifth paragraph of the second page of the Foreword (page 963 of the agenda), omit “As I write,”.*

(4) *In the third sentence of the sixth paragraph of the second page of the Foreword (page 963 of the agenda), substitute “I’m confident we will become a greener borough with a renewed, thriving economy, coming together to support our communities and most vulnerable residents.” with “**We are confident** we will become a greener borough with a renewed, thriving economy, coming together to support our communities and most vulnerable residents.”*

(5) *Under the Homes and Jobs theme (page 969 of the agenda), amend the fourth corporate priority as follows:*

- *Facilitate Support high quality development of strategic sites*
- (6) *Under the Environment Theme (page 971 of the agenda), insert a fourth corporate priority as follows:*
- *Make every effort to protect and enhance our biodiversity and natural environment.*
- (The symbols to the side of the text to then include a Bumble Bee icon to reflect this additional priority.)*
- (7) *Under the 'How We Will Measure our Success' (page 976 of the agenda), add an 8th measure, by inserting directly underneath air quality at monitoring sites, “net gains in biodiversity and natural habitats”.*

The proposed alteration to the motion was put to the vote and was carried. The motion, as altered, therefore became the substantive motion for debate.

During the debate, the following points were raised:

- The alterations to include reference to the importance of biodiversity were welcomed
- Lack of specific detail and measurable goals to be able to identify the extent to which the Council delivers on its priorities
- No reference to support for urban areas other than Guildford
- No reference to support for older more vulnerable and less advantaged people in the community
- No reference to enhancing sporting cultural community and recreational facilities
- The draft plan provides some clear strategic goals for what kind of place we would like our borough to be and what kind of things we would like to achieve
- The purpose of the Corporate Plan was to set out the Council’s high-level vision for how we move forward on a very broad range of topics, which would be underpinned by a series of more specific detailed, measurable strategies; for example, a Savings Strategy, a Housing Strategy, and regeneration policies, in respect of which the administration could be held to account.
- Performance would be measured using the Council’s rigorous new performance management indicator framework, which was reported regularly to the Corporate Governance and Standards Committee

Following the debate, the Council

RESOLVED: That the proposed new Corporate Plan 2021-2025, as set out in Appendix 1 to the report submitted to the Council, be adopted subject to the following minor modifications:

- (1) Amend the first paragraph of the second page of the Foreword (page 963 of the agenda) as follows:
- “Sustainable transport systems, cycle ways and footpaths and improved public transport routes are vital. New housing developments will be required to have lower carbon emissions. High energy efficiency standards, electric vehicle charging points and renewable energy sources will all be features. *By using land more sustainably, we can also protect and create new habitats to enhance biodiversity”.*
- (2) In the second sentence of the third paragraph of the second page of the Foreword (page 963 of the agenda), substitute “I am immensely proud of the way in which our staff responded to the crisis” with “*We are* immensely proud of the way in which our staff responded to the crisis”.

- (3) In the third sentence of the fifth paragraph of the second page of the Foreword (page 963 of the agenda), omit “As I write,”.
- (4) In the third sentence of the sixth paragraph of the second page of the Foreword (page 963 of the agenda), substitute “I’m confident we will become a greener borough with a renewed, thriving economy, coming together to support our communities and most vulnerable residents.” with “**We are confident** we will become a greener borough with a renewed, thriving economy, coming together to support our communities and most vulnerable residents.”
- (5) Under the Homes and Jobs theme (page 969 of the agenda), amend the fourth corporate priority as follows:
- **Facilitate Support** high quality development of strategic sites
- (6) Under the Environment Theme (page 971 of the agenda), insert a fourth corporate priority as follows:
- **Make every effort to protect and enhance our biodiversity and natural environment.**
- (The symbols to the side of the text to then include a Bumble Bee icon to reflect this additional priority.)
- (7) Under the 'How We Will Measure our Success' (page 976 of the agenda), add an 8th measure, by inserting directly underneath air quality at monitoring sites, “**net gains in biodiversity and natural habitats**”.

Reason:

The proposed new Corporate Plan has been prepared to set out the Council’s priorities for the period up to 2025.

A recorded vote on this matter was requested by Councillor Keith Witham, supported by four other councillors. The motion, as altered, was carried with thirty-two councillors voting in favour, eight against, and three abstentions, as follows:

For	Against	Abstain
Councillor Paul Abbey Councillor Tim Anderson Councillor Jon Askew Councillor Christopher Barrass Councillor Joss Bigmore The Deputy Mayor, Councillor Dennis Booth Councillor Ruth Brothwell Councillor Colin Cross Councillor Guida Esteves Councillor Gillian Harwood Councillor Jan Harwood Councillor Liz Hogger Councillor Tom Hunt Councillor Diana Jones Councillor Steven Lee Councillor Ted Mayne Councillor Julia McShane Councillor Ann McShee Councillor Bob McShee Councillor Masuk Miah	Councillor David Bilbé Councillor Richard Billington Councillor Graham Eyre Councillor Andrew Gomm Councillor Nigel Manning Councillor Jo Randall Councillor Paul Spooner Councillor Keith Witham	Councillor Angela Gunning The Mayor, Councillor Marsha Moseley Councillor James Walsh

For	Against	Abstain
Councillor Ramsey Nagaty Councillor Susan Parker Councillor George Potter Councillor John Redpath Councillor Maddy Redpath Councillor John Rigg Councillor Deborah Seabrook Councillor Pauline Searle Councillor James Steel Councillor Cait Taylor Councillor Fiona White Councillor Catherine Young		

CO64 APPOINTMENT TO THE POST OF JOINT CHIEF EXECUTIVE

Councillors were reminded that, at its extraordinary meeting held on 6 July 2021, the Council had agreed to pursue options for collaboration with Waverley Borough Council, namely the appointment of a single management team. At its meeting on 28 July 2021, the Council had agreed the job description, person specification and the appointment of a Joint Appointments Committee to carry out the recruitment and make recommendations to both Councils for approval.

Following a rigorous two-day process, which included an external stakeholder panel, and with the advice and support of South East Employers, the Joint Appointments Committee had recommended the appointment of Tom Horwood as the Joint Chief Executive of Guildford and Waverley Borough Councils.

The full Council may only make or approve the appointment where no well-founded objection has been made by the Leader on behalf of the Executive in accordance with the provisions of Part II of Schedule 1 of the Local Authorities (Standing Orders) (England) Regulations 2001. The Council noted that this provision had been complied with and no well-founded objection had been made by the Leader of the Council on behalf of the Executive.

It was also noted that Waverley Borough Council had also confirmed that no such objection has been made by their Leader on behalf of the Waverley Executive.

The Leader of the Council, Councillor Joss Bigmore proposed, and the Deputy Leader of the Council, Councillor Jan Harwood, seconded a motion to appoint Mr Horwood to the post of Joint Chief Executive.

During the debate, the following points were raised:

- Concern over the process in respect of the appointment, which was perceived as being rushed, and yielded only one candidate
- Concern over the collaboration process, with insufficiently robust financial information
- The appointments process followed the very detailed legal and HR advice given to both councils

Following the debate, the Council

RESOLVED:

- (1) That Tom Horwood be appointed to the post of Joint Chief Executive of Guildford and Waverley Borough Councils, and to the statutory roles of Head of Paid Service, Returning Officer and Electoral Registration Officer for both Councils.

- (2) That the above appointments be confirmed once contract negotiations have been finalised.

Reason:

To ensure the Council complies with the requirements of:

- (1) Section 4 of the Local Government and Housing Act 1989 in respect of the appointment of a (Joint) Head of Paid Service.
- (2) Sections 8 and 35 of the Representation of People Act 1983 in respect of the appointment of Electoral Registration Officer and Returning Officer respectively.

A recorded vote on this matter was requested by Councillor Keith Witham, supported by four other councillors. The motion was carried with thirty-two councillors voting in favour, eight against, and three abstentions, as follows:

For	Against	Abstain
Councillor Paul Abbey	Councillor David Bilbé	Councillor Guida Esteves
Councillor Tim Anderson	Councillor Richard Billington	The Mayor, Councillor
Councillor Jon Askew	Councillor Graham Eyre	Marsha Moseley
Councillor Christopher Barrass	Councillor Andrew Gomm	Councillor Susan Parker
Councillor Joss Bigmore	Councillor Nigel Manning	
The Deputy Mayor, Councillor	Councillor Jo Randall	
Dennis Booth	Councillor Paul Spooner	
Councillor Ruth Brothwell	Councillor Keith Witham	
Councillor Colin Cross		
Councillor Angela Gunning		
Councillor Gillian Harwood		
Councillor Jan Harwood		
Councillor Liz Hogger		
Councillor Tom Hunt		
Councillor Diana Jones		
Councillor Steven Lee		
Councillor Ted Mayne		
Councillor Julia McShane		
Councillor Ann McShee		
Councillor Bob McShee		
Councillor Masuk Miah		
Councillor Ramsey Nagaty		
Councillor George Potter		
Councillor John Redpath		
Councillor Maddy Redpath		
Councillor John Rigg		
Councillor Deborah Seabrook		
Councillor Pauline Searle		
Councillor James Steel		
Councillor Cait Taylor		
Councillor James Walsh		
Councillor Fiona White		
Councillor Catherine Young		

CO65 COMMON SEAL

The Council

RESOLVED: That the Common Seal of the Council be affixed to any documents to give effect to any decisions taken by the Council at this meeting.

The meeting finished at 8.12 pm

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Council Report

Ward(s) affected: All

Report of Director of Strategic Services

Author: John Armstrong, Democratic Services and Elections Manager

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Lead Councillor responsible: James Steel

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Date: 7 December 2021

Petition: Make Guildford Pesticide-Free

Executive Summary

On 4 August 2021, an e-petition was launched on the Council's website requesting the Council to make Guildford pesticide-free. This petition received in excess of 500 signatures and under the Council's adopted Petition Scheme requires the Council to debate the matter raised by the e-petition and to indicate to the e-petition organiser what action, if any, the Council proposes to take in response.

Recommendation to Council:

Councillors are asked to debate the subject matter of the e-petition and to indicate to the petition organiser what action the Council intends to take.

Reason for Recommendation:

To comply with the requirements of the Council's adopted Petition Scheme

Is the report (or part of it) exempt from publication? No

1. Purpose of Report

- 1.1 The purpose of this report is to inform the Council of the receipt on of an e-petition. The e-petition attracted 198 e-signatories and 336 paper signatories with a total of 534 signatures at the time the agenda for this meeting was published. The petition states as follows:

"We the undersigned petition Guildford Borough Council to Phase out the use of pesticides, including glyphosate, in Guildford."

- 1.2 The petition organiser's supporting statement accompanying the e-petition reads as follows:

“Every year, our pavements, streets, parks, playgrounds and other open spaces in Guildford are sprayed with pesticides. In particular, glyphosate is used across the borough on a regular basis. Inevitably, we as Guildford residents come into contact with these pesticides, as do our children, pets and local wildlife.

Pesticides (including glyphosate) have been linked to an array of health problems, from neurological disorders such as Parkinson’s disease, cancers such as non-Hodgkin’s lymphoma to autism in children. Vulnerable groups such as children, pregnant women and the elderly are most at risk of being affected.

As well as damaging human health, pesticides harm urban biodiversity. Pesticides are key contributors to the dramatic reductions in insects such as bees and other pollinators. Glyphosate has been shown to affect bees’ ability to navigate, their sleep, larval development, and immunity to deadly infections (1). Glyphosate also kills flowering plants that bees and other insects rely on. This reduction in pollinators has far-reaching consequences for both wildlife and people.

Pesticides contaminate our water supply and harm aquatic life. They also poison our soils and harm soil invertebrates such as worms (2).

Urban pesticide use is unnecessary. Many towns and cities around the world have banned them (3). Pesticides are banned in all green public spaces across the whole of France. Copenhagen and Seattle manage their public spaces without pesticides. Councils across the UK are showing it can be done too with over 60 councils now implementing programs to phase out their use. Locally, Waverley borough, Petersfield and Chichester have all committed to phase out pesticides whilst trialling alternatives.

Well tested, cost effective and safe non-chemical alternatives to pesticides exist and are already being used in other towns locally (4). Using alternatives, or simply leaving some weeds in place to flower (where they do not cause a hazard) would have a positive impact on biodiversity and human health in Guildford.

We are asking Guildford Borough Council to phase out the use of pesticides, including glyphosate, in Guildford.

Please support us, sign this petition, share it with your friends and help make our town pesticide free.

This petition has been organised by Guildford Environmental Forum, a voluntary organisation that works to promote environmental protection in and around Guildford.”

Please visit our website to find out more: <http://www.guildfordenvironment.org.uk>

Further Information:

1. Pesticides are particularly harmful to bees, studies show.
<https://www.theguardian.com/environment/2018/sep/24/monsanto-weedkiller-harms-bees-research-finds>
2. Vital soil organisms being harmed by pesticides
<https://www.frontiersin.org/articles/10.3389/fenvs.2021.643847/full>

3. Countries that have banned Glyphosate

<https://www.baumhedlundlaw.com/toxic-tort-law/monsanto-roundup-lawsuit/where-is-glyphosate-banned-/>

4. Alternative Weed control solutions

<https://www.pan-uk.org/alternatives-to-herbicides-a-new-guide/> (Show truncated justification text)

- 1.3 Under the terms of our adopted petition scheme, the Council is invited to consider and respond to the petition.
- 1.4 To assist councillors in understanding the issues, the Parks and Countryside Development Lead has provided, by way of background information in section 3 below, details of:
- the Council's current policy and approach to the use of chemicals, including pesticides,
 - our current land management activities that use chemicals
 - Key areas where the Council is actively working to reduce pesticides and other chemicals
- 1.5 Section 4 below sets out details of the proposed actions that could be taken in 2022 towards a pesticide free Guildford, which forms the basis of a motion to be proposed formally by the Lead Councillor for Environment in response to the petition.

2. Strategic Priorities

- 2.1 Formal consideration by the full Council of proposals contained in a petition is consistent with the Council's desire to be open and accountable to its residents and to deliver improvements and enable change across the Borough.

3. Background

Current Policy and Approach

- 3.1 As major landowners and custodians of large areas of public space we care deeply for the environment and ecology of the areas we manage with a view to protect these areas so that they can be enjoyed and used by current and future generations. We continue to reduce the use of fertiliser and chemicals as far as possible, and this mindset is embedded in our management approach.
- 3.2 Our approach is to reduce and phase out chemical use, including pesticides, wherever practical and achievable. Our activity recognises the ongoing development of new alternative methods to replace chemicals such as pesticides, fertilisers and cleaning agents, considering legal requirements and health and safety implications. Whilst it is our aim to phase out use of chemicals over time, we recognise at present it may not always be possible to eliminate their use altogether and that alternatives have an effectiveness and/or cost implication.

- 3.3 As part of this management approach, we have operated a chemical minimisation policy for nearly a decade, and this was last updated in 2019 (see Appendix 1). The chemical policy covers the use of pesticides (herbicides, fungicides, insecticides) as well as other chemicals that could potentially cause harm.
- 3.4 The objectives for implementing the chemical minimisation policy can be summarised as follows:
- Compliance with legislation
 - Protect the health of staff and public
 - Protect the environment (watercourses, pollinators, priority species)
 - Reduce unnecessary chemical use
 - Ensure safe use, application, and storage of chemicals
 - Reduce applications where possible
 - Fulfil expectation from the public
- 3.5 The policy recognises that a balance needs to be achieved between public expectation on site management, cost, and environmental impacts.
- 3.6 Where chemicals are purchased and used, they are considered based on current knowledge, as those that will have least effect on the health and environment and are appropriate for the task.
- 3.7 It should be recognised that there are several factors that require consideration:
- Legal obligations (e.g., removal of trip hazards, reduction of health hazards, invasive species control)
 - Infrastructure maintenance and preventing deterioration
 - Decline of natural habitats due to lack of management
 - Provision of high-quality sports pitches
 - Other Environmental impacts (increase in site visits, storage of arisings, use of additional machinery and ground compaction, burning of arisings, water usage for hot foam applications, reduction of desired species when dealing mechanically with invasive species).
 - Each area of application will have a different solution, existing use of chemicals balances other constraints and limitations and often the use of chemicals is driven by public expectations of maintenance standards.
 - Cost/ resource implication in using alternative methods to reduce herbicide use and the Council uses a variety of methods the manage its land rather than single type approach.

Works areas for the management of Council-owned land

- 3.8 Guildford Borough Council carries out its land management activities with best consideration for current best practice, including provision of quality sports pitches. This includes legal obligations under Occupiers Liability Act, conservation and species management, Stewardship Agreements and Green Flag standards.

- 3.9 Details of the Council's current land management activities that use chemicals are set out in Appendix 2 to this report.

Key areas where the Council is actively working to reduce pesticides and other chemicals.

- 3.10 The focus of our resources are those areas where we can achieve greatest environmental gain.

- **Increasing the herbicide free areas on The Mount and Tyting Farm**

Guildford Borough Council manages the fields at Tyting Farm and The Mount in partnership with Butterfly Conservation to maintain rare butterfly habitat. This involves removal of developing scrub and controllable species whilst retaining the grassland flower sward, avoiding soil compaction, and preserving other developed habitats such as anthills. The aims can only be achieved by hand removal of species or targeted spot treatment with herbicide. Through the engagement of volunteers and, when budget allows contractors, we continue to increase the areas that are managed without any use of herbicides. Whilst we manage to recruit several volunteer parties annually and dedicate staff time to ragwort removal this is simply not enough to address the current volume within the available time window.

Please note that we have several other grassland sites (e.g., Pewley Downs, Shalford Common, Effingham Common, Merrow Downs) where we already achieve reduction of controllable species to a level where chemical control is not required. However, some areas remain vulnerable to outside seed sources depending on the land management by adjacent landowners and nutrient input from outside sources.

- **Oak Processionary Moth Control**

Oak Processionary Moth (OPM) is a legally controllable species that presents a hazard to human health. Guildford Borough Council has set up a risk-based management regime that involves removal of OPM nests by hand from infected oak trees. We have taken this approach to minimise the significant impact of pesticide use on non-target species. Focussing on nest removal on areas of high risk to human health does not achieve the national target to fully eradicate this species. The Forestry Commission continues their own programme of OPM control in the Borough, including Council Land, using pesticides and biological controls that impact on non-target species. Nest removal by hand is currently not considered appropriate to fulfil the legal requirement of Statutory Plant Health notices.

Guildford Borough Council is part of the OPM Innovation Group to enable research into alternative methods of control without using pesticides, that has significantly contributed to national guidance to enable changes in legislation.

- **Playground areas**

Guildford Borough Council is implementing a new jet washing contract with the intention of jet washing play areas more frequently with the aim to stop using glyphosate in play areas. This includes removing edging stones in play areas where the safe fall surface meets the grass and will also stop the weeds growing between the edging stones and the safe fall surface and prevent shrinkage reducing the number of repairs required.

- **Merrow Golf Course**

We are working in Partnership with Merrow Residents Association, Butterfly Conservation and Surrey Wildlife Trust to improve the conservation management of Merrow Golf Course which is a major part of Merrow Downs' chalk grassland habitat. This includes aiming to reduce use of fertilisers and chemicals in the management of the golf course.

- **Contract with Surrey County Council**

On behalf of Surrey County Council, we are contractually obliged and responsible for the application of Glyphosate along the borough's highway and footways. We currently contract this out to a company called Complete Weed Control. To ensure every effort is made to minimise the amount of chemical applied they use spraying units that are mounted on the front of a purpose-built vehicle with sensors to detect the presence of individual weeds and accurately apply the correct amount of herbicide. Complete Weed Control also apply glyphosate to invasive species on highway verges.

The agency agreement for footpath and kerbside treatment is due for renewal in April 2022. We are currently reviewing this agreement with Surrey and will seek to agree a joint management approach to explore the efficiency, effectiveness, and implications of alternative control methods with Surrey with the specific aim of reducing or eliminating Glyphosate use in highway applications.

- **Exploration of alternative methods for weed control**

Guildford Borough Council is exploring alternative methods including inviting suppliers to carry out demonstrations of alternative methods on areas of land we control. For example, a demonstration at Stoke Park to electrocute weeds which is labour intensive and poses a fire risk. Whilst these methods have proven to be effective for small scale use in certain areas, continued improvements of technology are required (and are being made) to enable larger scale use. It should be recognised that new methods will require additional initial capital cost and an ongoing increase in revenue cost.

We currently use herbicides and pesticides in conjunction with cultural and mechanical methods to reduce the amount being used. We use the Nomix total droplet control system which reduces the amount of Glyphosate used by up to 70%. <https://www.nomixenviro.co.uk/index.php/products/what-is-total-droplet-control-tdc>.

Methods explored are electrocution, acidic vinegar, and hot foam. It is acknowledged that hot foam currently provides the most effective alternative, but there are significant issues to consider regarding the required high-water use and the logistics to provide the water supply. We anticipate new technologies and equipment will resolve some of these issues and will make this technology viable over time.

- 3.11 It will take time to explore all alternatives and understand the financial and operational implications. Please see appendices 3, 4, and 5 for further details on current use and alternative methods.

4. Proposed actions in 2022 towards a pesticide free Guildford

- 4.1 The Lead Councillor for Environment to propose the following motion in response to the petition:

“This Council acknowledges the work that officers have already undertaken to minimise chemical use and to explore alternative methods of weed control. We also recognise that the current Chemical Minimisation Policy, whilst still relevant, needs review.

The Council aims to stop using chemicals and believes that the approach to be taken should be to phase out their use as quickly as is practicable, recognising that at present it may not always be possible to eliminate their use altogether.

The Council feels that a detailed chemical action plan should be developed that includes continued commitment to:

- existing chemical reduction actions*
- exploring alternatives*
- communication*
- educating site users and managing expectations*
- working with partners to facilitate alternative approaches*

To that end, the Council therefore

RESOLVES: That the Executive be requested to urgently consider and approve the proposed chemical reduction measures in 2022 set out in Appendix 6 to this report.”

5. The Council’s Petition Scheme

- 5.1 The Council’s adopted petition scheme provides that where a petition contains more than 500 signatures, it will be referred to full Council for debate. The Council will decide how to respond to the petition at the meeting.
- 5.2 The petition scheme states that our response will depend on what a petition asks for, but may include one or more of the following:

- taking the action requested in the petition
- considering the petition at a meeting of the Council or Executive
- holding an inquiry into the matter
- holding a public meeting
- holding a meeting with petitioners or the petition organiser
- undertaking research into the matter
- writing to the petition organiser setting out the Council's views about the request in the petition
- referring the petition to the Council's Overview and Scrutiny Committee for consideration

Procedure for dealing with the petition at the meeting

- 5.3 Under the Council's petition scheme, the petition organiser, or a person appointed on their behalf, is entitled to a period of up to five minutes to speak to the subject matter of the petition at the meeting. Councillors will have an opportunity to ask questions of the petition organiser (or their spokesperson) before the formal debate on the petition.
- 5.4 In accordance with the rules of debate in Council Procedure Rule 15 (a), at the start of the debate, a motion as to how the Council should respond to the petition shall be moved formally and seconded in the usual way. The Petition Scheme requires the motion to respond explicitly to the request in the petition. The motion to be proposed by the Lead Councillor for Environment is set out in paragraph 4.1 above.
- 5.5 As with any such motion, it may be subject to amendment. If any councillor wishes to propose an amendment, they should inform the Democratic Services and Elections Manager as soon as possible. Details of any amendments received will be circulated to all councillors and to the petition organiser and will be included on the Order Paper.
- 5.6 After the debate and before a final decision or vote is taken on the Council's response to the petition (as set out in the motion – amended or otherwise), the petition organiser will be granted a right of reply for a further period of up to five minutes.
- 5.7 Councillors' comments during the debate shall not exceed five minutes in length, although the proposer of the motion will have up to ten minutes.

6. Financial Implications

- 6.1 At this stage, there are no direct financial implications arising from this report. However, subject to the Council's response to the petition, councillors will be advised as to any financial implications.

7. Legal Implications

- 7.1 If the action proposed in a motion responding to a petition is an action requiring the exercise of an executive function, it would normally require the matter to be

referred to the Executive for a final decision. In this case, the motion, if carried, will need to be referred to the Executive.

- 7.2 Under the Council's petition scheme, the full Council is obliged due to the number of signatories to this petition to debate the issues raised therein and to pass a resolution in response.

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.

- 9.2 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.

- 9.3 No Equality Impact assessments (EIA) have been conducted in relation to the subject matter raised by the petition.

10. Climate Change/Sustainability Implications

- 10.1 The proposed Action Plan will identify the sustainability implications. The reduction in chemical use has obvious environmental benefits. The realisation of those benefits in practice will need to be assessed in a case-by-case basis when looking at alternative methods. Benefits should be assessed, for example against, additional need to remove arisings and impact of invasive species on priority habitats.

11. Background Papers

None.

12. Appendices

Appendix 1: Current Parks and Countryside Peat and chemical minimisation policy

Appendix 2: Current Land Management activities that use chemicals

Appendix 3: Areas of weed control

Appendix 4: Glyphosate use

Appendix 5: Acetic acid assessment

Appendix 6: Proposed chemical reduction measures in 2022

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MINIMISING THE USE OF PEAT

The decline in lowland peat bogs has been well publicised, with 94% having been lost over the last century, these are now amongst the UK's most rare habitats. Peat is industrially mined from these important wildlife areas, causing irreversible damage. This is the chief reason GUILDFORD BOROUGH COUNCIL wishes to phase out the use of peat.

Peat has increasingly been used by the horticultural industry over the last 5 decades for use as soil improver and growing medium, this has obviously contributed to the habitat's decline. Peat is a finite resource and Guildford Borough Council's decision to minimise using peat reflects a growing concern at the general threat posed by its extraction from important Sites of Specific Scientific Interest. The problem is not just a UK one and cannot simply be ignored by importing peat from other sources.

Current peat use

Many local authorities have historically used peat for:

- mulching beds and borders
- soil amelioration when planting
- propagation and potting compost

However, since 1997 GUILDFORD BOROUGH COUNCIL has not purchased any peat-based products for any of the above purposes. For the first two tasks, leaf mulch and Guildford Borough Council's in-house compost are used. For propagation and potting on, coir based products are successfully used. When ordering the seasonal bedding, hanging baskets and troughs, a peat free mix is specified in the contract. Guildford Borough Council only needs to purchase shrubs and trees from external sources. It is this source that still contains some peat-based products. Approximately 80% of all purchased plant material is peat free, with the exception of ericaceous plants. We seek suppliers who can supply peat free plants wherever possible.



GUILDFORD BOROUGH COUNCIL

PARKS & LEISURE SERVICES

CHEMICAL MINIMISATION POLICY

GUILDFORD BOROUGH COUNCIL's policy of minimisation is that the Parks & Leisure Division should:

- use recommended application rates of any chemical or pesticide: herbicides, fungicides or cleaning agents
- reduce the number of applications
- minimise the risks to those staff working with chemicals

These aims are intended to protect the environment, and the health of the public and staff.

Objectives for minimisation:

- Focus on integrated pest management
- Procure more disease resistant and tolerant plants
- Increase the use of weed suppressants such as in-house prepared mulches
- Ongoing staff training will raise awareness to ensure careful considered stewardship of any chemical requirements
- Reduce dependence on chemicals. Further explore and trial non-chemical alternatives
- Display educational material to inform the public on 'organic' management methods and expectations
- Chemicals will be examined to ensure they are appropriate for the task, the relevant safety data sheet obtained and monitored
- Always use reputable, licensed suppliers

There is always a balance to be achieved between public expectations of standards within parks and gardens, and appropriate chemical usage. These expectations need to be balanced against available resources, both staff time and financial.

It is envisaged that a comprehensive approach to these chemical reduction aims and objectives will lead to a healthier, improved and safer environment for all.

Procedure for chemical use:

The manager responsible for the site/activity selects chemicals by:

1. Identifying the weed or pest
2. Identifying the chemical best suited to deal with these issues in the safest way
3. Can it be safely prepared and applied with the available equipment and resources?
4. Identifying the product which incorporates the required ingredients
5. Choosing the product that poses the least risk to human health, the environment and other creatures that may be sensitive to herbicides/pesticides

6. Recording findings and revise assessment when required
7. Track changes in the law relating to the use of chemicals

All chemicals are covered by COSHH data sheets held in the offices. All related risk assessments are generated from the COSHH information and usage information completed by managers using a computerised system called SEVRON. This system uses the manufacturer's COSHH data and our usage information to create COSHH risk assessments, which are stored on the system and held as hard copies in the office. Any new chemical is added to the system and old ones are reviewed and updated annually. **Refer to appendix 14**

The COSHH data sheets identify:

1. Hazards presented by the chemical
2. Who could be harmed and how
3. Actions to prevent or achieve adequate control of exposure and to comply with COSHH requirements.

Chemicals are stored in a separate chemical store located in the nursery compound area, away from the main offices. Washing of knapsacks can be carried out on site under license, and no-mix sprays system of calibration and measuring techniques when using knapsacks allows for accurate quantities to be applied.

95% of weeding in Castle Grounds Gardens and Stoke Park Gardens is carried out by hand. Only the paths and hard surfaces are sprayed very occasionally if need arises.

Since the supply of seasonal bedding went out to contract, the Stoke Park nursery and glasshouses are used to grow the baskets and troughs on. . We currently use Metaldehyde based slug pellets. This chemical expires in 2020 and we will look to use Nematodes for future control.

No herbicide or pesticide is applied within the shrubs and copses of Castle Grounds/Castle Cliffe Gardens.

Weed and Feed is applied to Ornamental Lawns at Castle grounds, Allen House and Stoke Park Gardens. Elliots (2,4-D, Dicamba, Iron Sulphate, Mecoprop-P) weed and feed is applied.

Sports pitches

Bowling Greens are sprayed annually with a systemic product to give protection against diseases.

Sports pitches (the area encompassing the football pitches and cricket outfield) receive weed and feed containing)Depitox (2,4-D) Prompt (Dicamba, Mecaprop – P) Praxys (Clopyralid, Florasulam, Fluroxypyr) each year.

Shrub beds are largely hand weeded with some spot treatments with Nomix Dual (Glyphosate and Sulfosulfuron).

Nomix dual is also applied annually to the hard surfaces and around obstacles throughout the borough. It is also injected to treat Japanese Knotweed.

Policy Review

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Appendix 1

VERSION NUMBER	ISSUE DATE	REVIEW DATE	AMMENDMENTS REQUIRED YES/NO (if 'YES' record below)	AMMENDMENTS MADE BY	NEW VERSION CREATED
1	Oct 2019	Oct 2020	Yes	Adie Byatt	14 Nov 2019
2					
3					
4					

Current Land Management activities that use chemicals.

What are we trying to achieve?	Why we use chemicals	Alternative control methods	Limitations of the alternative control methods	What we are doing to reduce chemical use	Chemical
Keep paths clear from trip hazards	To prevent surface damage from mechanical methods. Cost	Scraping and sweeping hard surfaces, jet washing	Reduces the life of surfaces and increases replacement need, resources for frequent visits	Do nothing in areas where hazards are acceptable. Targeted application through droplet control system. Explore other methods such as foam, acid, and electrocution.	Glyphosate Active ingredient approx. 4litres per annum
Maintenance of infrastructure/ obstacles: good standard of management	To reduce number of site visits. Avoid car park closures. Cost	Strimming	Damage to objects, Frequent visits required, Closure of areas required when strimming, e.g. car parks, Frequent complaints in some areas.	Do nothing in areas where hazards are acceptable, Targeted application through droplet control system explore other methods such as foam, acid, and electrocution	
Maintain sports pitches to good standard	To reduce/prevent fungus, broad-leaf weeds, and moss	Mowing, hand weeding/ pulling, sweeping, hoeing, mulching, groundcover planting,	Build-up of un-desired plants in playing surfaces	Increasing mechanical methods	Praxys 14l/annum (fluroxypyr, clopyralid, florasulam); 2,4-D 60l/annum; Prompt 20l/ annum (mecoprop-P, dicamba);

What are we trying to achieve?	Why we use chemicals	Alternative control methods	Limitations of the alternative control methods	What we are doing to reduce chemical use	Chemical
		overseeding, scarifying, fertilising/feeding			Fungicide 5l/ annum (Exteris Stressgard); Trifloxystrobin 2,4-D 1l/ annum; Moss killer on ditch faces 2l/ annum Enclean (Nonanoic acid)
Maintenance of Shrub and Flower Beds	Reduce visits and complaints	Hand weeding, hoeing, close planting, Permeable membrane	Resources for Frequent visits	Herbicide application reduced to car parking areas	Glyphosate Active ingredient approx. 10 litres per annum
Protecting Heritage Assets	Currently no approved alternative that does not risk damaging structures	n/a	Damage to Heritage objects from vegetation growth and removal operations	Reduced application to max 2x per year.	Glyphosate Active ingredient approx. 2 litres per annum
Control of invasive/ controllable plant species	To resource removal of controllable species, Fulfil legal requirements To achieve closed vegetation by targeting problem species only	Mowing, Strimming, Removal by Hand (staff and Volunteers)	Resources to cover the whole estate by hand removal, mechanical methods are counterproductive when long term reductions are	Targeted application restricted to target species Use varies with species occurrence Volunteer Engagement and Partnership work to increase hand removal	Glyphosate Active ingredient approx. 7 litres per annum 2-4-D & MCPA Active ingredient approx. 15 litres per annum

What are we trying to achieve?	Why we use chemicals	Alternative control methods	Limitations of the alternative control methods	What we are doing to reduce chemical use	Chemical
	Cost and resources availability at the correct time.		achieved by closed sward Nonchemical methods are not effective on species such as Japanese Knotweed	Chemicals are not used in most areas	Blaster Pro Active ingredient approx. 5 litres per annum
Control of Oak Processionary Moth (OPM)	GBC does not use chemicals. Forestry Commission continues to spray our trees and considers different approaches as non-compliant with statutory plant health notices.	The Council applies removal by hand.	Noncompliance with current national policy and statutory health notices. Increasing resource requirement.	We are attending several working groups to influence and resolve the national policy position regarding pesticide use in this area as this has the greatest collateral damage in the environment.	n/a

What are we trying to achieve?	Why we use chemicals	Alternative control methods	Limitations of the alternative control methods	What we are doing to reduce chemical use	Chemical
Control of scrub regrowth/ tree regrowth for habitat management	<p>To prevent habitat deterioration.</p> <p>To target problem species only.</p> <p>To reduce burning. To reduce nutrient built up.</p> <p>To achieve closed swards without mechanical disturbance.</p> <p>Cost and resources availability at the correct time.</p>	<p>We are aiming for no herbicide use.</p> <p>Scrub control is carried out by conservation grazing, cutting by hand and machinery.</p> <p>Cattle grazing reduces amount of scrub treatment required.</p>	<p>Mechanical methods in some areas cannot be deployed without impacting on ground nesting birds and reptiles.</p> <p>Removal of arisings is an issue, requiring burning and/or chipping and frequent costly visits.</p>	<p>Volunteer Engagement and Partnership work to increase hand removal.</p> <p>Atmospheric nitrogen deposition has an impact on this work area. Reduction of outside emissions would reduce this area of work.</p> <p>Public education required.</p>	<p>Glyphosate Active ingredient approx. 3 litres per annum</p> <p>Asulox Active ingredient approx. 4 litres per annum</p> <p>Grazon/ Garlon Active ingredient approx. 3 litres per annum</p>

E petition: Make Guildford Pesticide Free

Areas of weed control

The areas of herbicide use are listed in the table below to provide an overview of the different areas of activity and consideration of alternative options.

Target	Herbicide	Estimated usage	Alternative methods
Highways contract			
Signage, footpaths	Glyphosate	360 litres (check if this is diluted)	Used: targeted spray for weeds around gullies and obstacles. Considered: acid, foam based and electrocution: Cost, other environmental impacts.
Assets and infrastructure			
Fence lines where we receive numerous complaints	Glyphosate	Less than 1 litre Active ingredient	Used: Do nothing in most scenarios. Considered: Do nothing triggers complaints in some areas. Regular (2 weekly hand weeding is not possible within resources).
Infrastructure: Benched, signs, bollards etc	Glyphosate	4 litres Active ingredient	Used: Spraying around benches not applied in Countryside, car park closures (not popular) were risk to damage to cars Considered: Strimming: Increases visits and vehicle traffic, increase health risk for workers, damage to property. Acid, foam based and electrocution: Cost, other environmental impacts.
Footpaths and hard surfaces	Glyphosate		Used: Scraping/ sweeping on hard surfaces. Most footpaths in Countryside are not sprayed were weeds do not cause issues. Considered: Some gravel paths cannot be scrapped off and would require change to tarmac which is currently not considered appropriate in countryside. Alternatives would be not providing surfaced paths. Acid, foam based and electrocution: Cost, other environmental impacts.
Sports Pitches and	Praxys (fluroxypyr, clopyralid, florasulam) 2,4-D Prompt (mecoprop-P, dicamba)	14 litres chemical 60 litres chemical 20 litres chemical	Used: A tank mix is applied once a year to help irradiate broadleaf weeds and knotgrass in conjunction with mechanical and cultural methods. Considered: Increase cultural and mechanical methods which will require

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Target	Herbicide	Estimated usage	Alternative methods
			additional resources, tractors, fuel, machinery, labour.
Bowling greens	Fungicide (Exteris Stressgard) Trifloxystrobin 5.44 litres 2,4-D 1.09 litres Moss killer on ditch faces: Enclean (Nonanoic acid)	5 Litres chemical 1 litre chemical 2 litres chemical	Used: Applied to reduce/prevent fungus, broadleaf weeds and moss which would have a detrimental effect on the fine playing surface. This is done in conjunction with mechanical and cultural methods. Considered: Increase cultural and mechanical methods which will require additional resources, fuel, machinery, labour.
Shrub/ Flower beds	Glyphosate in parking areas	10 litres Active ingredient	Used: Hand weeding, hoeing, close planting, Permeable membrane, and chemical application. Considered: - Only use cultural methods which will increase costs, labour, vehicles, fuel, hand tools, tipping fees.
Heritage Asset at Chilworth and Tank Traps, protect the asset	1 l 2x per year	1 litre Active ingredient	Used: Considered: Hand weeding of grass is very labour intensive
Trees that cause subsidence and other property issues			
Stump Treatments	Glyphosate	Variable	Used: Hammer in Glyphosate plugs. Considered: No real alternatives available.
Control of Invasive Non-Native Species and legally controllable species Application to eliminate injurious weeds and INNS which threaten native habitats.			
Oak Processionary moth	We do not use chemicals at present. This is against current national policy.	n/a	Used: Nest removal by hand Considered: Please note that Forestry Commission continues to spray our trees and considers different approaches as non-compliant with statutory plant health notices. We are attending several working groups to influence and resolve the position.
Skunk Cabbage	Glyphosate	75ml (1X per year)	Used: Considered: No real alternatives as aim is eradication. Soil removal. Cannot be eradicated as seed bank is off GBC land.
Japanese Knotweed	Glyphosate ⁷	1.5 litre Active ingredient	Used: Glyphosate injected into the stems. Considered: No real alternatives as aim is eradication. Alternative is large scale contaminated soil removal.

Target	Herbicide	Estimated usage	Alternative methods
Crassula Helmsii	Glyphosate	135ml 1 X per year Active ingredient	Used: Mechanical removal, covering with plastic Considered: -
Giant Hogweed	Glyphosate	100ml 1 X per year Active ingredient	Used: Considered: No alternatives as aim is eradication
Laurel/Rhododendron Stump treatment	Glyphosate		Used: - Considered: No alternatives as aim is eradication. Possible discouraging through planning system.
Ragwort Control (Spot Spray, weed wiping)	2-4-D & MCPA	15 litres Active ingredient	Used: Hand pulling by volunteers, staff and contractors. Produces high volumes of green waste for disposal, very expensive with current volumes. Do nothing where species occurs in low levels. Considered: legal obligation to prevent spread. Currently unachievable in some areas without herbicide. Electrocuting creates grassland fires.
Thistle Control	Blaster Pro	4-5 litres Active ingredient	Used: Mowing, do nothing. Considered: Mowing reduces other species, do nothing triggers complaints, is not desired for the habitat if species takes over and legal obligation to prevent spread.
<u>Habitat Management</u>	Represents majority of use in countryside. Application to maintain habitat structure and prevent spread of invasive weeds or scrub.		
Bracken Control	Glyphosate or Asulox	3.5 litres Active ingredient	Used: - Considered: alternative methods (rolling, mowing) have greater impact on ground nesting birds and reptiles.
Scrub Control (Stump Treatment)	Glyphosate	300ml Active ingredient	Used: Not used where regrowth is part of management, cattle grazing reduces amount of scrub treatment required Considered: Reduction will require increase need to cut and burn.
Scrub Control by spot spraying	Grazon/ Garlon	1.5 litres Active ingredient	Used: Cut and burn, mulching Considered: Used alternatives are north always achieving the desired outcome as it opens sward and increases re-growth.
Gorse Control (spot spray and weed wiping)	Grazon	1.5 litres Active ingredient	Used: Cut and burn, mulching Considered: Used alternatives are north always achieving the desired outcome where

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Target	Herbicide	Estimated usage	Alternative methods
			heather is establishing, and sward closure is desired.
Duckweed Control	Bacteria mixture and barley straw mixture		Used: Current method used is assessed as biological and non-toxic.

Glyphosate use:

Information on the Nomix total droplet control system which reduces the amount of Glyphosate used by up to 70% can be found here:

<https://www.nomixenviro.co.uk/index.php/products/what-is-total-droplet-control-tdc>

Overall conclusion of the assessment of Glyphosate licence renewal by the Assessment Group on Glyphosate (AGG):

The AGG has compared the outcome of the evaluation with the criteria for approval, as provided in Regulation (EC) No 1107/2009. Based on the current assessment, the AGG considers that glyphosate does meet the approval criteria set in Regulation (EC) N° 1107/2009. The AGG considers that authorisation in at least one Member State is expected to be possible for at least one plant protection product containing the active substance for at least one of the representative uses. The AGG has also compared the outcome of the evaluation with the criteria for classification as provided in Regulation (EC) No 1272/2008. Based on this comparison, AGG proposes that glyphosate fulfils the criteria for classification for Eye Damage Category 1 (H318) “causes serious eye damage” and Aquatic Chronic 2 (H411) “toxic to aquatic life with long lasting effects”. This is the same as the present harmonised classification for glyphosate and no new classification is proposed.

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Acetic acid assessment

There are acetic acid (vinegar) based alternatives to Glyphosate which are currently more expensive. Herbicidal vinegar is stronger than household vinegar: the acetic acid concentration for herbicidal use is 15-20%, compared to 5% in household. Acetic acid is itself a chemical and my understanding is that it is actually more toxic than Glyphosate and needs to be applied at a higher dose rate to be effective. It is also less effective in controlling weeds, as unlike Glyphosate which is systemic and travels through the plant to the root system, acetic acid only acts as a contact form of control so will only break down/ burn the foliage that it comes into contact with.

There has been much less research on weed control with acetic acid-based products than Glyphosate and obviously less real world application. Examples of the pro's and cons on acetic acid based products are listed below:

PRO's

- Excellent control when contacting very small annual broadleaf weeds
- Rapid kill rate (Over 90% of treated plants should die within 24 hours)
- Acetic acid products break down quickly in the environment
- Most useful for managing weeds in gravel and on patios or footpaths
- These contact herbicides fit into an integrated pest management program; although weeds require monitoring for best control timing
- Non selective, but mainly kill broadleaf weeds. Burns back grasses temporarily

CONS:

- Weeds must be small (timing is important – within 2 weeks of germination)
- Roots are not killed; repeat applications are needed for larger weeds and perennials
- Good spray coverage is essential. (higher dose rate)
- Sharp vinegar odour lingers and is unpleasant
- Spray equipment must be thoroughly cleaned after application, particularly metal equipment
- Acetic acid is highly corrosive and tends to breakdown/corrode infrastructure such as brickwork, wood, metals
- Severe eye irritation, burns, and possible irreversible damage potential. Vinegars with acetic acid concentrations of 11% or greater can burn the skin and cause severe eye injury, including blindness
- Severe skin irritation and possible allergic sensitization. Acetic Acid can aggravate respiratory disorder

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Proposed chemical reduction measures in 2022

Action	Target Date	Impact on reduction of harm from chemicals	Resources	Further steps	Assessment of other environmental impacts
No use of Glyphosate except for specified invasive and/or noxious weeds and tree root removal on our parks, sports pitches, heritage and countryside areas.	January 2022	High long-term impact.		In any use we will commit to firstly consider and then use alternative methods where practical and viable and where chemical, including glyphosate, is used we will use the minimum amount of chemical necessary for an effective treatment.	We will specify these species in the proposed policy and action plan and update them from time to time as is necessary.
Review the contract for road verge Management with SCC to include ambitious trials of alternative vegetation management.	April 2022	High long-term impact	Likely Additional resource requirement	Discussion with SCC to carry out further trials of chemical free vegetation management.	Additional traffic and site visits, Water usage
Adoption of new chemical, pesticide and fertiliser policy and action plan	June 2022	High long-term impact. This plan will detail how we will deal with the practical application towards chemical free land management for each individual area.	Re-allocate existing resources	This action plan should incorporate existing activities and communication to manage practical. We will commit to timescales in the individual actions.	-

Action	Target Date	Impact on reduction of harm from chemicals	Resources	Further steps	Assessment of other environmental impacts
No chemical use within playparks after July 2022	From 1 August 2022	Immediate impact. No chemicals used in play parks.	Additional resource requirement in jet washing activity. This timescale is dependent on establishing the Jet washing contract.	n/a	Higher infrastructure wear.
Manual Oak Processionary Moth control. Liaison with Forestry Commission to stop chemical treatment in selected areas where this does not pose an unacceptable risk for public health.	Ongoing. Aim to achieve non-chemical intervention at Merrow Downs from 2022.	Very high long-term impact as available treatment is non-selective	Increased resource requirement.	Continued involvement in working groups and research. Guildford Council ensures that any tree planting is carried out with bio secure stock to prevent spread of pest and diseases.	Impact of pest species on habitat, positive impact: establishment of natural predators. Risk of liabilities regarding people's exposure to Oak Processionary Moth.
Continue working with community groups to enable manual removal of controllable weeds and scrub control.	Ongoing.	Small to medium long-term impact	Additional resource requirement	Link into green prescribing agenda.	Impact from removal of arisings (e.g., burning, landfill, soil compaction), physical injury to species, impact from habitat deterioration.
Undertake trials of alternatives to chemicals	Ongoing.	Medium to high impact	Additional Resource requirement	Continuing networking regarding best practice and new technology.	Additional traffic and site visits, Water usage, unintended side effects.

Council Report

Ward(s) affected: All

Report of Director of Strategic Services

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Date: 7 December 2021

Regulation 19 consultation on Local Plan: Development Management Policies

NB. Councillors who normally receive a hard copy Council agenda are reminded that they should bring to this meeting their agenda for the extraordinary meeting held on 1 November 2021, which contained the full versions of the draft Local Plan DMP documents, as these will not be re-printed.

Executive Summary

The Local Plan: Development Management Policies (hereafter referred to as ‘the draft Local Plan’) is the second part of Guildford’s Local Plan. Once adopted it will, together with the adopted Local Plan: Strategy and Sites document (LPSS), fully supersede the existing Local Plan 2003 and become part of the Council’s Development Plan. The draft Local Plan provides the more detailed policies to be used by Development Management in the determination of planning applications. It should be noted that the LPSS includes a small number of development management policies where these were necessary in implementing the strategic policies, for examples in relation to Green Belt, employment and retail.

The structure of the draft Local Plan is consistent with that contained in the LPSS. The chapters therefore consist of: Housing, Protecting, Economy, Design, and Infrastructure and Delivery. A list of all the proposed policies and a brief summary of any changes in the policy approach compared to the Regulation 18 version is contained in Appendix 1.

The Regulation 18 consultation included both ‘issues, options’ and went on to suggest a ‘preferred option’ for each policy. This approach was designed to generate meaningful comments and concerns, which it did and now enables the Council to move straight to a Regulation 19 ‘proposed submission’ document. This in turn will increase the possibility of being able to progress the plan to Examination without the need for main modifications and a further round of consultation.

There have been limited significant changes in the policy approaches set out in the Regulation 18 version; however, there are some notable changes, and these have been categorised in the following ways: refinement of policy approach, presentational/structural

changes, new policies, deleted policies and changes in policy approach from the preferred Regulation 18 approach to an alternative option.

The consultation period will run for six weeks from early January to mid-February 2022.

The report also seeks permission to consult upon a Parking Supplementary Planning Document (SPD) for a four-week period. This document will be consulted upon, but not adopted. The issue of whether its content should form part of the DPD or be a standalone SPD will be put to the Inspector at the Examination in Public.

Councillors will note that this matter was considered by the Executive at its meeting held on 23 November 2021. The Executive endorsed the recommendation below, subject to further investigation as to the merits of extending the requirement for design codes to all housing sites allocated in the Development Plan. Details of the outcome of this investigation will be included on the Order Paper for the meeting.

Recommendation to Council:

- (1) That the draft Local Plan: Development Management Policies document which accompanied the agenda for the extraordinary Council meeting held on 1 November, including the changes to that document referred to in Appendix 2 to this report, be approved for Regulation 19 public consultation for a period of six-weeks beginning in early January 2022.
- (2) That the draft Parking Supplementary Planning Document, incorporating any changes recommended by the Executive, be put before Full Council for approval for public consultation for a four-week period beginning in January 2022.
- (3) That the Lead Councillor with portfolio responsibility for Planning Policy be authorised, in consultation with the Director of Strategic Services, to make such minor alterations to improve the clarity of the documents referred to in paragraphs (1) and (2) above, as they may deem necessary.

Reason:

The recommendations above are made to encourage the Council to:

- 1) Enable the draft Local Plan: Development Management Policies document to be published for public consultation.
- 2) Allow officers to undertake public consultation in line with the Town and Country Planning (Local Planning) (England) Regulations 2012, the Planning and Compulsory Purchase Act 2004, the National Planning Policy Framework 2021, Planning Policy for Traveller Sites 2015, the National Planning Practice Guidance, and the Council's Statement of Community Involvement 2020.

Undertaking a public consultation on the draft Local Plan is a statutory requirement placed on Local Planning Authorities under Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 ('Local Planning Regulations') and will enable the Council to move closer to adopting the second part of the Local Plan as required by law and policy.

Is the report (or part of it) exempt from publication? No

1. Purpose of Report

- 1.1 The draft Local Plan must undergo a number of statutory processes, including at least two public consultations, in order to progress towards an examination in public and eventual adoption. This report seeks authority to publish the draft Local Plan document (see Appendix 2) for the second statutory consultation (Regulation 19) for a period of six weeks (commencing in early January 2022) and to allow for any minor amendments or typographical changes to be made following the meeting.

2. Strategic Priorities

- 2.1 The production of the Local Plan is a statutory requirement and will help the Council meet its strategic priorities. Once adopted, the Local Plan, consisting of the Local Plan: Strategy and Sites and the Local Plan: Development Management Policies, will enable the Council to mitigate and adapt to Climate Change as well as provide for the needs of the community whilst enhancing the economy, and protecting the borough's special built and natural environment.
- 2.2 The draft Local Plan is based upon thirteen strategic objectives, which are framed within one of the following four core themes: society, environment, economy and infrastructure. These strategic objectives are the same as those that underpinned the LPSS and build upon the fundamental themes identified in the Council's Strategic Framework.

3. Background

- 3.1 Planning decisions must be taken in line with the 'development plan' unless material considerations indicate otherwise. The development plan for an area is made up of the combination of strategic policies (which address the priorities for an area) and non-strategic policies (which deal with more detailed matters). The extant policies in the Guildford Borough Local Plan 2003 and the policies in the adopted Local Plan: Strategy and Sites 2019 (LPSS) form part of Guildford's current development plan. Policies from the Local Plan 2003 were saved for development management purposes pursuant to the transitional provisions set out in the Planning and Compulsory Purchase Act 2004 (the 2004 Act). A number of these were superseded by the LPSS (listed in Appendix 8 of the LPSS) and those remaining will be fully superseded by the Local Plan: Development Management Policies.
- 3.2 The policies in the draft Local Plan have been prepared in accordance with the National Planning Policy Framework (NPPF) and the statutory framework prescribed in the 2004 Act, and the Local Planning Regulations (including the Duty to Cooperate). The National Planning Practice Guidance (NPPG) has also been used to inform the plan-making process.

4. The Local Plan Process

- 4.1 A Regulation 18 consultation is the first of two statutory consultations that must be undertaken prior to the submission of the draft Local Plan to the Secretary of

State for examination. The second consultation is known as the Regulation 19 consultation.

- 4.2 The Regulation 18 consultation contained ‘a preferred option’ or approach to each specific policy. In light of the representations received it is considered appropriate to progress to a Regulation 19 document that provides the specific wording to the policies together with an introduction, relevant definitions, a reasoned justification, key evidence base and a monitoring indicator for each policy. It should be noted that only minor modifications can be made to the Regulation 19 consultation version, also known as the Proposed Submission Local Plan, prior to submission to the Secretary of State for examination. Should the Council wish to make main modifications following consultation, a further Regulation 19 consultation/targeted Regulation 19 consultation would need to be carried out prior to submission.
- 4.3 A revised Local Development Scheme (LDS) was adopted by the Executive at its meeting on 23 November 2021 to reflect the new timetable for the production and adoption of the Local Plan: Development Management Policies.

5. Regulation 18 consultation results

- 5.1 The Regulation 18 consultation ran for seven weeks between 3 June and 22 July 2020. During this period, a total of 89 respondents commented on the draft plan. The below table provides a breakdown of this by stakeholder group. The number of respondents is significantly less than that received during the preparation of the LPSS. This was to be expected given its largely technical and non-geographical nature. Whilst the number of responses were smaller in scale, many raised a number of detailed comments that required careful consideration.

Group	Number	% of total
Developer/landowner/planning consultant	14	16
Statutory/prescribed body (e.g. Surrey County Council, Environment Agency, Surrey Local Nature Partnership, service providers, etc)	20	22.5
Local organisation/parish council/resident’s association/political party	27	30
Member of the public	28	31.5
Total	89	100

- 5.2 Officers analysed all the responses as part of drafting the policies for the Regulation 19 version. All main issues raised were identified and have been responded to in the Consultation Statement (Appendix 3). The responses given either rebut the comment and provide an explanation as to why it was not considered appropriate to make changes to the draft Local Plan or agree with the comment and details the changes that were made as a result.
- 5.3 Whilst there have been significant changes to the draft Local Plan, on the whole there have been relatively few changes in policy approach. The main changes to the document are the result of providing the actual policy wording (rather than

just the preferred policy approach) and drafting of the supporting text for each policy. However there have been some more notable changes and these are summarised below. For a more detailed understanding of all the changes, please refer to the summary table in Appendix 1.

Refinement of policy approach

- 5.4 There are a number of policies where there has been a refinement of the policy approach rather than a wholesale change. This includes:
- Regulation 18 Policy P12: Water Resources and Water Quality, which is now called Policy P12: Water Quality, Waterbodies and Riparian Corridors, and now includes additional policy relating to the ecological value of rivers and their riparian corridors.
 - The deletion of Regulation 18 Policy H4: Housing Density with the consideration of appropriate densities now being part of a design-led approach in Regulation 19 Policy D4: Achieving High Quality Design and Respecting Local Distinctiveness.
 - Regulation 18 Policy E11: Horse Related Development, which is now called Policy E11: Animal-related Development, and now includes a broader scope.

Presentational/structural changes

- 5.5 These are purely presentational changes, whereby the policy approaches set out in the Regulation 18 version have been retained; however, they are now contained within different policies. This includes:
- Regulation 18 Policy P6: Biodiversity in New Developments and Policy P7: Biodiversity Net Gain have been merged into Regulation 19 Policy P6/P7: Biodiversity in New Developments.
 - Regulation 18 Policy P8: Woodland, Trees, Hedgerows and Irreplaceable Habitats and Policy P9: Priority Species and Priority Habitats on Undesignated Sites have been merged into Regulation 19 Policy P8/P9: Protecting Important Habitats and Species.
 - Regulation 18 Policy D5: Privacy and Amenity has been split into Regulation 19 Policy D5: Protection of Amenity and Provision of Amenity Space and Policy D5a: External Servicing Features and Stores.
 - Regulation 19 Policy D21: Enabling Development and Heritage Assets is now a standalone policy, applying to both designated and non-designated heritage assets, rather than forming part of Regulation 18 Policy D16: Designated Heritage Assets.
 - Regulation 18 Policy D19: Heritage Assets: Schedule Monuments & Registered Parks and Gardens has been split into two separate policies.

New policies

- 5.6 These are entirely new policies that were not included as potential policies in the Regulation 18 version. These have been included as a result of changing national policy/guidance and consultation process. These are:
- Policy H7: Review Mechanisms
 - Policy H8: First Homes
 - Policy D10a: Light Impacts and Dark Skies

Deleted policies

- 5.7 These are policies that have been deleted entirely from the Regulation 19 version as, upon further reflection, they are already adequately addressed within the NPPF, existing adopted policy or other emerging policies. These are:
- Policy E10: Rural development (including agricultural diversification)
 - Policy ID7: Sport, Recreation and Leisure Facilities

Change in policy approach from the preferred Regulation 18 approach to an alternative option

- 5.8 These are policies whereby, following consultation and further consideration, the Regulation 18 preferred policy approach is no longer the preferred approach and the Regulation 19 document is now based on the alternative option. These are:
- Regulation 18 Policy D14: Climate Change Mitigation, which is now called Policy D14: Carbon Emissions from Buildings, no longer simply relies on the Government's Future Homes standard being introduced and now includes a reduction in carbon emissions of at least 31% (compared with 20% in the LPSS) on all dwellings. The policy also proposes to apply a 27% reduction to non-residential buildings.
 - Regulation 18 Policy D15: Large scale renewable and low carbon energy, which is now called Policy D15: Renewable and Low Carbon Energy Developments, no longer seeks to allocate a specific site but provides criteria for assessing such proposals
 - Policy ID11: Parking Standards has been significantly changed. The key changes are maximum standards in urban areas (previously Guildford town centre only), expected standards in village and rural areas (previously minimums) and that parking standards in Neighbourhood Plans will take precedence over standards in the LPDMP, except in relation to Strategic Sites

6. Draft Parking Supplementary Planning Document (SPD)

- 6.1 A four-week consultation is also proposed to be undertaken on the draft Parking SPD (Appendix 4). Whilst the LPDMP includes a policy on Parking Standards (Policy ID11), it is considered preferable to include some elements of the parking standards within the SPD rather than the draft Local Plan. Having them contained within an SPD would enable them to be updated more easily in the future should circumstances change. This is because an SPD only requires a single consultation and can be adopted by the Council without having to be submitted to the Secretary of State for examination.
- 6.2 Whilst the SPD will undergo consultation alongside the draft Local Plan, it is not proposed to be adopted until after the examination on the draft Local Plan is complete. The reason for doing so is to establish from the Inspector whether Policy ID11 is sound in relation to its reference to the Parking SPD and the standards being proposed to be included in the Parking SPD are appropriate to include as SPD rather than policy within the emerging Local Plan. Should the Inspector consider that some of the content within the SPD is straying beyond

guidance and should instead be included with the Local Plan, then the plan could be amended to reflect this approach as a main modification.

7. Internal Consultations

- 7.1 In producing this draft document, the Planning Policy team has worked closely with the Development Management team (DM) in seeking to understand issues that have arisen in the regular use of the 2003 policies and to identify any gaps in the policy framework that need to be filled. DM officers have been an integral part of considering how to respond to the representations received as part of the Regulation 18 consultation. A significant role has also been played by officers within the Council including Housing, Parks, Climate Change and Regulatory Services.
- 7.2 Officers have also undertaken an extensive series of Local Plan Panel meetings over a four-month period. The Panel comprises cross party representation of members and is designed to act as a sounding board in the development of the Local Plan. These meetings have facilitated discussion between officers and members regarding the scope of the document and the wording of policies within the draft Plan.
- 7.3 The document has also been considered by the Joint Executive Advisory Board on 20 September 2021.
- 7.4 This report seeks authority to commence a further statutory consultation that will engage with all stakeholders and help to inform the Submission Local Plan that will be tested at Examination by an independent Inspector.
- 7.5 In light of the ongoing uncertainty in relation to the COVID pandemic, the consultation will not include any face-to-face events. There will be the opportunity for use of Teams meetings throughout the consultation period for anyone who wishes to discuss the policies with the Planning Officers. This approach is also seen as appropriate given both the technical nature of the document and the absence of any spatial or geographic element to the document. Such an approach would also be consistent with the Council's adopted Statement of Community Involvement which is a requirement of the plan making legislation.

8. Key Risks

- 8.1 Planning decisions should be based on up-to-date Local Plans. Delays in completing the second part of the Guildford Borough Local Plan would mean decision makers still being reliant on the extant policies contained in the 2003 Local Plan.
- 8.2 Adopting a new set of development management policies provides an opportunity of securing higher quality sustainable development in the borough and an opportunity to contribute positively to the climate change emergency. (see Climate Change/sustainability below).

9. Financial Implications

- 9.1 Costs in 2021-22 are estimated at £95,000 (legal support, consultants, Regulation 19 consultation) which can be met from the existing budget. Additional budget of £89,000 will be needed in 2022-23 (mainly programme officer, legal and inspector's costs) and a growth bid will therefore be required. There is, however, a budget in this financial year for inspector's costs of £50,000 that will not be used and which could be carried forward making the growth bid request £39,000.

10. Legal Implications

- 10.1 The current system of plan making is contained in the 2004 Act and the Town & Country Planning (Local Planning) (England) Regulations 2012 ('Local Planning Regulations') and supported by the NPPF and NPPG. This report seeks authority to undertake consultation as prescribed by Regulation 19 of the Local Planning Regulations. That consultation is a preparatory step for the production of a draft Local Plan. Following completion of the Regulation 19 consultation process (including the potential making and consultation upon modifications to the draft Local Plan), the Proposed Submission Plan shall be prepared and submitted to the Secretary of State in accordance with the requirements of the Local Planning Regulations. As stated in paragraph 4.2 above, should the Council wish to make main modifications following consultation, a further Regulation 19 consultation/ targeted Regulation 19 consultation would need to be carried out prior to submission.
- 10.2 Under the Council's Constitution and in accordance with the statutory provisions contained the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, full Council has the power to make decisions in relation to the preparation and adoption of the Development Plan.

11. Human Resource Implications

- 11.1 The production of a development planning document is lengthy and costly. Following consultation there will be a process of recording and evaluation the responses received. In past consultations this has involved employing additional temporary staff to help with the administration involved in processing a significant number of representations. The anticipated scale of representations is such that this is unlikely to be necessary with this consultation.

12. Equality and Diversity Implications

- 12.1 All public authorities are required by the Equalities Act 2010 to specifically consider the likely impact of their policy, procedure or practice on certain groups in the society.
- 12.2 It is our responsibility to ensure that our policies, procedures and service delivery do not discriminate, including indirectly, on any sector of society. Council policies, procedures and service delivery may have differential impacts on certain groups with protected characteristics, and these will be highlighted in the Equalities Impact Assessment (EqIA) screening. Likely differential impacts must be

highlighted, and described, as some may be positive. Where likely significant adverse differential impacts are identified, consideration should be given to opportunities to reduce or mitigate this through a full equalities impact assessment.

- 12.3 An EqlA screening was carried out for this Draft Local Plan (Appendix 5). It is not considered necessary to carry out a full EqlA. This document will be published on the Council's web site alongside the consultation document. Accordingly, it is considered that in approving this report, the Council will be acting in accordance with the public sector equality duty contained in section 149 of the Equality Act 2010.

13. Climate Change/Sustainability Implications

- 13.1 The timely adoption of the Local Plan: Development Management Policies will enable the policies proposed to carry full weight as part of the development plan. The emerging policies in the Draft Local Plan supplement those in the LPSS and provide further detailed requirements. The proposed suite of policies covers a range of topics that will all contribute towards the achievement of Climate Change objectives and sustainable development.
- 13.2 The policies proposed in the Draft Local Plan will have a positive impact in helping to secure sustainable and low impact development, Climate Change resilient development, and renewable and low carbon energy schemes. It will also contribute towards securing improvements in air and water quality, and biodiversity.
- 13.3 The Draft Local Plan is accompanied by a Sustainability Appraisal (SA) (Appendix 6). The SA is an iterative process that is prepared to accompany each version of the Local Plan. It incorporates the requirement for Strategic Environmental Assessment (SEA) and assesses each policy against environmental, social and economic objectives. The Council has also produced a SA Scoping Report. This identifies the scope and level of detail of the information to be included in the sustainability appraisal report. It sets out the context, objectives and approach of the assessment; and identifies relevant environmental, economic and social issues and objectives.
- 13.4 A Habitats Regulations Assessment (HRA) (Appendix 7) has also been prepared. This ensures that the Draft Local Plan conforms with the Habitats Regulations and will not adversely affect any European protected habitats or species.

14. Executive Advisory Board comments

- 14.1 The draft Local Plan was put before the Joint Executive Advisory Board (EAB) on 20 September 2021. A summary of EAB comments together with a response is provided at Appendix 8.

15. Conclusion

- 15.1 Publishing the draft Proposed Submission Local Plan for public consultation is a key stage of the Local Plan making process and will enable the Local Plan part 2

to progress towards full adoption following an Examination in Public carried out by a Planning Inspector.

- 15.2 Completing and adopting this document will result in a fully up to date local plan and enable decision makers to assess planning applications against policies designed to achieve high standards of design and levels of sustainability contributing positively to the Council's climate change emergency declaration.

16. Background Papers

None.

17. Appendices

Appendix 1: Summary of changes between Regulation 18 and Regulation 19
Appendix 2: Draft Local Plan Updated Pages
Appendix 3: Draft Consultation Statement
Appendix 4: Draft Parking SPD
Appendix 5: Equalities Impact Assessment (EqIA) screening
Appendix 6: Sustainability Appraisal (SA)
Appendix 7: Habitats Regulations Assessment (HRA)
Appendix 8: Joint EAB comments and responses

Appendix 1: Summary of changes between Regulation 18 and Regulation 19

Housing

Policy H4: Housing density

Reg 18 approach	Reg 19 approach
<ul style="list-style-type: none"> The aim of this policy is to enable appropriate residential densities in high quality design-led schemes. This is achieved by having a policy that requires making the best use of land whilst meeting a range of criteria. Higher densities are expected in the Town Centre, on strategic sites or within 500 metres of transport interchanges. 	<p>This proposed policy was removed in the Regulation 19 version and instead relevant aspects of it have been incorporated within policy D4 “Achieving high quality design and respecting local distinctiveness”. This has been done to reflect that an appropriate density is instead the outcome of a design-led approach and that increased densities are only appropriate if they do not have a detrimental impact on an area’s prevailing character and setting.</p>

Policy H5: Housing extensions and alterations

Reg 18 approach	Reg 19 approach
<ul style="list-style-type: none"> The aim of this policy is to achieve high quality designs for extensions and alterations. This is achieved by setting out detailed design criteria that consider the street scene, neighbours and the existing property. Policy criteria are also set out for basement extensions and annexes. 	<p>This policy has been retitled to ‘H5 Housing Extensions, Alterations including Annexes’. There has been no significant change in approach in the Reg 19 document however additional detail has been added in relation to ‘height’, ‘materials’, ‘design’, ‘appearance’, and for basement extensions a new requirement for a ‘clear internal access to upper floors’. Reference to annexes not being used as a self-contained dwellings has been deleted as covered by criteria that a bathroom or kitchen is shared with main house.</p>

Policy H6: Housing conversion and sub-division

Reg 18 approach	Reg 19 approach
<ul style="list-style-type: none"> The aim of this policy is to achieve high quality conversions and sub-divisions of buildings to flats, studios or bedsits. This is achieved by setting out design criteria for achieving high quality development. 	<p>There has been no significant change in approach in the Reg 19 document however additional detail has been added in relation to the identified design criteria.</p>

Policy H7: Review Mechanisms

Reg 18 approach	Reg 19 approach
<ul style="list-style-type: none"> No proposed policy on 'Review Mechanisms' 	<p>The proposed policy is intended to provide certainty and a stronger basis to require viability review in cases where lower than required affordable housing contributions are sought to be justified at planning application stage. This holds the potential to achieve further planning benefits in relation to affordable housing provision than might be agreed at the point of determination of the planning application.</p>

Policy H8: First Homes

Reg 18 approach	Reg 19 approach
<ul style="list-style-type: none"> No proposed policy on 'First Homes' 	<p>The Planning Practice Guidance states that local and neighbourhood plans that are subject to transitional arrangements (which include those plans that have not been submitted for examination or reached publication stage by 28 June 2021) should include policies for First Homes, considering the national requirements for them which are set out in the PPG. First Homes are the Government's preferred discounted market tenure and available only to first-time buyers whose annual income does not exceed £80,000 (outside Greater London).</p> <p>The proposed policy H8 aims to provide certainty to developers by setting out the minimum national and local policy requirements regarding provision of First Homes which will apply to all residential/mixed use schemes. The draft policy also includes criteria for permitting First Homes Exception Sites, including instances where market housing or other forms of affordable housing may be permitted on such sites.</p>

Employment

Policy E10: Rural development (including agricultural diversification)

Reg 18 approach	Reg 19 approach
<ul style="list-style-type: none"> The aim of this policy is to support economic growth and local communities in rural areas. This is achieved by encouraging certain new economic uses and expansion of such uses in these areas, where proposed uses are not in conflict with national Green Belt policy. 	<p>The proposed policy was removed in the Regulation 19 version, as its provisions were fully duplicated in the NPPF, the LPSS and other policies of the emerging LPDMP.</p> <p>A table identifying where each provision of the Reg 18 policy proposal is addressed in the NPPF, LPSS and LPDMP is set out below.</p>

Policy paragraph no. (Reg 18)	NPPF and/or existing or proposed Local Plan policy that covers the same matters
<p><i>The preferred option is to support the development of the rural economy by means of a policy that clarifies the types of new buildings or changes of use of buildings and land that the Council would consider acceptable in principle, subject to any proposal falling within the exceptions listed in paragraph 145 (a) to (g) of the NPPF for sites in the Green Belt, or meeting the requirement of policy P3 (1) of the Local Plan: Strategy and Sites¹ for non-Green Belt sites.</i></p>	<p><i>See points below.</i></p>
<p>Green Belt <i>Within the Green Belt, the policy might support the following proposed forms of rural development, provided that any proposal falls within the exceptions listed in paragraphs 145 and 146 of the NPPF:</i></p> <p><i>1) New appropriate facilities for small-scale outdoor sport or outdoor recreation, such as a sports pavilion or clubhouse, or a small-scale building within a farm holding to accommodate outdoor recreational facilities such as an animal petting area.</i> <i>2) Conversion of vacant or redundant agricultural buildings to small-scale business, or recreational uses.</i></p>	<p><i>The NPPF (July 2021) provides exceptions for certain types of uses to be permissible within the Green Belt of the type that policy E10 lends support in principle to (outdoor recreational facilities and the conversion of vacant or redundant agricultural buildings – under “the re-use of buildings provided that the buildings are of permanent and substantial construction” (paragraph 150 (d)). Therefore, whilst not giving specific encouragement for them, it does not preclude them.</i></p>
<p>Countryside <i>Within the area of countryside, as designated on the Policies Map, the policy could support development of the following new uses in principle, provided they respect the area’s local character:</i></p> <p><i>3) Farm shops (provided they support the farm’s agricultural operations and are operated as part of the farm holding)</i></p>	<p><i>Policy P3: Countryside supports rural economic development of any kind in non-Green Belt areas (this includes points 3-8 of E10), provided that a rural/countryside location can be justified, and the proposal is proportionate to the nature</i></p>

<p>4) <i>Other farm diversification proposals, for example activity centres and arts and craft shops</i></p> <p>5) <i>tourist accommodation</i></p> <p>6) <i>small-scale rural tourism attractions</i></p> <p>7) <i>Small-scale leisure facilities</i></p> <p>8) <i>Horticultural nurseries and other small-scale business enterprises</i></p>	<p><i>and scale of the site and its setting and would not increase physical or visual coalescence between the existing urban area and villages around Ash and Tongham.</i></p> <p><i>Policy E5: Rural economy: Para (1) (b) supports the development and diversification of agricultural and other land-based rural businesses.</i></p>
<p><i>New buildings in the countryside should be clustered together where possible to reduce their visual impact on the character of the countryside and any built features should avoid harm to the local environment or residential amenity (particularly through noise).</i></p>	<p><i>Policy D4: Achieving high quality design and respecting local distinctiveness: requires development proposals to respond to prevailing character, landscape and topography.</i></p> <p><i>Policy D10: Noise impacts: Considers the impacts of noise on residents and users of existing developments and on sites protected for biodiversity.</i></p>
<p><i>Non-agricultural uses within farm holdings</i></p> <p><i>New buildings, or proposed changes of use of existing buildings, within a farm holding that are to be used for non-agricultural uses will be required to be operated as part of the farm holding and support the farm’s agricultural operation.</i></p>	<p><i>This paragraph was considered to not be fully consistent with, or in the spirit of, the NPPF which generally promotes rather than imposing restrictions on rural economic development.</i></p>
<p><i>The Council will require adequate space to be made available within the curtilage of any building within a farm holding proposed for a farm shop or other non-agricultural use to allow for staff and visitor parking without detriment to the visual amenity of the countryside.</i></p>	<p><i>Policy ID3: Sustainable transport for new developments covers provision of adequate space for parking within the curtilage of a farm holding proposed for a non-agricultural use.</i></p>
<p><i>If permission is granted for a farm shop, the Council may apply conditions to limit the overall scale of the development and require that any goods for sale that are not produced locally remain ancillary to the sale of local produce.</i></p>	<p><i>This paragraph was considered to not be fully consistent with, or in the spirit of, the NPPF which generally promotes rather than imposing restrictions on rural economic development.</i></p>

Policy E11: Horse Related Development

Reg 18 approach	Reg 19 approach
<ul style="list-style-type: none"> The aim of this policy is to address the adverse impacts that may arise from the approval of planning applications for horse-related development. This is achieved by setting criteria related to visual and neighbourhood amenity impacts, bridleway erosion and highway safety impacts. 	<p>This policy has been retitled to ‘E11 Animal-related Development’, and its scope widened to reflect its coverage to all animals, not just horses and other equine animals.</p> <p>There has been no other significant change in approach in the Reg 19 document however additional detail has been added in relation to “the character of the built environment” to the criteria for assessing small-scale developments, and for proposals to be “of an acceptable scale, location, design and layout”.</p> <p>The policy’s first criterion was strengthened by amending it to state that provision of land and stabling for equine animals should “be in compliance with”, rather than “have regard to” Government published standards, and a further criterion was added for commercial animal related proposals not to harm the operation of an agricultural holding, to ensure that they protect existing viable agricultural uses.</p>

Protecting

Policy P6: Biodiversity in new developments

Reg 18 approach	Reg 19 approach
<ul style="list-style-type: none"> The aim of this policy is maximise biodiversity gains in all new developments This is achieved by establishing biodiversity as a priority in new developments and sets out the considerations when designing and delivering new developments. 	<p>This policy has been combined with Reg 18 policy P7 “Biodiversity Net Gain” to create Reg 19 policy P6/P7 entitled “Biodiversity in new developments” which collects together policy dealing with provision and enhancement of biodiversity in development sites. However, the approach set in both Reg 18 policies is retained with Biodiversity Net Gain becoming a sub-section of a broader biodiversity policy.</p> <p>The section “Sites that include or are adjacent to sensitive habitats” has been moved to Reg 19 policy P8/P9, which combines Reg 18 policies P8 and P9 into a single policy dealing with the protection of important habitats and species.</p> <p>A new paragraph designed to prevent the spread of invasive species has been added.</p>

Policy P7: Biodiversity net gain

Reg 18 approach	Reg 19 approach
<ul style="list-style-type: none"> The aim is to provide clarity and detail for the requirement for developments to aim to achieve biodiversity net gain set out in policy ID4. This is achieved by requiring a 20% net gain in biodiversity for all new developments, barring exceptions such as brownfield sites. It also sets out a methodology that accords with the emerging national net gains approach. 	<p>This policy has been combined with Reg 18 policy P6 to create Reg 19 policy P6/ P7 entitled “Biodiversity in new developments” which collects together policy dealing with provision of biodiversity in new development. However, the approach set in both Reg 18 policies is retained with Biodiversity Net Gain (BNG) becoming a sub-section of a broader biodiversity policy.</p> <p>The exemptions to the requirement for BNG have been changed to align with national policy by exempting self-build. This was done to reduce the amount of conflict with the emerging Environment Bill.</p>

Policy P8: Woodland, trees, hedgerows and irreplaceable habitats

Reg 18 approach	Reg 19 approach
<ul style="list-style-type: none"> The aim of this policy is to protect important woodlands, trees, hedgerows and irreplaceable habitats. This is achieved by protecting woodland, trees, hedgerows and irreplaceable habitats in order to ensure that these are not lost due to development. 	<p>This policy has been combined with Reg 18 policy P9 to create Reg 19 policy P8/P9 entitled “Protecting important habitats and species”.</p> <p>This brings together policy that deals with the protection and conservation of important and vulnerable habitats and species. However, the approach is retained though the new policy is broader than woodland, trees, hedgerows and irreplaceable habitats.</p> <p>The section “Sites that include or are adjacent to sensitive habitats” has been moved to the policy from Reg 18 policy P6 (biodiversity in new developments) as it deals with protection rather than provision.</p> <p>Unmodified rivers has been added to irreplaceable habitats at the request of the EA and aquatic habitats are now defined as a sensitive habitat.</p> <p>A new clause requiring site design to discourage harm to ancient woodland from human activity was added to address a known issue with cut-throughs harming ancient woodland.</p>

Policy P9: Priority species and priority habitats on undesignated sites

Reg 18 approach	Reg 19 approach
<ul style="list-style-type: none"> The aim of this policy is to protect species and habitats that are not 	<p>This policy has been combined with Reg 18 policy P8 to create Reg 19 Policy P8/P9 entitled “Protecting important habitats and species”.</p>

<p>covered by Policy ID4 (which protects designated sites).</p> <ul style="list-style-type: none"> This is achieved by protecting priority species and habitats on undesignated sites. 	<p>Reg 19 policy P8/P9 brings together policy that deals with the protection and conservation of important and vulnerable habitats and species. However, the approach is retained though the new policy is broader than species and habitats on undesignated sites.</p> <p>The section “Sites that include or are adjacent to sensitive habitats” has been moved to this policy from Reg 18 policy P6.</p> <p>The reference to the mitigation hierarchy in para 2 has been moved to the sensitive habitats section so that it applies to all the habitats covered by the policy.</p> <p>“Species and habitats protected by law” has been amended to “Species of Principle Importance” in the list of Priority Species and Habitats as some legally protected animals are protected for reasons other than conservation.</p>
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Policy P10: Contaminated Land

Reg 18 approach	Reg 19 approach
<ul style="list-style-type: none"> The aim of this policy is to support the remediation of despoiled, contaminated or unstable land on appropriate sites, whilst preventing increased risk to sensitive receptors from potential sources of contamination. This is achieved by placing requirements on developers to ensure that all appropriate investigations and assessments are carried out and provided with the application and that the land is made fit for its intended purpose through remediation, design and site layout. 	<p>Policy has been retitled to ‘P10 Land Affected by Contamination’. There has been no significant change in approach in the Reg 19 document however the Reg 19 policy now makes it clear that where insufficient information is submitted or if remediation cannot be achieved then the application will be refused.</p>

Policy P11: Air Quality and Air Quality Management Areas

Reg 18 approach	Reg 19 approach
<ul style="list-style-type: none"> The aim of this policy is to ensure new development does not have adverse impact on air quality and seeks opportunities to actively improve air quality. This is achieved by placing requirements on developers to ensure that new development does not give 	<p>There has been no significant change in approach in the Reg 19 document with the exception of the deletion of the Biomass criteria. The Regulation 19 policy addresses potential adverse impacts from ‘all sources of emissions to air’, which includes Biomass technology and it is therefore unnecessary to include specific reference to it.</p>

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<p>rise to adverse impacts on health and quality of life from air pollution, seeks to reduce exposure to poor air quality across the borough, and improve levels of air pollutants in Air Quality Management Areas (AQMA).</p>	<p>Policy also strengthened to protect air quality outside of AQMAs.</p>
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Policy P12: Water Resources and Water Quality

Reg 18 approach	Reg 19 approach
<ul style="list-style-type: none"> • The aim of this policy is to ensure new development does not have an adverse impact on water quality. • This is achieved by placing requirements on developers to seek opportunities to improve water quality, avoid a detrimental impact on the flow or quantity of groundwater, and contribute towards Water Framework Directive water bodies maintaining or achieving 'Good Ecological Status'. 	<p>Policy has been retitled to 'P12 Water Quality, Waterbodies and Riparian Corridors'. The content included in the Reg 18 document has been retained (with some amendments), however additional detail has been added in relation to prevent development causing deterioration in the chemical or ecological status of any waterbody, or preventing the achievement of their target status.</p> <p>There is a new criteria that encourages development to seek opportunities to implement measures to improve water quality, specifically the Water Environment Regulations status of a waterbody.</p> <p>This policy now picks up aspects that were previously proposed to be picked up in P6 (a semi-natural buffer adjacent to watercourses) and includes other general policy designed to protect and enhance the ecological value of waterbodies (natural banks, flow quantity and quality, fish movement and natural flood management). It includes the expectation that non-residential developments, excluding essential infrastructure, that would have high water usage, should include water collection and storage measures sufficient to avoid abstraction from existing surface-level and groundwater resources or recourse to the public water supply. This criteria was moved from Reg 18 Policy ID7).</p>

Policy P13: Sustainable Drainage Systems (SuDS)

Reg 18 approach	Reg 19 approach
<ul style="list-style-type: none"> • The aim of this policy is to provide greater clarity on what the Council expects from developers in relation to the SuDs schemes. • This is achieved by placing requirements on developers to ensure 	<p>Policy has been retitled to 'P13 Sustainable Surface Water Management'. There has been no significant change in approach in the Reg 19 document however significant additional detail has been included in order to clarify the points outlined in the Regulation 18 policy approach.</p>

that proposals for major development incorporate SuDS where required by the lead local flood authority and that the SuDS schemes satisfy technical standards and design requirements.	These ensure that SuDS are designed to maximise ecological and aesthetic value, set out a hierarchy of preferred SuDS approaches, provide detail in relation to infiltration SuDS management and cover surface-water run-off in greater detail.
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Policy P14: Regionally Important Geological/Geomorphological Sites

Reg 18 approach	Reg 19 approach
<ul style="list-style-type: none"> The aim of this policy is to protect Regionally Important Geological/Geomorphological Sites (RIGS). This is achieved by having a policy that grants permission for development where the value of RIGS sites will not be harmed unless clear justification is provided. 	There has been no significant change in approach in the Reg 19 document however the mitigation hierarchy has been made clearer.

Design

Policy D4: Achieving High Quality Design and Local Distinctiveness

Reg 18 approach	Reg 19 approach
<ul style="list-style-type: none"> The aim of these policies is to enable the delivery of high-quality, place sensitive and sustainable buildings, streets and spaces, that have regard to their surroundings, and historic and local character and which create an inclusive and attractive environment. This is achieved by setting design principles that will apply to all development proposals. 	Policy has been retitled to 'D4 Achieving High Quality Design and Respecting Local Distinctiveness'. There has been no significant change in approach in the Reg 19 document however the policy has been restructured to improve clarity and focus. The main changes were removal of aspects that were already covered by LPSS Policy D1, and the addition of the expectation that proposals make efficient use of land where it would not have a detrimental impact on an area's prevailing character and setting and that appropriate densities are achieved on sites through a design-led approach. The policy now also hooks in the 10 characteristics of well-designed places from the National Design Guide. The policy also includes a requirement for design codes to be prepared and agreed on certain sites, including strategic sites.

Policy D5: Privacy and Amenity

Reg 18 approach	Reg 19 approach
<ul style="list-style-type: none"> The aim of these policies is to enable the delivery of high-quality, place 	Policy has been retitled to 'D5 Protection of Amenity and Provision of Amenity Space'.

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<p>sensitive and sustainable buildings, streets and spaces, that have regard to their surroundings, and historic and local character and which create an inclusive and attractive environment.</p> <ul style="list-style-type: none"> • This is achieved by setting design principles that will apply to all development proposals. 	<p>Aspects of the policy which required the careful design of bin and bike storage and other servicing features have been moved into a new policy. There has been no significant change in approach in the Reg 19 document however additional detail has been added in relation to the provision of private amenity space.</p>
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Policy D5a: External Servicing Features and Stores

Reg 18 approach	Reg 19 approach
<ul style="list-style-type: none"> • No proposed policy on 'External Servicing Features and Stores' 	<p>This policy picks up aspects previously proposed to be covered by Policy D5. It requires the careful and sensitive design of bin and cycle storage, electric vehicle charging points and other external servicing features so that they do not detract from the overall design of the scheme.</p>

Policy D6: Shopfront design

Reg 18 approach	Reg 19 approach
<ul style="list-style-type: none"> • The aim of these policies is to enable the delivery of high-quality, place sensitive and sustainable buildings, streets and spaces, that have regard to their surroundings, and historic and local character and which create an inclusive and attractive environment. • This is achieved by setting design principles that will apply to all development proposals. 	<p>Policy has been retitled to 'D6 Shopfront Design and Security'. There has been no significant change in approach in the Reg 19 document however additional detail has been added in relation to the key principles of good design.</p>

Policy D7: Advertisements, hanging signs and illumination

Reg 18 approach	Reg 19 approach
<ul style="list-style-type: none"> • The aim of these policies is to enable the delivery of high-quality, place sensitive and sustainable buildings, streets and spaces, that have regard to their surroundings, and historic and local character and which create an inclusive and attractive environment. • This is achieved by setting design principles that will apply to all development proposals. 	<p>The content of the policy has been significantly revised particularly in relation to those aspects that went beyond what can be included in policy, as stipulated in the advertisement regulations. The Reg 19 policy focuses on amenity, public safety and principles of good design.</p>

Policy D8: Public Realm

Reg 18 approach	Reg 19 approach
<ul style="list-style-type: none"> The aim of these policies is to enable the delivery of high-quality, place sensitive and sustainable buildings, streets and spaces, that have regard to their surroundings, and historic and local character and which create an inclusive and attractive environment. This is achieved by setting design principles that will apply to all development proposals. 	<p>There has been no significant change in approach in the Reg 19 document however additional detail was added to the criteria to improve clarity and reference landscaping and mobility hubs. Aspects that were already covered by LPSS Policy D1 were deleted as was reference to on street dining opportunities as this is already addressed through the licencing regime.</p>

Policy D9: Residential intensification

Reg 18 approach	Reg 19 approach
<ul style="list-style-type: none"> The aim of this policy is to enable residential intensification and development within inset villages that respects the prevailing characteristic of the area. This is achieved by setting design principles that will apply to residential intensification schemes, including specific criteria for schemes within villages inset from the Green Belt. 	<p>Reg 19 policy has been retitled to 'D9 Residential infill development proposals' to make it clearer as to what type of development it covers. Policy re-ordered and expanded to include criteria applicable to all types of infill development in all locations, followed by separate criteria on 'Infilling: backland development proposals' and 'Infilling: frontage development proposals'. The policy retains the criteria relevant only in villages however it now applies to all villages, rather than just those inset from Green Belt.</p>

Policy D10: Agent of Change and Noise Impacts

Reg 18 approach	Reg 19 approach
<ul style="list-style-type: none"> The aim of this policy is to ensure that new development can be integrated effectively with existing businesses, community facilities and 'noise-sensitive' uses such as residential uses, by developing a policy that articulates the 'agent of change' principle and manages noise impacts. The principle of 'agent of change' is that existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. This is achieved by setting criteria for both 'noise-sensitive' and 'noise-generating' uses. 	<p>Reg 19 policy has been retitled to 'D10 Noise Impacts'. There has been no significant change in approach in the Reg 19 document however some aspects that comprised guidance rather than policy have been moved to the supporting text.</p>

Policy D10a: Light Impacts and Dark Skies

Reg 18 approach	Reg 19 approach
<ul style="list-style-type: none"> No proposed policy on 'Light Impacts and Dark Skies' 	<p>Consultation feedback highlighted that the Regulation 18 Plan did not cover Light Impacts. New Policy D10a addresses potential adverse impacts from artificial light.</p> <p>The policy requirements are similar to the structure of 'D10 Noise Impacts'. The approach ensures that the issue of potential impacts are considered and, where potential impacts are found, appropriate avoidance and mitigation measures are implemented in order to prevent these.</p>

Policy D11: The River Wey and Guildford & Godalming Navigation

Reg 18 approach	Reg 19 approach
<ul style="list-style-type: none"> The aim of this policy is to support the protection and enhancement of these corridors, including their visual quality, setting, amenity, ecological value, architectural and historic interest and views within and from. This is achieved by supporting development which promotes high quality contextual design; seeks to improve access to, from and positively contributes to enhancing the landscape and biodiversity of the riparian environment. 	<p>There has been no significant change in approach in the Reg 19 document however some aspects which are applicable to all watercourses are now picked up through other policies. Additional detail has been added to clarify the different aspects that need to be considered when developing on or near to the river. The policy also seeks to improve visual and physical access to and along the river.</p>

Policy D12: Sustainable and low impact development

Reg 18 approach	Reg 19 approach
<ul style="list-style-type: none"> The aim of this policy is to provide greater detail to supplement adopted Policy D2 where it supports sustainable and low impact development. This is achieved by setting requirements and expectations for energy efficiency, resource efficiency, water efficiency, waste and embodied carbon. 	<p>There has been no significant change in approach in the Reg 19 document however additional detail has been added in relation to support for schemes that improve the energy/carbon performance of existing buildings.</p>

Policy D13: Climate Change Adaptation

Reg 18 approach	Reg 19 approach
<ul style="list-style-type: none"> The aim of this policy is to deliver climate change resilient development. This is achieved by setting out the considerations when designing and delivering climate change adapted development. 	<p>There has been no significant change in approach in the Reg 19 document.</p>

Policy D14: Climate change mitigation

Reg 18 approach	Reg 19 approach
<ul style="list-style-type: none"> The aim of this policy is to deliver climate change mitigation measures. This could be achieved by setting out an increase to the LPSS carbon emissions standard for new buildings. Whilst we are awaiting the government’s approach in relation to this issue, we consider it would be premature to put forward a preferred approach at this time. 	<p>This policy has been retitled to ‘D14 Carbon Emissions from Buildings’. The government has set out its approach to housing standards in its response to the Future Homes consultation and is considering its response to the Future Buildings consultation. Policy D14 improves our extant carbon emission standard for new homes from 20% to 31% lower than building regulations maximum standards. The policy also proposes to apply a 27% reduction to non-residential buildings.</p>

Policy D15: Large scale renewable and low carbon energy

Reg 18 approach	Reg 19 approach
<ul style="list-style-type: none"> The aim of this policy is to facilitate large scale renewable and low carbon development. This is achieved by potentially allocating land for low and zero carbon development and requiring any new energy developments to protect biodiversity. 	<p>Policy has been retitled to ‘D15 Renewable and low carbon energy Generation and Storage. The preferred option of allocating land for renewable and low carbon energy has not been taken forward, and instead a policy that generally supports and facilitates renewable energy development has been included in the Reg 19 version.</p>

Policy D16: Designated Heritage Assets

Reg 18 approach	Reg 19 approach
<ul style="list-style-type: none"> The aim of these policies is to set out a positive strategy and operational detailing for managing new development affecting designated heritage assets in a manner that sustains and enhances their architectural and historical significance. 	<p>There has been no significant change in approach in the Reg 19 document. The Enabling Development aspect has been separated from this policy and now forms its own individual policy – due to it being applicable to both designated and non-designated heritage assets.</p>

<ul style="list-style-type: none"> • This is achieved by placing requirements on developers to submit proportionate evidence and justification, setting out specific guidelines and design principles for the delivery of well-conceived development that sustains and enhances the significance of assets. 	
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Policy D17: Listed Buildings

Reg 18 approach	Reg 19 approach
<ul style="list-style-type: none"> • The aim of these policies is to set out a positive strategy and operational detailing for managing new development affecting designated heritage assets in a manner that sustains and enhances their architectural and historical significance. • This is achieved by placing requirements on developers to submit proportionate evidence and justification, setting out specific guidelines and design principles for the delivery of well-conceived development that sustains and enhances the significance of assets. 	<p>There has been no significant change in approach in the Reg 19 document however the policy has been re-structured with some additional emphasis on the matter of setting being provided.</p>

Policy D18: Conservation Areas

Reg 18 approach	Reg 19 approach
<ul style="list-style-type: none"> • The aim of these policies is to set out a positive strategy and operational detailing for managing new development affecting designated heritage assets in a manner that sustains and enhances their architectural and historical significance. • This is achieved by placing requirements on developers to submit proportionate evidence and justification, setting out specific guidelines and design principles for the delivery of well-conceived development that sustains and enhances the significance of assets. 	<p>There has been no significant change in approach in the Reg 19 document although the policy has been re-structured.</p>

Policy D19: Heritage Assets: Schedule Monuments & Registered Parks and Gardens

Reg 18 approach	Reg 19 approach
<ul style="list-style-type: none"> • The aim of these policies is to set out a positive strategy and operational detailing for managing new development affecting designated heritage assets in a manner that sustains and enhances their architectural and historical significance. • This is achieved by placing requirements on developers to submit proportionate evidence and justification, setting out specific guidelines and design principles for the delivery of well-conceived development that sustains and enhances the significance of assets. 	<p>Due to the different legislative regimes governing these particular heritage assets, each is now covered by their own distinct policy.</p> <p>This policy is now entitled ‘Scheduled Monuments’. The policy has been re-structured, with additional emphasis on the matter of setting being provided.</p>

Policy D19a: Historic Parks & Gardens

Reg 18 approach	Reg 19 approach
<ul style="list-style-type: none"> • This policy formed part of ‘D19 Heritage Assets: Schedule Monuments & Registered Parks and Gardens’ 	<p>Due to the different legislative regimes governing these particular heritage assets, each is now covered by their own distinct policy.</p> <p>This policy is now entitled ‘Historic Parks & Gardens’. The policy has been re-structured, with additional emphasis on the matter of views being provided.</p>

Policy D20: Non designated heritage assets

Reg 18 approach	Reg 19 approach
<ul style="list-style-type: none"> • The aim of this policy is to ensure that the value and significance of the borough’s non-designated heritage assets are recognised and safeguarded so that they can continue to contribute to the richness of the historic environment and help to inform future development and regeneration. • This is achieved by identifying a presumption for their retention and enhancement, as well as placing requirements on developers to support all applications with a proportionate evidence and justification. 	<p>There has been no significant change in approach in the Reg 19 document although the policy now provides for the possibility of as yet unknown or identified archaeological remains being encountered, and stipulating clearly under what circumstances a preliminary archaeological site evaluation would be required.</p>

Policy D21: Enabling Development and Heritage Assets

Reg 18 approach	Reg 19 approach
<ul style="list-style-type: none"> Proposed policy on enabling development formed part of Policy D16: Designated Heritage Assets 	<p>The policy is now applicable to both designated and non-designated heritage assets. It includes the key test and requirements that were once quoted in national guidance.</p>

Infrastructure

Policy ID5: Protecting Open Space

Reg 18 approach	Reg 19 approach
<ul style="list-style-type: none"> The aim of this policy is to provide detail and clarity for policy ID4 in order to enhance protection open space. This is achieved by preventing the loss of existing open space except for narrow circumstances defined in the NPPF. 	<p>There has been no significant change in approach in the Reg 19 document. The only notable change was to delete the reference to not permitting the loss of an open space with a specific nature conservation, historic, cultural or recreational value) as such sites are protected by other Local Plan policies that deal with these issues, including LPSS Policy D3: Historic Environment and the emerging LPDMP Policy P6/P7: Biodiversity in New Developments.</p>

Policy ID6: Open space in new developments

Reg 18 approach	Reg 19 approach
<ul style="list-style-type: none"> The aim of this policy is to ensure that new developments provide new open spaces that provide best value in terms of multi-functional benefits. This is achieved by setting standards for open space provision in new developments to ensure that provision meets the open space needs arising from it. 	<p>There were several changes in the Reg 19 version of the policy, of which the following were the key ones: The table in the policy in the Reg 18 document that set out the quantity and access standards for open space was amended in the Reg 19 policy to indicate that the access standards are expected, rather than absolute maximum distances. This change is to allow site-specific flexibility in cases where the access standards cannot be precisely met without compromising a scheme's design and layout. A further amendment was to state that community growing space will be "expected" for denser developments (rather than "may be particularly appropriate") and that such provision should be in addition to, rather than a replacement for, any required contribution to statutory allotment provision.</p>

Policy ID7: Sport, recreation and leisure facilities

Reg 18 approach	Reg 19 approach
<ul style="list-style-type: none"> The aim of this policy is to support the appropriate provision of sport, recreation and leisure facilities. This is achieved by supporting development that provides, increases or improves opportunities for public sport, recreation and leisure, including schemes for new, replacement and extensions to existing facilities, and engineering works. 	<p>This policy was removed, as its provisions were duplicated in the NPPF, which deals with the first point in relation to provision of new footpaths and cycle links, and other emerging LPDMP policies, including Policy P12: Water Quality, Waterbodies and Riparian Corridors (which covers the third point about water collection and storage measures for developments that have high water usage). The second point of Policy ID7, which would have restricted development to that “necessary to support the proposed recreational or leisure use and ancillary activities”, was considered unjustified and not in accordance with other Local Plan policies, or the NPPF, which generally promotes all types of rural development and considers development of outdoor sport and outdoor recreation facilities in the Green Belt appropriate in principle (paragraph 149 b)).</p> <p>The Local Plan 2003 included a number of specific sports facility policies and the purpose of this proposed policy was to capture elements of these which, at the time, were not being picked up by other proposed policies. Upon review, all aspects of the LP03 are addressed elsewhere. This is demonstrated in the table below.</p>

2003 Local Plan policy (paraphrased)	NPPF and existing or proposed Local Plan policy that cover the same matters
<p><u>R6: Intensification of recreational use</u></p> <p>Supports floodlighting/all weather surfaces subject to acceptable environmental, traffic and visual impacts.</p>	<p>D1 (LPSS): design</p> <p>ID3 (LPSS): traffic assessment and travel plan for significant trip generation</p> <p>ID11: parking standards</p> <p>D10a: light impacts on amenity</p>
<p><u>R7: Built facilities for recreational use</u></p> <p>Supports new/improved facilities in urban areas</p>	<p>See above commentary</p>
<p><u>R8: Golf courses</u></p>	<p>NPPF 174a, 174b and E5 (LPSS): Protects BMV</p>

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<p><i>Protects Best and Most Versatile agricultural land.</i></p> <p><i>Prevents adverse impacts on landscape character, nature conservation interest, archaeological interest, water environments, historic landscapes and heritage assets.</i></p> <p><i>Limits built development to only that necessary.</i></p> <p><i>Protects rights of way.</i></p> <p><i>Adequate and discrete parking.</i></p>	<p><i>D1 (LPSS): Landscape character, discrete parking.</i></p> <p><i>ID4 (LPSS), P6, P7, P8: Nature conservation and water environments</i></p> <p><i>D3 (LPSS), NPPF 11, 190a, 192a, 194, whole of chapter 16: archaeological interest, historic landscapes, heritage assets</i></p> <p><i>See above commentary (Limits built development to necessary)</i></p> <p><i>NPPF 100, legal protection: Protects/enhances rights of way.</i></p> <p><i>ID3 (LPSS), ID11: Adequate parking.</i></p>
<p><u><i>R9: Noisy sports, adventure games and similar activities</i></u></p> <p><i>Protects amenity of nearby occupants, landscape character, nature conservation interest, archaeological interest, water environments, historic landscapes, heritage assets, BMV agricultural land, nearby recreational uses.</i></p> <p><i>Limits built development.</i></p> <p><i>Discrete parking.</i></p>	<p><i>Largely as R8.</i></p> <p><i>D5: protection of amenity</i></p> <p><i>D10: noise impacts.</i></p>
<p><u><i>R10: Water based recreational activities</i></u></p> <p><i>Protects landscape character, nature conservation interest, archaeological interest, water environments, historic landscapes, heritage assets and the best, BMV agricultural land, character, openness.</i></p> <p><i>Discrete parking</i></p> <p><i>Traffic and highway safety.</i></p>	<p><i>Largely as R8.</i></p> <p><i>NPPF chapter 13, P2 (LPSS): Openness (Green Belt)</i></p>

Policy ID8: Community facilities

Reg 18 approach	Reg 19 approach
<ul style="list-style-type: none"> The aim of this policy is to ensure that community facilities are accessible to serve residents' needs. 	<p>There has been no significant change in approach in the Reg 19 document. The main changes include ensuring the criteria for considering potential loss are robust, whilst appropriate to particular circumstances.</p>

<ul style="list-style-type: none"> This is achieved by expecting that facilities are accessible by walking, cycling and public transport, resisting their loss and supporting associated complementary or ancillary uses. 	<p>Furthermore, policy to encourage flexibility of design of community hubs has been added to address changing community needs.</p>
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Policy ID9: Retention of Public Houses

Reg 18 approach	Reg 19 approach
<ul style="list-style-type: none"> The aim of this policy is to prevent the loss of public houses to other uses. This will be achieved through requiring that the business is marketed as a public house and alternative community facility for a continuous period of at least 18 months. 	<p>There has been no significant change in approach in the Reg 19 document however the proposed requirement for an applicant to assess alternative licenced premises within “easy walking distance” of the public house proposed for redevelopment/change of use has been amended to a requirement to assess premises within “reasonable walking distance” of residential properties served by the pub’s catchment area. This was considered a more practical and effective way for the policy to operate as it would consider the location of the pub’s existing customers, rather than simply the location of the pub itself.</p>

Policy ID10: Achieving a comprehensive Guildford borough cycle network

Reg 18 approach	Reg 19 approach
<ul style="list-style-type: none"> The aim of this policy is to define a comprehensive Guildford borough cycle network, including the provision of, and improvements to, cycle routes and cycle parking facilities, enabling new developments to deliver apposite direct improvements. This will be achieved by combining the outputs from Guildford BC’s Route Assessment Feasibility Study for the Guildford urban area (2020) and Surrey CC’s Guildford Local Cycling Plan (2015), the latter most particularly for the rest of the borough outside of the Guildford urban area. 	<p>There has been no significant change in approach in the Reg 19 document however reference is now made to the updated DfT guidance (Cycle Infrastructure Design (LTN 1/20)) which requires a higher standard of infrastructure delivery.</p> <p>The Reg 19 approach makes explicit the primary focus on the promotion of utility cycling (for work, school, errands) to aid modal shift, as opposed to leisure journeys.</p> <p>The mechanisms by which the improvements can be delivered are also detailed.</p>

Policy ID11: Parking standards

Reg 18 approach	Reg 19 approach
<p>The aims of this policy are:</p>	<p>There has been a significant change in approach in the Reg 19 document.</p>

<ul style="list-style-type: none"> • in Guildford town centre to optimise the density of, and to limit the level of car trip making associated with, new residential developments • in the rest of the borough to avoid the problems of congested on-street parking in new residential developments and overspill parking on adjacent local streets • to achieve appropriate provision of car parking associated with non-residential developments across the borough • to achieve appropriate provision of cycle parking and electric vehicle charging facilities in new residential and non-residential developments <p>This will be achieved by:</p> <ul style="list-style-type: none"> • defining standards for the provision of off-street car parking for new developments in the borough, specifically with maximum standards for residential developments in Guildford town centre, minimum standards for residential developments in the rest of the borough and expected standards for non-residential developments across the borough • defining minimum cycle parking standards for new developments • defining electric vehicle charging standards for new developments. 	<p>This aims of the policy are:</p> <ul style="list-style-type: none"> • to make provision to meet the needs of new residents and occupiers whilst limiting overspill parking on adjacent streets. • to provide flexibility in application tailored to both urban and rural settings, which allows for the design of a development proposal to respond to place-specific opportunities for the promotion of transport sustainability and the efficient use of land. <p>Key changes which will achieve this include:</p> <ul style="list-style-type: none"> ○ Residential parking standards in the urban area (now suburban areas as well as town centre) set as maximum ○ Residential parking standards in village and rural areas set as expected ○ Non-residential parking standards set as maximum <p>Further policy direction set:</p> <ul style="list-style-type: none"> ○ Parking standards in Neighbourhood Plans will take precedence over standards in the LPDMP, except in relation to Strategic Sites ○ Requirement to provide visitor parking at a rate of 0.2 spaces per dwelling where 50% or more of spaces are provided as allocated spaces ○ Minimum dimensions for car parking spaces & garage sizes specified ○ Stipulations for the promotion of either low-car or car-free development set out <p>The approach of maximum standards for new residential developments in the town centre and electric vehicle charging facilities in new residential and non-residential developments remains unchanged.</p> <p>All proposed car parking standards reflect and are benchmarked against local car availability levels, calculated using Census data.</p> <p>The standards for the provision of minimum cycle parking have been updated to bring them in line with the latest DfT Guidance as set out in</p>
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	the Local Transport Note 1/20 Cycle Infrastructure Design.
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Appendix 2: Draft Local Plan

Note: Following deferral of agenda item 9 at the Executive Meeting of 26th October 2021 and in the interests of reducing the need for duplicate printing, only the proposed changes to Appendix 2: Draft Local Plan are reflected below.

Please refer to Item 7, pages 37 – 272 of the public report pack for the Council meeting on 1 November 2021 also available at:

<https://democracy.guildford.gov.uk/documents/g1338/Public%20reports%20pack%2001st-Nov-2021%2019.00%20Council.pdf?T=10>

Further to the above, the changes proposed to the Draft Local Plan are reflected as follows

Draft Guildford Borough Local Plan: Development Management Policies

Proposed Submission Local Plan

~~November–January 2022~~4

Consultation under Regulation 19 of the Town and Country Planning (Local
Planning) (England) Regulations 2012



GUILDFORD
BOROUGH

Policy H5: Housing Extensions and Alterations including Annexes

Introduction

- 2.1 Extensions to homes can be a convenient way of providing additional living space for growing households or to adapt homes to meet changing needs. High house prices in a competitive housing market have had the impact of people choosing to remain in their existing home and extend, renovate or improve it to meet their needs rather than move. Grown-up children now tend to live in the family home for longer due to the unaffordability of owner occupation, ineligibility for social housing or high renting costs. This can lead to a demand for loft or basement conversions to increase living space. Older people are more likely to have a long-term health problem or disability and consequently may need to adapt their home or move into accommodation with their family. The necessity to work from home in recent years has also led to rethinking and reconfiguring how we use our homes. Our housing stock therefore needs to be flexible to adapt to the occupant's changing needs and this planning policy will guide household improvements.

Policy H5: Housing Extensions and Alterations including Annexes

- 1) Development proposals for residential extensions and alterations are required to have regard to the impact on the street scene, neighbouring properties and the existing property such that they:
 - a) respect the existing context, scale, height, design, appearance and character of, and have no unacceptable impact upon the adjacent buildings and immediate surrounding area;
 - b) have no unacceptable impact on the amenities enjoyed by the occupants of adjacent buildings in terms of privacy and access to sunlight and daylight; and
 - c) take into account the form, scale, height, character, materials and proportions of the existing building.

Basement extensions

- 2) Development proposals for basement extensions are required to:
 - a) be proportionate and ensure that their potential impact on the local environment, trees, tree roots, garden area, architectural character of the property, neighbouring properties and residential amenity is acceptable;
 - b) have clear internal access to upper floors;
 - c) have no unacceptable impact on local ground water conditions, flooding or drainage issues; and
 - d) include a structural impact report from a certified structural engineer. The report should show that there is no unacceptable impact to land and the structural

Policy E11: EquineAnimal-related Development

Introduction

- 3.1 ~~The keeping of horses, ponies, donkeys and hybrid breeds is a popular leisure activity in~~ Many households keep animals at home, and, in rural areas, which includes many parts of the borough, animals can ~~and~~ also provides an additional source of business income to farmers and others. Whilst ~~these animal-related commercial~~ activities may generate ~~rural~~ economic benefits for rural areas, poorly designed and/or ~~sited~~ located developments can, either individually or cumulatively, lead to a multitude of adverse impacts for the countryside and the amenity of residents.
- ~~3.13.2~~ Horse and other equine-related developments, for example, can adversely affect the countryside's openness and rural character with the introduction of stables, hay stores and tack rooms, paddocks, fencing and on-site riding facilities such as jumps and fences. Horse keeping can also lead to result in the erosion of paths and bridleways, fragmentation of viable agricultural holdings, reduced pasture quality from overgrazing and reduced opportunities for recovery of biodiversity. ~~On sites close to existing residential uses, unless designed carefully, horse related developments may also lead to amenity and disturbance impacts for owners and occupants of neighbouring properties.~~
- 3.3 ~~These same concerns apply to c~~ Commercial equestrian animal-related developments, ~~such as riding schools (manèges) and livery/boarding stables, which~~ have the potential for even greater adverse impacts than domestic/private developments, due to their greater intensity of use and potential for increased traffic generation.
- 3.4 In the case of non-equine animals, such developments – if poorly controlled – may result in amenity and disturbance impacts for owners and occupants of nearby properties, for instance noise from barking of dogs kept at commercial boarding kennels. Because a certain amount of noise from these uses is inevitable, kennels are often more appropriate in rural rather than urban locations, however care must still be taken over their location relative to existing residential and other uses, and over their design.
- ~~3.23.5~~ It is also in the interests of animal welfare important that planning policies guiding animal-related development are clear and that any new proposed development that requires planning permission makes appropriate provision for animal welfare. This should include equine-related developments adherence to latest national standards and Government advice for the design of stable buildings, fencing and pasture for equine animals⁵⁵.

Policy E11: EquineAnimal-related Development

⁵⁵ Note that welfare standards for premises within England offering boarding, including day care, for dogs and cats are addressed through licencing restrictions. Details are available at <https://www.gov.uk/guidance/boarding-for-cats-or-dogs-licence-england>. The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 also applies to these and to commercial horse-related activities (<https://www.legislation.gov.uk/ukdsi/2018/9780111165485>).

- 1) Development proposals for private and/or commercial ~~horse or other equine animal-~~related developments are required to:
 - ~~a) provide adequate stabling, fencing and land for grazing and exercise is available to ensure the proper care of the animals, in compliance with the latest Government-published guidelines and standards;~~
 - a) be of a scale, location, design and layout that is acceptable in relation to its intended use and in terms of its impact on the character of the built environment and surrounding landscape;
 - b) have no unacceptable impact on the nature conservation or biodiversity value of the site and the quality of pasture, ~~by reason of overgrazing or otherwise;~~
 - c) re-use existing buildings where feasible, or, in the case of a new facility, ~~is be~~ satisfactorily integrated with existing buildings, avoiding isolated or otherwise visually prominent locations; ~~and~~
 - ~~d) have no unacceptable impact on the amenity of neighbouring or nearby properties by reason of noise, smell, overlooking, lighting of external areas or other general disturbance; and;~~
 - ~~d)e) in the case of equine-related development, provide adequate stabling, fencing and land for grazing and exercise to ensure the proper care of the animals, in compliance with the latest Government-published guidelines and standards.~~
- 2) Particular consideration will be given to the cumulative adverse impacts of ~~equine animal-~~related development proposals in the vicinity of the proposed site and the wider area and ~~conditions~~ may ~~be imposed~~ ~~appropriate planning conditions to control these~~ where necessary.

Commercial developments

- 3) Commercial ~~equine animal-~~related development is also required to meet the following criteria:
 - a) Development proposals are required to ensure that they do not prejudice the agricultural operation of any holding.
 - b) Development proposals likely to generate a significant number of vehicular trips are required to be accompanied by a transport ~~statement or transport~~ assessment to show that there will be no unacceptable impacts on highway safety and that the safety of horses, riders and other road users will not be compromised.

Reasoned justification

3.6 ~~Equine Animal-~~related development, if it requires planning permission, should be designed and sited sensitively to ensure it does not lead to unacceptable visual, amenity and biodiversity impacts, or adverse impacts on highway safety.

3.7 ~~Amenity impacts can result from several causes, as detailed in point 1) d) of Policy E11. Noise~~

and light impacts of proposed animal-related developments should be addressed by applicants as per policies D10: Noise Impacts and D10a: Light Impacts and Dark Skies. Adverse visual impacts can result from new buildings or other permanent structures in or on the edge of open countryside for which planning permission would be required⁵⁶, and which are not restricted by other policies which would directly prevent them. Examples of buildings for non-equine animal-related development that this might apply to, in addition to kennels, that fall within the remit of this policy are pavilions or static caravans used for the sale of refreshments, or public convenience blocks on private land for the intended use by businesses offering training for dogs and their owners.

Equine-related development

- 3.33.8 In ~~regard~~ relation to point 1) ~~ae~~ of Policy E11, the Department for Environment, Food and Rural Affairs' (Defra) *Equine Code of Practice for the Welfare of Horses, Ponies, Donkeys and their Hybrids*⁵⁷ (December 2017) sets out a comprehensive range of welfare standards covering provision of stabling, pasture quality and the appropriate minimum amount of space per animal for exercise and grazing. The British Horse Society has also published recommended minimum standards for stabling on its website⁵⁸, alongside other pointers on horse care, behaviour and management.
- 3.43.9 We will assess development proposals according to the standards in Defra's Code of Practice, or any Government-published standards that may supersede these in future.
- 3.53.10 The reasons for ~~requiring provision of~~ providing a minimum amount of land for pasture are for animal welfare and to ensure that the land is not overgrazed and ~~subsequently becomes~~ consequently degraded. Defra's Code of Practice states that horses generally require approximately 0.5 to 1 hectares (or 1.25 to 2.5 acres) per animal where no supplementary feed is provided, and more if the land is also used for exercise and/or hay production. Anything below this is not considered to provide adequate grazing unless the horse is principally stabled with supplementary feeding.
- 3.63.11 The assessment of whether an ~~equine animal~~-related development's scale is acceptable will be considered as a planning judgement on an individual application basis. In particular, quantifying the amount of pasture that may be considered suitable for any given site is not an exact science and ~~proposals will be assessed on an individual basis taking into account~~ depends on a number of factors as indicated in the published standards and guidelines referred to above.
- 3.73.12 We will also take account of constraints on the use of the land such as existing or proposed buildings and landscape features e.g. access tracks, trees or watercourses, which would reduce

⁵⁶ A breeding or boarding use within a domestic outbuilding could also be considered a change of use and therefore subject to planning permission which will require consideration of its potential visual or amenity impacts (noise is likely to be the primary amenity impact, in this case).

⁵⁷ Available online at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/700200/horses-welfare-codes-of-practice-april2018.pdf

⁵⁸ Available online at: <https://www.bhs.org.uk/advice-and-information/horse-care>

the total amount of ‘useable’ pasture available.

3.13 Applications for stables or loose boxes on land below 0.5 hectares may only be considered acceptable where the applicant demonstrates adequate provision of accessible, available land to allow for the proper care (exercise and grazing) of the proposed number of animals. This might take the form of long-term agreements for the use of adjoining land not under the direct ownership of the applicant (i.e. leased or rented land). If there is uncertainty that adequate land will be available over the longer period, then permission may not be granted. General advice on grazing agreements and other useful information is available from Surrey County Council’s website⁵⁹.

Commercial animal-related development

3.83.14 The second part of Policy E11 requires that commercial equine animal-related development proposals do not prejudice the agricultural operation of any holding. Such developments may be applied for as a permanent means of diversification of the existing agricultural business to a non-agricultural commercial use, which could include uses such as boarding stables or riding schools. These may involve subdividing the land and could potentially have an adverse impact on the ongoing agricultural operation, rather than helping to support it.

3.93.15 Farmland is a vital local and national resource, the loss of which has economic, environmental and social costs. To address point a) of this second part of the policy, landowners or their planning agents are ~~therefore~~ advised to provide some form of evidence with their planning application to demonstrate that the loss of any land in existing agricultural use that could occur as the result of a proposed commercial equine animal-related development would not have adverse impacts for the viable operation of the farm business.

Key Evidence

- Defra (2017) Equine Code of Practice for the Welfare of Horses, Ponies, Donkeys and their Hybrids
- British Horse Society: Horse Care, Behaviour and Management Standards

Monitoring Indicators

Indicator	Target	Data Source
Percentage of appeals where the Inspector found insufficient grounds to refuse the application in relation to Policy E11.	N/A	Planning Appeals

⁵⁹ Available online at: <https://www.surreycc.gov.uk/land-planning-and-development/countryside/advice/horse-care>

Policy P8/P9: Protecting Important Habitats and Species

- 4.51 National and local ambitions for the restoration of our nature cannot be achieved if important habitats and species continue to decline. As a result, it is imperative that development proceeds in a way that preserves important components of the natural environment, some of which are irreplaceable.

Policy P8/P9: Protecting Important Habitats and Species

- 1) Development proposals for sites that contain or are adjacent to irreplaceable habitats, priority habitats, habitats hosting priority species, sites designated for their biodiversity value and all aquatic habitats are required to preserve the relevant ecological features through the application of the mitigation hierarchy, and to deliver enhancements to the ecological features in line with Policy P6/P7. The habitats should be protected by appropriate buffers and, if necessary, barriers in order to prevent adverse impacts, including those resulting from recreational use.

Irreplaceable habitats

- 2) Irreplaceable habitats will be protected. Development proposals that result in the loss, damage or deterioration of irreplaceable habitats will be refused, unless there are wholly exceptional reasons and the exceptional benefits of the development proposal outweigh the loss of the habitats. Proposals for compensation will not form part of this assessment. However, if wholly exceptional reasons have been demonstrated, a suitable compensation strategy to address the level of harm predicted will be required that delivers appropriate and proportionate compensation in terms of quality and quantity. Proposals for compensation will be additional to other requirements relating to biodiversity, including biodiversity net gain requirements.
- 3) A habitat will be considered to be irreplaceable if it meets the definition in the NPPF glossary or guidance issued by the Surrey Nature Partnership, or if it is identified as irreplaceable in the Local Nature Recovery Strategy, or it is on land identified in an established inventory, such as the Revised Ancient Woodland Inventory (RAWI).

Ancient woodland and significant trees

- 4) Where ancient woodland falls within or adjacent to a development site, the following measures are required.
 - a) The submission of information setting out the location of all significant ancient or veteran trees (a BS5837 Survey).
 - b) An appropriate buffer around the ancient woodland of a minimum of 15 metres or a greater distance if specified by national policy.
 - c) A clear separation between the woodland and the rest of the development, delineated by a physical feature such as a wildlife permeable barrier, a cycle lane, path or lightly trafficked road.

appropriate net gain to loss ratio.

- 4.66 Irreplaceable habitats include, but are not limited to, the following habitats.
- a) Ancient woodland and replanted ancient woodland.
 - b) Ancient and veteran trees.
 - c) Ancient wood pasture and historic parkland (including the open space between trees).
 - d) Unimproved grassland.
 - e) Stretches of river that have had little historic modification.
 - f) Heathland and associated mires (including bogs).
 - g) Ancient hedgerows, and 'important' hedgerows that contain protected, endangered, vulnerable or rare species.

Ancient woodland

- 4.67 Development can affect ancient woodland through direct loss and also through changes to drainage and damage to root systems. Development can also have impacts on the ecosystem of an ancient woodland through pollution, recreation pressure, fly-tipping, and changes to noise and lighting that can affect its unique wildlife. The Council has experienced problems in the past where residents come to regard nearby woodland as an extension of their private curtilage and cleared it for access or used it for disposal of garden waste; activities that can be harmful to woodland ecology. Therefore, it is important that areas of valuable ancient woodland are protected by an appropriate buffer, and that the border between private space and ancient woodland on public land is clearly delineated, for example by running a physical feature such as a path, low-use road or ditch between the built development and the woodland.
- 4.68 Surrey's Revised Ancient Woodland Inventory 2011 (RAWI) provides a well-documented and consistent approach to establish whether land is ancient woodland. Natural England and the Forestry Commission will sometimes provide bespoke advice on whether woodland qualifies as ancient and have produced standing advice for planning authorities which includes an assessment guide which can be completed by those with suitable specialist knowledge of woodland ecology in order to determine whether a woodland is ancient. Challenges to a listing on the RAWI should be made prior to a planning application, and the listing amended with agreement provided in writing by the relevant authority.
- 4.69 Some areas of ancient woodland may appear not to qualify as such, or may appear to be of lower value e.g. due to limited flora. For example, PAWS are areas of ancient woodland (or within ancient woodland) that may have been clear or partly-felled and replanted, often with commercial stands of timber (typically fast growing softwoods) so they may not appear to be an irreplaceable habitat. However, much of the value of ancient woodland lies in their soils and many remnants of the ancient habitat will remain. Consideration of the value of the habitat will take into account the potential of the land for ancient woodland species to migrate and young featureless trees to eventually become veterans.
- 4.70 An appropriate buffer of a minimum of 15 metres around ancient woodland should be set at a distance necessary to preserve the nature, health and setting of the ancient woodland, taking into account the nature and area of proposed development. If national policy sets a wider minimum distance, the greater distance will apply.

4.704.71 Proposals for new SANGs must follow Natural England's SANG guidelines and accordingly must avoid negative impacts on habitats of high nature conservation value, including Ancient Woodland. SANG proposals must ensure that Ancient Woodland is protected and enhanced in accordance with this policy.

Ancient wood pasture and historic parkland

4.714.72 Ancient wood pasture and historic parkland are often forms of ancient woodland. They are areas of land that have been historically managed through grazing, have a very open structure, a tree canopy cover generally above 20 per cent (though possibly with considerable variation), and where the habitat type has been in continuous existence since at least 1600. Ancient wood pasture and historic parklands may not be included in the Ancient Woodland Inventory if their low tree density failed to register them as woodland on historical maps. The presence of ancient and veteran trees is a key indicator but other factors including the presence of historic features, permanent pasture and scrub will also be taken into account. Ancient wood pasture and historic parkland habitats may have been altered by activities such as sward improvement, overgrazing and tree felling, or become in-filled with secondary woodland. However, associated indicative species will remain present and, as with ancient woodland, the habitat can be effectively restored. The protection of the whole habitat is necessary even though tree cover may be comparatively sparse, so open space between trees in an area of ancient wood pasture or historic parkland is also subject to the same protections as ancient woodland.

Ancient and veteran trees

4.724.73 Where ancient and veteran trees exist within a development site, they should be incorporated into the public realm where they can be appropriately managed and will not be vulnerable to damaging operations carried out by a private landowner. Additionally, this means that these often-attractive trees remain visible for all to enjoy.

Hedgerows

4.734.74 Hedgerows are some of the most important habitats in parts of Britain, providing marginal connective habitat for a large number of threatened species. They provide a refuge for creatures displaced by the incremental destruction of more natural habitats to make way for increasingly intensive agriculture, and can act as dispersal corridors allowing movement of important pollinating invertebrates through farmland areas. They also provide breeding, nesting and feeding habitat for many birds. Ancient hedgerows tend to be the most biodiverse in terms of both plants and animals and where an 'important' hedgerow contains protected, endangered, vulnerable or rare species, the assemblage of species is such that replacing the hedgerow would be technically difficult or take a very significant time. These types of hedgerows therefore meet the NPPF definition for irreplaceable habitat.

4.744.75 Ancient hedgerows are those that existed before the Enclosures Acts (mainly passed between 1720 and 1840). All ancient hedgerows are considered to be irreplaceable habitats.

4.754.76 'Important' hedgerows are hedgerows that are at least 30 years old and meet at least one

Policy P11: Air Quality and Air Quality Management Areas

Introduction

- 4.4044.105** Clean air is vital for environmental and human health. Poor air quality represents the largest environmental health risk in the UK. It shortens lives and contributes to chronic illness. Health can be affected both by short-term exposure to high-pollution episodes and by long-term exposure to lower levels of pollution.
- 4.4054.106** Similarly, air pollution also negatively impacts plants and animals, natural habitats, ecosystems, and environmental processes. Serious environmental impacts of air pollution occur as a result of nitrogen (NO_2) deposition, acid deposition, and direct toxic effects of pollutants in the air.
- 4.4064.107** Air pollution comes from many sources. Emissions from distant and local sources can build up into high local concentrations of pollution. Although there are legally-binding limits, there are no 'safe' levels. Therefore, it is essential that any new development within Guildford borough avoids creating, or contributing to, poor air quality levels both within and outside the Borough boundary.
- 4.4074.108** The NPPF⁸⁰ is clear that:

Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement.

- 4.4084.109** Therefore, in the determination of planning applications, consideration will be given to the impact of development in terms of the impacts on air quality caused both by the operational characteristics of the development and the vehicular traffic generated by it. Consideration will be given to the impacts of all sources of emissions to air, but particular attention should be provided to the most damaging air pollutants (fine particulate matter, ammonia, nitrogen oxides, sulphur dioxide, non-methane volatile organic compounds).

Air Quality Management Areas

- 4.4094.110** Local Authorities are required to periodically review and assess the current, and likely future, air quality in their area against national air quality objectives, as set out by the Environment Act 1995⁸¹ and the UK's Air Quality Strategy⁸². Where an objective is unlikely to be met by the relevant deadline, Local Authorities are required to designate those areas as Air Quality Management Areas ('AQMAs') and take action to work toward meeting those objectives. Development within, and in close proximity to, AQMAs will therefore require careful consideration to ensure that a positive contribution is made towards the Council's Air Quality

⁸⁰ National Planning Policy Framework (2021), paragraph 186

⁸¹ See Part IV. Available online at: <https://www.legislation.gov.uk/ukpga/1995/25/contents>.

⁸² Available online at: <https://www.gov.uk/government/publications/the-air-quality-strategy-for-england-scotland-wales-and-northern-ireland-volume-1>.

Quality Assessments.

~~4.1174.118~~ Planning applications for particular large-scale ammonia-emitting developments, such as for intensive livestock units, within 5km of Ancient Woodland sites, must demonstrate that the development would not have significant adverse impacts on Ancient Woodland habitats. The Department for Food and Rural Affairs (2018) has published the Code of Good Agricultural Practice (COGAP), which provides best-practice guidance for reducing ammonia emissions from farms in England⁸⁸.

Air Quality Management Areas

~~4.118~~—Currently, ~~three~~ AQMAs have been declared within Guildford borough, due to exceedances of the annual mean Air Quality Strategy ('AQS') objective for NO₂ of 40µgm-3 (micrograms per cubic metre). These are located at 'The Street, Compton', 'A281, The Street, Shalford' and 'Guildford Town Centre'. In each case, road traffic emissions comprise the primary source of NO₂. Further AQMAs may be designated during the lifetime of this Plan. Applicants are advised to check for the status and extent of AQMAs on the Council and the Department for Environment, Food and Rural Affairs's websites⁸⁹. ~~Additional detail on these AQMAs detailed above, including a map of each area, is available online:~~

~~4.119~~—The Street, Compton: https://uk-air.defra.gov.uk/aqma/details?aqma_ref=1731

~~4.1204.119~~ A281, The Street, Shalford: https://uk-air.defra.gov.uk/aqma/details?aqma_ref=3358

~~4.1214.120~~ The Council ~~has~~ must developed an Air Quality Action Plan ('AQAP') for each AQMA, which sets out a strategy for improving the air quality conditions for that area, to fulfil its duties under the Local Air Quality Management framework. These are available on the Council's website⁹⁰.

~~4.121~~ The Council has a statutory duty to work toward the UK's Air Quality Objectives. In fulfilling this duty, the Council has developed an Air Quality Strategy (2017 – 2022), which identifies key air quality issues within the borough and sets out an approach toward maintaining and improving air quality, including specific actions that will be undertaken to achieve this.

~~4.122~~ Furthermore, Guildford Borough Council has a legal duty to protect the life and wellbeing of local communities, under Article 2 and Article 6 of the Human Rights Act and common-law duties, and is compelled to take action to reduce pollution to ensure amenity is preserved, under Article 2 and Article 8 of the European Convention on Human Rights.

~~4.122~~—

A3 Guildford trunk road

4.123 Highways England, which is responsible for the Strategic Road Network, has identified that a section of the A3 Guildford trunk road is experiencing exceedances of the limit value for annual

⁸⁸ Available online at: www.gov.uk/government/publications/code-of-good-agricultural-practice-for-reducing-ammonia-emissions.

⁸⁹ Available online at: <https://www.guildford.gov.uk/article/21335/Guildford-air-quality-management-areas> and <https://uk-air.defra.gov.uk/aqma/list>

⁹⁰ Available online at: www.guildford.gov.uk/article/21335/Guildford-air-quality-management-areas.

mean NO₂ air pollution which are adversely affecting sensitive receptors including residents and users of a footpath.⁹¹ The section of the road is, for Highways England's air quality assessment work, known as Pollution Climate Mapping link number 17736. This is located between the left in/out junction of Wilderness Road with the southbound carriageway to the west and Dennis interchange to the east. Highways England's forecast is that, by 2030, the limit value will continue to be exceeded, including with a potential barrier which is under consideration by Highways England.

Air Quality Assessments

- 4.124 Air Quality Assessments may be required for the reasons outlined in paragraph (3) of this policy. In accordance with paragraph 3(c) specifically, the Council's Environment and Regulatory Services will confirm whether the available evidence demonstrates the proposed development would introduce or intensify sensitive uses within an area that is known to experience existing poor air quality conditions. Where ~~it is demonstrated~~there is a risk that ambient pollutant levels may cause significant adverse effects on the health of sensitive receptors in the area, an Air Quality Assessment will be required.
- 4.125 Where an Air Quality Assessment is required, the applicant should seek confirmation from the Council's Environment and Regulatory Services on the appropriate approach and methodology to be used in conducting the assessment. The specific approach and methodology required for each assessment should be tailored to address the key issues driving the need for the assessment. In all cases, the Air Quality Assessment should be undertaken using an approach that is appropriate to the scale of the likely adverse impacts.
- 4.126 Air Quality Assessments must be completed during the early stages of the design and preparation of the development proposal. If the applicant has engaged the Council's pre-application service, the Light Impact Air Quality Assessment should be submitted and reviewed as part of this.
- 4.127 In order to ensure that a consistent approach is used in producing Air Quality Assessments, all assessments are expected to be prepared in accordance with guidance provided by Environmental Protection UK and the Institute of Air Quality Management: 'Land-Use Planning & Development Control: Planning For Air Quality' (2017)⁹². Specifically, the report detailing the results of the assessment is expected to contain the information set out at paragraph 6.22 (a) – (m) of that guidance.
- 4.128 Once the report has identified the magnitude of potential adverse impacts and described these for each relevant source and/or sensitive receptor, the applicant must seek agreement from the Council's Environment and Regulatory Services as to the 'significance' of those impacts. As a discipline, assessment of Air Quality impacts does not benefit from the rigid application of a significance matrix. The determination of 'significance' must therefore be made by the Council's

⁹¹ See Air Quality on England's Strategic Road Network: Progress Update (Commission No. 1 - 101 Pollution Climate Mapping links on the SRN - Analysis of potential non-compliance with limit values for Nitrogen Dioxide, as identified by Government's Pollution Climate Mapping Model) (Highways England, July 2021). Available at <https://highwaysengland.co.uk/our-work/environment/air-quality-and-noise/air-quality/air-quality-reports/>. Accessed 23 July 2021.

⁹² Available online at: <https://iaqm.co.uk/text/guidance/air-quality-planning-guidance.pdf>.

Environment and Regulatory Services on a case-by-case basis, in agreement with the air quality professional that conducted the assessment. Further guidance on the determination of 'significance' within air quality assessment is available from the Institute of Air Quality Management ([20172009](#))⁹³.

- 4.129 Where an Air Quality Assessment identifies potential significant adverse impacts on sensitive receptors, an Emissions Mitigation Assessment must be completed. The Emissions Mitigation Assessment must detail the appropriate avoidance and mitigation measures that will be implemented to prevent significant adverse impacts on sensitive receptors, including future occupiers or users of the site, from any sources of emissions to air. Emissions Mitigation Assessments should normally be submitted as part of the overall Air Quality Assessment and inform the conclusions made within it.

Air Quality Avoidance and Mitigation Hierarchy

- 4.130 The 'Air Quality Avoidance and Mitigation Hierarchy', as set out below, is based on published guidance by the Chartered Institute of Ecology and Environmental Management (CIEEM)⁹⁴. Development proposals are required to incorporate appropriate avoidance and mitigation measures in the design of the scheme, in accordance with the preferences set out in the hierarchy. Emissions Mitigation Assessments are required to set out how the proposed measures have been incorporated in relation to the order of preference established in the hierarchy.
- 4.131 In accordance with the Air Quality Avoidance and Mitigation Hierarchy, development proposals should seek to avoid exposure to the pollutant in the first instance. Having implemented avoidance measures as far as is reasonably practicable, both technically and economically, development proposals should then implement appropriate mitigation measures in order to reduce the potential effects of exposure.

Table P11a: Air Quality Avoidance and Mitigation Hierarchy

Approach	Notes
Avoid	1) Eliminate or isolate sources of emissions. 2) Replace sources with lower-emission alternatives. 3) Maximise distance between sources and sensitive receptors.
Mitigate	4) Mitigation measures that act on the source. 5) Mitigation measures that act on the pathway. 6) Mitigation measures at or close to the point of exposure that address impacts upon the receptor.

- 4.132 In each case that an avoidance or mitigation measure is implemented, measures that are designed to operate passively should take preference over measures that require management or maintenance.

⁹³ Available online at: www.iaqm.co.uk/text/guidance/air-quality-planning-guidance.pdf, www.iaqm.co.uk/text/guidance/iaqm_significance_nov09.pdf.

⁹⁴ CIEEM (2018) Guidelines for Ecological Impact Assessment in the UK: Terrestrial, Freshwater, Coastal and Marine version 1.1. Chartered Institute of Ecology and Environmental Management.

Policy P13: Sustainable Surface Water Management

Introduction

- 4.164 Development has tended to extend the amount of impermeable surfaces which inhibits the natural infiltration of surface-water and increases surface-water runoff rates and volumes. This can overload drainage infrastructure and increase local and downstream flood risk.
- 4.165 Conventional drainage infrastructure focuses on moving water away from a development as quickly as possible. Combined sewers, which collect both surface-water runoff and foul waste water, can be overwhelmed during heavy rain periods which increases the risk that polluted water is released into rivers. The increase in intense rainfall events ~~expected to~~ that will result from climate change will exacerbate this problem. Conventional drainage can also contribute to the deterioration of water quality through diffuse pollution.
- 4.166 Natural Flood Measures (NFM) use natural processes to deal with surface water. Sustainable Drainage Systems (SuDS) mimic natural drainage and focus on reducing the rate and quantity of surface water runoff by allowing it to infiltrate into the ground or attenuating rainfall close to where it falls. They can work alongside or replace conventional drainage methods and can provide benefits additional to flood risk reduction and such as groundwater recharge, enhancements to biodiversity and visual amenity and opportunities for leisure.
- 4.167 The NPPF (paragraphs 167 and 169) requires new developments to avoid increasing flood risk elsewhere, and major developments and developments in areas at risk of flooding to incorporate SuDS unless there is clear evidence that this would be inappropriate. SuDS proposals are required to take account of advice from the Lead Local Flood Authority (LLFA). The LLFA for Guildford is Surrey County Council.
- 4.168 LPSS 2019 Policy P4 Flooding, Flood Risk and Groundwater Protection Zones requires all development proposals to demonstrate that land drainage will be adequate and will not result in an increase in surface water runoff, and prioritises the use of SuDs to manage surface water drainage unless it can be demonstrated that they are not appropriate. Where SuDs are provided, arrangements must be put in place for their management and maintenance over their full lifetime.

Policy P13: Sustainable Surface Water Management

All development proposals

- 1) Drainage schemes are required to intercept as much rainwater and runoff as possible, including runoff from outside the site.
- 2) Greenfield sites are required to achieve runoff rates and volumes consistent with greenfield conditions. Previously developed sites are required to achieve runoff rates and volumes as close as reasonably practicable to greenfield runoff rates. In any case, runoff rates and volumes must be no greater than the conditions of the site prior to the development.

1. Earl of Onslow Pit (West Clandon Chalk Pit)
2. Newlands Corner Car Park
3. Albury Downs (Water Lane) Chalk Pit
4. Albury Sand Pit
5. Water Lane Sand Pit
6. Guildford Lane, Albury
7. Blackheath Lane, Albury
8. Compton Mortuary Pit
9. Wood Pile Quarry
10. Warren Lane, Albury

4.204 Designated RIGS are shown on the policies map. Unmapped features will be considered to be of RIGS quality where they meet one or more of the criteria at paragraph [4.2014.198](#).

Key Evidence

- GeoConservationUK RIGS Selection guidance

Monitoring Indicators

Indicator	Target	Data Source
Percentage of appeals where the Inspector found insufficient grounds to refuse the application in relation to Policy P14	N/A	Planning Appeals

- f) Detailing
- 5) Development proposals are required to reflect appropriate residential densities that are demonstrated to result from a design-led approach taking into account factors including:
- a) the site size, characteristics and location;
 - b) the urban grain of the area and appropriate building forms, heights and sizes for the site; and
 - c) the context and local character of the area.
- 6) Development proposals are expected to make efficient use of land and increased densities may be appropriate if it would not have a detrimental impact on an area's prevailing character and setting.
- ~~7) Allocated sites that are in separate ownerships are required to be designed in a comprehensive manner to ensure the efficient use of land and integrated development.~~
Development proposals are expected to be designed so as not to hinder the potential future delivery of adjoining development sites.

Masterplanning and Design Codes

- ~~8) Strategic sites listed in LPSS 2019 Policy D1(13) are required to produce masterplans and follow a Design Code approach through the planning application process. This will require a Design Code to be agreed prior to the granting of full or reserved matters planning permission for any phase of the development. Where outline planning permission has been agreed subject to Design Code agreement, any relevant Reserved Matters applications which are submitted without the Design Code being agreed will be refused.~~
- ~~7)9) Masterplans and Design Codes will also be required for any site that will be developed in more than one phase or by more than one developer. Failure to agree a Design Code approach is likely to result in the refusal of an application.~~

Definitions

- 5.5 *Local distinctiveness* - The positive features of a place and its communities which contribute to its special character and sense of place.

Reasoned Justification

- 5.6 The National Design Guide 2019¹⁰⁹, or guidance superseding it, outlines and illustrates the Government's priorities for well-designed places in the form of ten characteristics. In a well-designed place, an integrated design process brings the ten characteristics together in a mutually supporting way. They interact to create an overall character of place. Good design considers how a development proposal can make a contribution towards all of them. Whilst this policy is applicable to proposals of all sizes, some characteristics will be more relevant in larger schemes than smaller ones. The evidence provided should be proportionate to the nature, size

¹⁰⁹ Available online at: www.gov.uk/government/publications/national-design-guide

- 5.11 This does not necessarily mean simply replicating what is already there. For some sites, particularly those located in more sensitive areas where there is already a strong or unique local character, it may be more appropriate to reflect aspects of the local vernacular within the scheme's design. This could range from adopting typical building forms to using local materials and architectural detailing. In other instances, particularly on larger or less sensitive sites, there may be opportunities for more innovative and forward-thinking design solutions which can create a new character and identity whilst still contributing to local distinctiveness. This includes the use of modern methods of construction which are becoming more common and can offer significant environmental benefits as well as being more cost and time effective to construct. Character is often derived through change and the variety of buildings built over different periods.
- 5.12 A well-designed place is not simply about the way the buildings look. Instead, it is important that the principles of good design are embedded at each stage of the design process. A well-designed place will evolve through making the right choices at all levels, from the scheme's layout through to the detailing of individual buildings.
- 5.13 Given the significant variation in character, both within individual settlements and across the borough, it is not considered appropriate or justified to prescribe minimum densities within this plan. Instead, an appropriate density on a site (or parts of a site) should result from a design-led approach that considers the site's characteristics, proposed building types and form, and the context and character of the area. It should be an outcome of a process, as opposed to reflecting a predetermined density.
- 5.14 National policy requires the promotion of 'an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions'¹¹⁷. Optimising the density on development sites including those allocated in the LPSS 2019 enables the delivery of much needed homes to meet the housing requirement whilst minimising the need for additional sites, which may be more sensitive or less sustainably located.
- 5.15 Increased densities are likely to be appropriate on a range of sites, in particular on larger sites which are capable of delivering a range of densities across them. This enables higher density development to be located in less sensitive parts of the site and in close proximity to services and facilities with lower densities in more sensitive parts such as on the edge of the settlement in order to form a sympathetic transition between the built up area and the countryside beyond.
- 5.16 Providing a range of densities across a site also helps to create a variety of character so that different areas or neighbourhoods each have their own identity. The density of a site will also be influenced by the mix and type of homes provided. A sustainably located town centre site delivering predominantly smaller units as part of flatted development would have a much higher density than a site delivering predominantly houses. The appropriate mix of homes should be appropriate to the site size, characteristics and location. Housing mix and its relationship with site characteristics is addressed in LPSS 2019 Policy H1: Homes for All.

[5.17 The preparation of Design Codes should follow the principles set out in the National Design Guide and the National Design Code taking into account any other relevant national](#)

¹¹⁷ National Planning Policy Framework (2021), paragraph 119

guidance. Due regard should also be given to any relevant Supplementary Planning Documents and any Neighbourhood Plan requirement. Masterplans and Design Codes should be prepared collaboratively through engagement with the community, the planning authority, highways authority and other stakeholders.

5.18 For strategic sites it is likely that an overarching strategic design code would be needed which should be agreed at an early stage. More detailed phase or area Design Codes should then be prepared following a clear hierarchy of the design evolution and following the principles set by a strategic code.

5.175.19 Masterplans and Design Codes will also be required on other sites as specified in the policy in order to deliver schemes that are designed in a comprehensive manner. Whilst the majority of sites allocated in the LPSS 2019 are in single ownership there are some in multiple ownership. For those in multiple ownership, it is important that the schemes that are ultimately delivered are integrated and function as well as those designed and permitted as a single scheme. This means that landowners should work towards a shared vision for the site and This will ensure that matters such as the design and location of roads, cycle and pedestrian links, open space, services and facilities are all considered holistically across the wider site. It is also important that any development proposal considers the way in which it will knit into the existing settlement fabric, promoting interconnectedness and avoiding sterilising the future development potential of adjoining land.

Key Evidence

- National Design Guide (2019)
- National Model Design Code (2021)
- Building for a Healthy Life (2020)
- Sport England: Active Design (2015)
- Strategic Development Framework SPD (2020)
- Guildford Town Centre Views SPD (2019)
- Surrey Landscape Character Assessment Guildford report (2015)
- Guildford Landscape and Townscape Character Assessment (2007)

Monitoring Indicators

Indicator	Target	Data Source
Percentage of appeals where the Inspector found insufficient grounds to refuse the application in relation to Policy D4	N/A	Planning Appeals

- b) address issues of overlooking and enclosure, which may otherwise impact unacceptably on the proposed property and any neighbouring properties; and
 - c) design the amenity space to be of a shape, size and location to allow effective and practical use of the space by residents.
- 3) All balconies or terraces provided on new flatted development proposals are required to be:
- a) designed as an integrated part of the overall design; and
 - b) a minimum of 4sqm.
- 4) Development proposals are required to have regard to relevant national and local design guidance or codes, including in relation to garden sizes and residential building separation distances.

Definitions

5.205.22 *Amenity* - A positive element or elements that contribute to the overall character or enjoyment of an area.

5.245.23 *Amenity space* - The outside space associated with a home or homes. It may be private or shared.

Reasoned Justification

Protection of amenity

5.225.24 This policy is only concerned with the amenity impact of a proposal once it has been built. Amenity related issues that may occur during the construction phase are covered by separate Environmental Health legislation.

5.235.25 Care should be taken to ensure development proposals do not overshadow or visually dominate existing properties or have an unacceptable impact on existing levels of privacy. There are many factors that need to be considered when designing a scheme to ensure that this does not occur. In terms of the buildings themselves, consideration should be given to their layout and orientation both with each other, if proposing more than one property, but also with any existing neighbouring residential properties. Potential amenity issues can also be avoided through consideration of the internal room layout, and the positioning and glazing of windows.

5.245.26 Access to daylight and sunlight will depend both on the way new and existing buildings relate to one another, as well as the orientation of windows in relation to the path of the sun. In particular, windows that are overshadowed by buildings, walls, trees or hedges, or that are north-facing, will receive less light. Solar gain should also be optimised to reduce the need for mechanical heating, but with appropriate measures to prevent overheating in line with LPSS 2019 Policy D2: Climate change, sustainable design, construction and energy, Policy D12: Sustainable and Low Impact Development and Policy D13: Climate Change Adaptation.

5.255.27 Excessive light and noise can have a major impact on amenity. Development proposals for

Reasoned Justification

- 6.83 The mapped network contained within the Policies Map has been developed by combining three evidence sources, Surrey County Council's [Guildford Local Cycling Plan](#) (Surrey County Council, undated circa 2015)²⁸⁶, Guildford Borough Council's [Guildford Route Assessments Feasibility Study](#) (Transport Initiatives and Urban Movement, 2020)²⁸⁷ and the council's concept proposals for the routing of the Sustainable Movement Corridor²⁸⁸. This provides for a denser and safer cycle network in the Guildford urban area while also addressing gaps in the network outside the urban area. It provides a common, updated basis for the improvement of the Guildford borough cycle network and connections onto, an approach which has received positive endorsement from Surrey County Council.
- 6.84 As well as the mapped network of routes, the Guildford Route Assessments Feasibility Study (2020) contains a set of 14 tables (Tables 17-30) detailing proposed cycling improvements for the main routes identified [in the Guildford urban area](#). The identified issues, proposals and cost estimates should be reviewed in scheme development. [For the rest of the borough \(where the evidence base is sourced from Surrey County Council's Guildford Local Cycling Plan\) further work will be required to define the nature of the route and level of provision required.](#)
- 6.85 The map is not exhaustive, and consideration will be given to proposals not presently included in the Policies Map.
- 6.86 Utility trips are of prime importance in terms of encouraging modal shift. The local cycle network is incomplete at present with short sections of infrastructure in place, but which do not join up, sometimes ending at key junctions or when carriageway width narrows. Natural and built barriers hinder the quality of infrastructure provided and access – such as guardrail and bollards, a lack of dropped kerbs or safe crossing facilities and crossings for rail, road and waterways which include steps or steep gradients on approach. Many cycle routes in the borough cater for leisure trips which, while attractive for a relaxed, quieter cycle, typically do not offer users with a direct, high-quality route which can compete with other modes of travel such as the private car in terms of convenience. Similarly, current facilities on the carriageway do not necessarily present an attractive choice for those less confident or returning to cycling.
- 6.87 Travel behaviour change interventions have the greatest impact when a new routine is to be developed, such as a new home or new place of work, further highlighting the importance of delivering a comprehensive network for utility trips to and from new development.
- 6.88 Site specific requirements can be found in the relevant site allocation policies and further requirements may develop during the planning application process, [such as safe routes to school. For example, particular attention needs to be given to routes used by school children in the interests of safety.](#)
- 6.89 The delivery of a comprehensive Guildford borough cycle network may involve the upgrade of

²⁸⁶ Available online at: <https://www.guildford.gov.uk/article/25508/Guildford-Cycle-Route-Assessments-Report>

²⁸⁷ Available online at: <https://www.guildford.gov.uk/article/25508/Guildford-Cycle-Route-Assessments-Report>

²⁸⁸ 'Note – The Sustainable Movement Corridor: Scheme feasibility and design, funding and delivery and links to the strategic sites' (Guildford BC, 2018). This note was submitted to the examination of the LPSS with the reference GBC-LPSS-025a.

existing routes or connections, or new infrastructure, or a combination of both. In the design and delivery of elements of the network, proposals should appropriately respond to the opportunities and constraints of the built and rural environments, land uses and designations.

- 6.90 Developers should ensure the highest standard of infrastructure is delivered. Latest guidance for the development of cycling infrastructure, as of 2020, can be found within the Department for Transport's LTN 1/20 Cycling Infrastructure Design. If this LTN is superseded, the successor document(s) will be applicable.
- 6.91 The measures applicable to each development proposal will vary on a case-by-case basis, but all should take account of the needs of cyclists, for example by providing safe, secure, convenient, accessible and direct access to, from and within development. This ~~can~~ may be achieved through cycle lanes or tracks, low traffic neighbourhoods, 20mph speed limits and modal filters, dependant on location. Infrastructure should be integrated, well signed, lit with high quality surfaces, benefit from attractive landscape design, and comprehensive wayfinding and further enhanced by sufficient, convenient, safe and secure cycle parking facilities (discussed further in Policy ID11 Parking Standards).
- 6.92 The Strategic Development Framework SPD²⁸⁹ contains design principles for the strategic sites of Slyfield Area Regeneration Programme (now known as Weyside Urban Village), Gosden Hill Farm, Blackwell Farm, the former Wisley airfield and the Ash & Tongham location for growth. Developers of these sites should adhere to the principles within this SPD in developing on and off-carriageway cycle links.
- 6.93 Conflict can arise between walkers and cyclists on shared use paths. By providing a comprehensive Guildford borough cycle network and adhering to national guidance, this conflict will be reduced as shared use facilities will generally no longer be appropriate, unless it can be demonstrated that segregated facilities cannot or should not be provided. The delivery of a comprehensive Guildford borough cycle network does not mean the importance of the pedestrian network should be overlooked.
- 6.94 Future innovation in mobility, such as e-scooters (electric scooters), may compliment current modes such as pedal cycles and e-bikes. If e-scooters were to be legalised - either privately owned e-scooters or as part of a public hire scheme, or both - it is envisaged that e-scooters would be treated in the same vein as pedal cycles and therefore able to be used on the road or on dedicated cycling infrastructure.

²⁸⁹ Available online at: <https://www.guildford.gov.uk/strategicdevelopmentframeworkspd>

Appendix D – List of superseded policies

The following table sets out which extant development plan policies are superseded by the Local Plan: Development Management Policies.

<u>Extant development plan policy</u>	<u>Local Plan: Development Management Policies policy</u>
<u>LP2003 G1 General Standards of Development (3), (4), (8), (11), (12), (13)</u>	<u>D5: Protection of Amenity and Provision of Amenity Space</u> <u>D4: Achieving High Quality Design and Respecting Local Distinctiveness</u> <u>D10a: Light Impacts and Dark Skies</u> <u>P10: Land Affected by Contamination</u> <u>P8/P9: Protecting Important Habitats and Species</u> <u>D10: Noise Impacts</u>
<u>LP2003 G5 Design Code (2), (3), (4), (5), (7), (8), (9)</u>	<u>D4: Achieving High Quality Design and Respecting Local Distinctiveness</u> <u>D8: Public Realm</u>
<u>LP2003 G7 Shop Front Design</u>	<u>D6: Shopfront Design and Security</u>
<u>LP2003 G8 Advertisements</u>	<u>D7: Advertisements, Hanging Signs and Illumination</u>
<u>LP2003 G9 Projecting Signs in The High Street</u>	<u>D7: Advertisements, Hanging Signs and Illumination</u>
<u>LP2003 G11 The Corridor of the River Wey And the Guildford And Godalming Navigations</u>	<u>D11: The Corridor of The River Wey & Godalming Navigations</u> <u>P12: Water Quality, Waterbodies and Riparian Corridors</u>
<u>LP2003 H4 Housing in Urban Areas</u>	<u>D4: Achieving High Quality Design and Respecting Local Distinctiveness</u> <u>D5: Protection of Amenity and Provision of Amenity Space</u>
<u>LP2003 H7 Conversions</u>	<u>H6: Housing Conversion and Sub-division</u>
<u>LP2003 H8 Extensions to Dwellings in The Urban Areas</u>	<u>H5: Housing Extensions and Alterations including Annexes</u>
<u>LP2003 E5 Homeworking</u>	<u>D5: Protection of Amenity and Provision of Amenity Space</u> <u>ID11: Parking Standards</u>
<u>LP2003 HE2 Changes of Use of Listed Buildings</u>	<u>D16: Designated Heritage Assets</u> <u>D17: Listed Buildings</u>
<u>LP2003 HE4 New Development Which Affects the Setting of a Listed Building</u>	<u>D16: Designated Heritage Assets</u> <u>D17: Listed Buildings</u>
<u>LP2003 HE5 Advertisements on Listed Buildings</u>	<u>D17: Listed Buildings</u>

LP2003 HE7 New Development in Conservation Areas	D16: Designated Heritage Assets D18: Conservation Areas
LP2003 HE8 Advertisements in Conservation Areas	D7: Advertisements, Hanging Signs and Illumination D16: Designated Heritage Assets
LP2003 HE9 Demolition in Conservation Areas	D16: Designated Heritage Assets D18: Conservation Areas
LP2003 HE10 Development Which Affects the Setting of a Conservation Area	D16: Designated Heritage Assets D18: Conservation Areas
LP2003 HE12 Historic Parks and Gardens	D16: Designated Heritage Assets D19a: Registered Parks and Gardens
LP2003 NE4 Species Protection	P8/P9: Protecting Important Habitats and Species
LP2003 NE5 Development Affecting Trees, Hedges and Woodlands	P8/P9: Protecting Important Habitats and Species D18: Conservation Areas
LP2003 NE6 Undesignated Features of Nature Conservation interest	P8/P9: Protecting Important Habitats and Species
LP2003 R2 Recreational Open Space Provision in Relation to Large New Residential Developments	ID6: Open Space in New Developments
LP2003 R3 Recreational Open Space Provision in Relation to New Small Residential Developments	ID6: Open Space in New Developments
LP2003 R4 Recreational Open Space Provision in Relation to New Commercial Developments	ID6: Open Space in New Developments
LP2003 R6 intensification of Recreational Use	D10a: Light Impacts and Dark Skies; ID11: Parking Standards
LP2003 R8 Golf Courses	D4: Achieving High Quality Design and Respecting Local Distinctiveness ID11: Parking Standards
LP2003 R9 Noisy Sports, Adventure Games and Similar Activities	D4: Achieving High Quality Design and Respecting Local Distinctiveness D5: Protection of Amenity and Provision of Amenity Space
LP2003 R10 Water Based Recreational Activities	D4: Achieving High Quality Design and Respecting Local Distinctiveness
LP2003 R12 Non-Commercial Horse Related Development	E11: Animal Related Development
LP2003 R13 Commercial Horse-Related Development	E11: Animal Related Development

LP2003 CF1 Provision of New Community Facilities	ID8: Community Facilities Policy D4: Achieving High Quality Design and Respecting Local Distinctiveness D5: Protection of Amenity and Provision of Amenity Space
LP2003 CF2 Loss of Community Facilities	ID8: Community Facilities
LP2003 CF3 Pre-School Education	ID8: Community Facilities D4: Achieving High Quality Design and Respecting Local Distinctiveness D5: Protection of Amenity and Provision of Amenity Space
LP2003 CF4 Expansion of Schools	ID8: Community Facilities; Policy D4: Achieving High Quality Design and Respecting Local Distinctiveness
LP2003 CF5 Care in The Community	D4: Achieving High Quality Design and Respecting Local Distinctiveness D5: Protection of Amenity and Provision of Amenity Space ID8: Community Facilities
LPSS D2: Climate Change, Sustainable Design, Construction and Energy (5), (6), (7), (9)	D14: Carbon Emissions from Buildings (1), (2), (3), (4)

Key:

LP2003 = Guildford Local Plan 2003

LPSS = Local Plan: Strategy and Sites 2015-2034

The remainder of the Guildford Borough Local Plan 2003 policies have been reviewed through the second part of the Local Plan: Development Management Policies and are no longer saved. These policies are: LP2003 G3 Development Concerning Hazardous Substances LP2003 G4 Development in The Vicinity of Hazardous Substances; LP2003 G10 Telecommunications; GT1 Land at Bedford Road Opposite the Odeon Cinema; GT2 Former Farnham Road Bus Depot; RE11 New Agricultural Dwellings; RE12 Temporary Housing Accommodation in The Countryside for An Agricultural or Forestry Worker; RE13 New Agricultural Buildings; RE14 Extension of Residential Curtilages into The Countryside; R7 Built Facilities for Recreational Use.

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Appendix 3: Draft Consultation Statement

Please refer to Item 7, pages 273 – 757 of the public report pack for the Council meeting on 1 November 2021 also available at:

<https://democracy.guildford.gov.uk/documents/g1338/Public%20reports%20pack%2001st-Nov-2021%2019.00%20Council.pdf?T=10>

Any necessary consequential changes to the responses will be made prior to consultation to ensure alignment with the policy approach followed in the Draft Local Plan (Appendix 2).

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Appendix 4: Draft Parking SPD

Please refer to Item 7, pages 759 – 817 of the public report pack for the Council meeting on 1 November 2021 also available at:

<https://democracy.guildford.gov.uk/documents/g1338/Public%20reports%20pack%2001st-Nov-2021%2019.00%20Council.pdf?T=10>

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Appendix 5: Equalities Impact Assessment (EqIA) screening

Please refer to Item 7, pages 819 – 831 of the public report pack for the Council meeting on 1 November 2021 also available at:

<https://democracy.guildford.gov.uk/documents/g1338/Public%20reports%20pack%2001st-Nov-2021%2019.00%20Council.pdf?T=10>

Following consideration of the proposed changes as per Appendix 2 and the Council's public sector equality duty, it has not been necessary to update the EqIA screening and the findings remain valid.

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Appendix 6: Sustainability Appraisal

Please refer to Item 7, pages 833 – 879 of the public report pack for the Council meeting on 1 November 2021 also available at:

<https://democracy.guildford.gov.uk/documents/g1338/Public%20reports%20pack%2001st-Nov-2021%2019.00%20Council.pdf?T=10>

Any consequential changes will be made prior to consultation to ensure alignment with the wording included in the Draft Local Plan (Appendix 2).

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Appendix 7: Habitats Regulations Assessment

Please refer to Item 7, pages 881 – 933 of the public report pack for the Council meeting on 1 November 2021 also available at:

<https://democracy.guildford.gov.uk/documents/g1338/Public%20reports%20pack%2001st-Nov-2021%2019.00%20Council.pdf?T=10>

Any consequential changes will be made prior to consultation to ensure alignment with the wording included in the Draft Local Plan (Appendix 2).

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Appendix 8: Summary of Joint EAB comments and responses to issues raised

Please note that this Appendix replaces Item 7, pages 935 – 952 of the public report pack for the Council meeting on 1 November 2021 also available at: <https://democracy.guildford.gov.uk/documents/g1338/Public%20reports%20pack%2001st-Nov-2021%2019.00%20Council.pdf?T=10>

Housing Chapter

Policy H4: Housing Density

EAB comment	Response
<ul style="list-style-type: none"> There was a repeated view expressed by EAB members that Policy H4 should be retained. 	<ul style="list-style-type: none"> It is agreed that policy relating to density should not be removed, but consider that it's more comfortably located within the Plan's design policies and proposed Policy D4 in particular (rather than under housing policies / H4). The approach proposed is based upon the premise that appropriate residential density should be an outcome of a design-led approach to a site, rather than reflecting a predetermined density or merely an application of a mathematical calculation. Inclusion of density under Policy D4 acknowledges that it should be a by-product of a design-led approach that considers what is appropriate given the site and its context. It is considered that this gives character and good design greater prominence than a predetermined view on areas where high density should be delivered. This design-led approach to density is reflected in Policy D4(5) which includes consideration of: <ul style="list-style-type: none"> the site size, characteristics and location; the urban grain of the area and appropriate building forms, heights and sizes for the site; and the context and local character of the area. The above considerations are in any case partially drawn from the Reg 18 preferred option for Policy H4(1). Reg 18 Policy H4(2) which has not been carried forward into D4 related to the expectation that higher density development should be delivered in certain locations.
<ul style="list-style-type: none"> Further guidance in the form of a Local Residential Design Guide, Borough Character Study, Design 	<ul style="list-style-type: none"> Issue is outside the scope of the LPDMP process

Codes and various SPDs was sought. It was clarified that SPDs would be developed when the LPDMP was adopted to elaborate on the policies.	
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Policy H5: Housing Extensions and Alterations including Annexes

EAB comment	Response
<ul style="list-style-type: none"> A related Character Study and Green Belt SPD were required. 	<ul style="list-style-type: none"> Issue is outside the scope of the LPDMP process
<ul style="list-style-type: none"> Proportionality was raised as an issue requiring consideration, particularly in the Green Belt, due to the risk that homes could be extended and altered in an out of character manner in terms of size, scale, mass and height, tall homes will dwarf smaller homes. Using 1968 rather than 1948 as a measurement starting point was suggested. There was a need to differentiate between Green Belt, Countryside and Urban areas (as was the case with 2003 H8 and H9 Policies). 	<ul style="list-style-type: none"> LPDMP does not contain additional Green Belt policy – this is instead covered by LPSS Policy P2. In Green Belt areas, an extension needs to be ‘proportionate’ to the original building if it is to be considered ‘appropriate’ in Green Belt terms. However just because it is appropriate in Green Belt terms does not mean that it is automatically approved – it would need to fulfil any relevant design criteria too. Policy H5 provides this additional policy setting out the criteria that a scheme would need to meet from a design point of view irrespective of where they are located. Part 1c and 2a of the policy mention proportions and proportionate in design terms. For this reason, it is not considered necessary to have separate policies for different parts of the borough. Policy amended as follows: Policy H5(1)(a) respect the existing context, scale, height, design, appearance and character of, and have no unacceptable impact upon the adjacent buildings and immediate surrounding area LPSS Policy P2 defines ‘original building’ as that which existed in 1948. The LPDMP is not proposing to replace this policy.
<ul style="list-style-type: none"> Permitted Development Rights needed to be controlled, where possible, with a view to enabling rational extensions in the Green Belt and related guidance should be included in the Reasoned Justification section. 	<ul style="list-style-type: none"> If a development is classed as permitted development local plan policies cannot be applied. Article 4 directions, restricting permitted development, are applied separately to planning policy. They must be deemed necessary to protect the local amenity or the wellbeing of an area and clearly identify the potential harm (PPG Para: 038 Reference ID: 13-038-20190722) Recently the NPPF was updated to emphasise that Article 4 directions should only be used where it is essential to avoid wholly

	unacceptable adverse impacts, be based on robust evidence and apply to the smallest geographical area possible.
<ul style="list-style-type: none"> The provision of greater clarity in Policy D9 was sought. 	<ul style="list-style-type: none"> D9 is about infilling (i.e. new properties) – not extensions

Policy H6: Housing Conversion and Sub-division

EAB comment	Response
<ul style="list-style-type: none"> There was a request to transfer the specific elements (character, proportion, amenity space, adequate parking) from Policy H7 back to Policy H6. 	<ul style="list-style-type: none"> Draft Policy H6 addresses character in paragraph 1a, and amenity space and adequate parking are addressed in paragraph 1c. The question of proportion is not relevant, as conversions and sub-divisions are undertaken within the existing built form.
<ul style="list-style-type: none"> Sub-division of infill properties was seen as an issue and it was felt that it would be beneficial to cross-reference and strengthen wording in relevant Policies to prevent it. 	<ul style="list-style-type: none"> Policy H6 is only relevant to proposals involving the sub-division or conversion of buildings. The sub-division of plots of land to deliver additional dwellings is infill development and would need to be assessed in light of other relevant policies (including proposed policy D9). It is not considered justified for this proposed policy to seek to prevent subsequent subdivision of homes within an infill scheme. The proposed policy would however ensure that the criteria are applied as part of an assessment of acceptability of (any future) applications involving subdivision of homes.
<ul style="list-style-type: none"> There was a need for an HMO SPD to provide guidance in respect of property conversions and sub-divisions in order to prevent loss of family homes and negative impact on the character and amenities of affected areas. 	<ul style="list-style-type: none"> Issue is outside the scope of the LPDMP process
<ul style="list-style-type: none"> It was requested that this Policy be expanded to secure an element of affordable housing as part of the conversion of retail and offices to residential units. 	<ul style="list-style-type: none"> If a development is classed as permitted development local plan policies cannot be applied.

Policy H7: Review Mechanisms

EAB comment	Response
<ul style="list-style-type: none"> Whilst a review mechanism was welcomed in relation to affordable housing viability, it was requested that the Policy be expanded to include the use of viability assessments in other areas involving financial commitments such as housing mix and infrastructure requirements to justify departure from policies. The viability review mechanism must ensure that developers could not leave the construction of the affordable element of a development late and at risk from being reduced or removed from scheme. 	<ul style="list-style-type: none"> The proposed policy seeks to follow on from the specific scope provided for adjusted affordable housing contributions being agreed in terms of the adopted LPSS, Policy H2(6). It is considered that expanding the scope of the proposed policy may not be appropriate, as such similar scope for reducing or not providing necessary infrastructure to support a development based on viability concerns is not reflected in the LPSS (Policy ID1(6) references the Council taking higher costs into account, but not reduced provision of necessary infrastructure – non-provision of necessary infrastructure is a basis for refusal). Furthermore, outside of the affordable housing provisions, the LPSS does not associate potential deviation from wider housing mix (LPSS Policy H1(1)) with a justification based on viability, but rather reflects other factors that would influence such mix. The proposed timing of / trigger point/s for viability review under the proposed policy is explained in the supporting text. The review is aimed at securing further (and does not enable reduced) contributions toward affordable housing from which may have been agreed at the time permission was granted. It would not be appropriate for this policy to seek to influence the timing of delivery of / contributions to affordable housing previously secured – certain provisions already exist under LPSS Policy H2(5).
<ul style="list-style-type: none"> Although the Government defined the methodology of viability studies, it was beneficial to outline the Council's related expectations in the Policy. 	<ul style="list-style-type: none"> Several clarifications regarding the Council's expectations are outlined in the supporting text to the Policy. In the light of existing practise at GBC regarding viability assessment submissions and the Council's review of such, consideration may be given to whether further clarity is necessary, which is likely to be best suited to SPD or operational guidance.
<ul style="list-style-type: none"> There was a need to ensure that Terms of Reference for affordable housing did not conflict with those in the Local Plan. 	<ul style="list-style-type: none"> The proposed policy is considered to be consistent with the LPSS.
<ul style="list-style-type: none"> The creation of a social housing pot, such as that for SAMM / SANG contributions, was suggested as a means towards funding the provision of affordable housing. 	<ul style="list-style-type: none"> Off-site contributions secured, including through the review mechanism, would go toward such a 'pot' enabling affordable housing delivery (see also LPSS para 4.2.47).

Policy H8: First Homes

EAB comment	Response
<ul style="list-style-type: none"> This Policy was supported and it was suggested that the text of the Policy be broadened to cover future definitions of affordable housing in the event that Government policy or definition changes. 	<ul style="list-style-type: none"> The Council is required to include a First Homes policy in the LPDMP as it does not qualify for the Government's transitional arrangements in PPG paragraph 018: Reference ID 70-018-20210524. It would not be possible at this stage to broaden the policy to cover future definitions of First Homes or other types of affordable housing, as the nature of these new or revised definitions and of any specific local policy requirements relating to them within future NPPF and/or PPG updates are presently unknown.
<ul style="list-style-type: none"> With regard to exception sites, it was requested that policy wording be clarified to explain what would constitute an exception site in or out of the Green Belt. 	<ul style="list-style-type: none"> The definitions section has been updated to clarify the distinction between First Homes Exception Sites and other residential applications that do not qualify as exception schemes. The NPPG explains that rural exception sites are the only exception site that will be allowed in the Green Belt or in designated rural areas. First Homes Exception Sites that meet the qualifying criteria in the PPG may be built in countryside areas beyond the Green Belt, however other proposed residential schemes that do not include First Homes will not generally be permitted outside of an identified settlement boundary, as Policy P3: Countryside limits development in such areas to proposals that require a countryside or rural location.
<ul style="list-style-type: none"> First time buyer programmes must not reduce available stock for affordable housing. 	<ul style="list-style-type: none"> First Homes are now defined as affordable housing. The proposed quantum of First Homes sought (at a min of 25% of the affordable homes contribution) is consistent with delivering the tenure split in LPSS Policy H2(5) i.e. currently 70% Affordable Rent. The LPSS Policy H2 requirement of at least 40% contribution to affordable homes from qualifying schemes is unchanged.

Economy Chapter

Policy E11: Equine-Related Development

EAB comment	Response
<ul style="list-style-type: none"> The EAB agreed that the definition of should be widened from equine-related development to include all animals. 	<ul style="list-style-type: none"> Policy E11 has been renamed 'Animal-related Development' and its scope widened to cover all animals. The horse specific criteria have been retained separately within the policy, with inclusion of more general criteria related to all animals.

Protecting Chapter

Policy P6/P7: Biodiversity in New Developments

EAB comment	Response
<ul style="list-style-type: none"> Bring forward Green and Blue Infrastructure and Green Belt SPDs to support the protecting policies. 	<ul style="list-style-type: none"> Issue is outside the scope of the LPDMP process
<ul style="list-style-type: none"> Add a sentence to ensure that existing wildlife corridors are protected. 	<ul style="list-style-type: none"> Paragraph 6c of Policy P8/P9 identifies wildlife corridors as a priority habitat and requires protection and enhancement.
<ul style="list-style-type: none"> Change the number of houses where net increase was applicable from 25+ to 4+. 	<ul style="list-style-type: none"> Net gain applies to all developments (except those exempted nationally e.g. self-build) not only domestic schemes of 25 plus.
<ul style="list-style-type: none"> It was requested that a policy be introduced to specifically prevent the use of chemicals for site clearance prior to sowing. Alternatives were being sought. 	<ul style="list-style-type: none"> Too detailed for policy. There is likely a long list of other measures that would be considered just as harmful so it is not appropriate to single one out. The policy prohibits degradation prior to baseline work.

Policy P8/P9: Protecting Important Habitats and Species

EAB comment	Response
<ul style="list-style-type: none"> Ancient Woodland should not be included in SANG measurement and should be ring fenced for protection. 	<ul style="list-style-type: none"> The policy includes protection for irreplaceable habitats that include buffers and barriers where necessary. However, Ancient Woodland in SANG can be appropriate where it brings beneficial management and could prevent harmful activity such as cut-throughs and fly-tipping. SANG management plans will need to demonstrate adequate protection for Ancient Woodland contained within it. It is acknowledged that national policy may in future reflect a different appropriate minimum buffer distance around ancient woodland. The policy has been amended to account for this as follows: Policy P8/P9(4)(b) An appropriate buffer around the ancient woodland of a minimum of 15 metres or a greater distance if specified by national policy. The Reasoned Justification has been expanded as follows:

	<p>An appropriate buffer of a minimum of 15 metres around ancient woodland should be set at a distance necessary to preserve the nature, health and setting of the ancient woodland, taking into account the nature and area of proposed development. If national policy sets a wider minimum distance, the greater distance will apply.</p> <p>Proposals for new SANGs must follow Natural England’s SANG guidelines and accordingly must avoid negative impacts on habitats of high nature conservation value, including Ancient Woodland. SANG proposals must ensure that Ancient Woodland is protected and enhanced in accordance with this policy.</p>
<ul style="list-style-type: none"> • Ancient and significant hedgerow protection should be included in this Policy together with a reference to the Hedgerow Regulations 1997. 	<ul style="list-style-type: none"> • The policy confers Irreplaceable Habitat status on Ancient Hedgerows and any hedgerows designated as "important" because of their biodiversity features. This is a very high level of protection. A reference to the hedgerow regulations is provided at paragraph 4.78 to help clarify which hedgerows qualify as irreplaceable habitats.
<ul style="list-style-type: none"> • Support was expressed for a blanket Tree Preservation Order in respect of all trees over a certain size. 	<ul style="list-style-type: none"> • Issue is outside the scope of the LPDMP process. This is not a matter for planning policy (TPO cannot be applied through policy).

Policy P11: Air Quality and Air Quality Management Areas (AQMA)

EAB comment	Response
<ul style="list-style-type: none"> • Clause 1 of this Policy should state that development proposals must (not should) have regard to the need to improve air quality and reduce the effects of poor air quality. 	<ul style="list-style-type: none"> • Paragraph 1 is intended to apply to all development, irrespective of site location and context. It is designed to induce an improvement in the existing air quality condition in which the proposed development is situated. Therefore, changing the requirement to ‘must’ would make it inappropriate in various contexts, as there may be no air quality concerns in the area of the proposed development. • Paragraph 2 requires that development ‘must’ not result in significant adverse impacts on sensitive receptors.
<ul style="list-style-type: none"> • Although the possibility of introducing a Borough wide AQMA focusing on 	<ul style="list-style-type: none"> • Policy ID11: Parking Standards actively promotes the installation of electric vehicle charging points in new build properties to encourage and facilitate the

<p>the A3 corridor was raised, there was a view that AQMAs were ineffective in improving air quality. However, as there was an opinion that an increase in the number of electric vehicles could gradually assist with the improvement of air quality in the future, it was requested that the Council develop a policy to actively promote the installation of charging points in new build properties to encourage and facilitate the use of electric vehicles.</p>	<p>use of electric vehicles. Specifically, the policy sets minimum requirements for the provision of electric vehicle charging in new developments. These standards are defined in the LPDMP for strategic sites and in the draft Parking SPD for non-strategic sites. Neighbourhood Plans may depart from these standards, except in relation to strategic sites.</p>
<ul style="list-style-type: none"> As the wording of this Policy was considered to be ambiguous in terms of granting planning permission in respect of new developments with garaging and driveways owing to their likely contribution to air pollution, it was suggested that the wording was reviewed. 	<ul style="list-style-type: none"> Wording is considered to be clear as development proposals within, and in close proximity to, Air Quality Management Areas (AQMAs) are required to demonstrate how the proposed avoidance and mitigation measures would make a positive contribution towards the aims of the Council's Air Quality Strategy and the appropriate Air Quality Action Plan. This could include a range of different measures that would need to be assessed at the planning application stage.
<ul style="list-style-type: none"> In view of the expiry of the Council's Air Quality Strategy next year and limited officer resources to progress this matter, it was suggested that an EAB task group could be established to support the team to deliver new strategy. 	<ul style="list-style-type: none"> Issue is outside the scope of the LPDMP process

Policy P13: Sustainable Surface Water Management

EAB comment	Response
<ul style="list-style-type: none"> The words 'expected to' and 'likely' should be deleted from this Policy in recognition that climate change was already occurring. 	<ul style="list-style-type: none"> The wording has been updated accordingly (throughout the document).

<ul style="list-style-type: none"> There was a need to address construction run off in the Policy. 	<ul style="list-style-type: none"> Construction issues are dealt with through separate legislation on environmental health.
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General Point

EAB comment	Response
<ul style="list-style-type: none"> All Policies featured in this Chapter could be strengthened by increased interlinking. 	<ul style="list-style-type: none"> The Development Plan must be read as a whole.

Design Chapter

Policy D4: Achieving High Quality Design and Respecting Local Distinctiveness

EAB comment	Response
<ul style="list-style-type: none"> The Council's Residential Design Guide (2004) requires updating. 	<ul style="list-style-type: none"> Issue is outside the scope of the LPDMP process
<ul style="list-style-type: none"> Bring forward Borough Character Study 	<ul style="list-style-type: none"> Issue is outside the scope of the LPDMP process
<ul style="list-style-type: none"> Local Design Codes need to be introduced. 	<ul style="list-style-type: none"> Whilst the issue is outside the scope of the LPDMP process, it is considered that design codes should be a submission requirement in addition to the existing requirement for masterplans (as per the LPSS Policy D1(13)). Additional policy added D4: Masterplanning and Design Codes <p>(8) Strategic sites listed in LPSS 2019 Policy D1(13) are required to produce masterplans and follow a Design Code approach through the planning application process. This will require a Design Code to be agreed prior to the granting of full or reserved matters planning permission for any phase of the development. Where outline planning permission has been agreed subject to Design Code agreement, any relevant Reserved Matters applications which are submitted without the Design Code being agreed will be refused.</p>

	<p>(9) Masterplans and Design Codes will also be required for any site that will be developed in more than one phase or by more than one developer. Failure to agree a Design Code approach is likely to result in the refusal of an application.</p> <ul style="list-style-type: none"> Additional text added to Reasoned Justification: The preparation of Design Codes should follow the principles set out in the National Design Guide and the National Design Code taking into account any other relevant national guidance. Due regard should also be given to any relevant Supplementary Planning Documents and any Neighbourhood Plan requirement. Masterplans and Design Codes should be prepared collaboratively through engagement with the community, the planning authority, highways authority and other stakeholders. <p>For strategic sites it is likely that an overarching strategic design code would be needed which should be agreed at an early stage. More detailed phase or area Design Codes should then be prepared following a clear hierarchy of the design evolution and following the principles set by a strategic code.</p> <p>Masterplans and Design Codes will also be required on other sites as specified in the policy in order to deliver schemes that are designed in a comprehensive manner.</p>
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Policy D5: Protection of Amenity and Provisions of Amenity Space

EAB comment	Response
<ul style="list-style-type: none"> There was a need for a net increase in open space rather than a loss. 	<ul style="list-style-type: none"> This policy seeks to deliver additional amenity space as part of new development
<ul style="list-style-type: none"> Introduction of a standard for external space per dwelling, similar to current internal space standards, to include private amenity space, separation distances and delivery spaces was welcomed. 	<ul style="list-style-type: none"> The desired outcome is high quality design and amenity space that is useable and fit for purpose – it is considered more effective that the policy includes the qualitative considerations and requirements that are imperative in achieving this. The setting of quantitative standards may not always deliver these outcomes nor will they likely be appropriate/justified in all circumstances. Where it is considered that quantitative standards deliver a desired outcome then these have been set out in policy e.g. minimum space standards and balcony size.

	<ul style="list-style-type: none"> • However, it is acknowledged that further guidance and standards may be forthcoming thus a Policy paragraph has been added as follows: <u>D5(4) Development proposals are required to have regard to relevant national and local design guidance or codes, including in relation to garden sizes and residential separation distances.</u>
<ul style="list-style-type: none"> • There was a requirement to ensure new developments had sufficient amenity spaces. 	<ul style="list-style-type: none"> • This policy seeks to deliver this.

Policy D8: Public Realm

EAB comment	Response
<ul style="list-style-type: none"> • The addition of pocket parks to the public realm was sought. 	<ul style="list-style-type: none"> • Open space provision will be delivered in accordance with the standards set in Policy ID6

Policy D9: Residential Infill

EAB comment	Response
<ul style="list-style-type: none"> • Owing to related concerns, a written response to explain the difference between limited infilling in the villages and infill development was offered by Councillor Jan Harwood and accepted. 	<ul style="list-style-type: none"> • LPSS Policy P2: Green Belt, alongside the NPPF, provides the basis for determining whether proposals for 'limited infilling' in villages that are washed over by the Green Belt could be considered 'appropriate development' under NPPF paragraph 149e or not. It is important to be clear that simply because a development proposal is considered to be 'appropriate development' in terms of Green Belt policy, this does not translate directly into the proposal being acceptable in terms of this design policy. These are separate tests and such proposals would need to demonstrate that they are both 'appropriate development' in Green Belt terms, as well as being acceptable in design terms (which is the purpose of Policy D9). See decision-making flow diagram at the end of this appendix.
<ul style="list-style-type: none"> • As key concerns and issues were not addressed, the possibility of establishing an Infilling Task Group to consider this matter in depth and deliver solutions was considered. 	<ul style="list-style-type: none"> • Issue is outside the scope of the LPDMP process however there has been considerable engagement with all members regarding the preferred approach, which was supported, and a decision was reached that the LPDMP would not contain further Green Belt policy. • All policies have already been subject to considerable debate through the cross-party Local Plan Panel, and it is considered that a Task Group would be repeating this work.

<ul style="list-style-type: none"> • A requirement for a Design Guide and Design Codes was identified. 	<ul style="list-style-type: none"> • Issue is outside the scope of the LPDMP process
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Policy D10: Noise Impacts

EAB comment	Response
<ul style="list-style-type: none"> • Remedies and enforcement of this policy was queried. 	<ul style="list-style-type: none"> • Issue is outside the scope of the LPDMP process
<ul style="list-style-type: none"> • The issue of noise pollution stemming from the A3 trunk road should be considered alongside associated air quality issues. It was requested that the Policy be diligently enforced. 	<ul style="list-style-type: none"> • Issue is outside the scope of the LPDMP process

Policy D10a: Light Impacts

EAB comment	Response
<ul style="list-style-type: none"> • The issue of light impacts needed to extend beyond the AONB and include general rural areas. • Point 6 in the Policy needed to cover the whole of the AONB and other sensitive and rural areas supported by Neighbourhood Plans. 	<ul style="list-style-type: none"> • Paragraph 6 reflects the wording contained in the AONB Management Plan. This therefore reflects the areas of the AONB within which the AONB Board consider the issue of protection of dark skies to be appropriate. To widen the area in the LPDMP would require evidence that justifies going further than the approach taken in the AONB Management Plan. • The supporting text refers applicants to neighbourhood plans as these often include such policies. All Neighbourhood Plan policies form part of the development plan.

Policy D11: River Wey Corridor

EAB comment	Response
<ul style="list-style-type: none"> • The need for a Borough Character Study was identified. 	<ul style="list-style-type: none"> • Issue is outside the scope of the LPDMP process
<ul style="list-style-type: none"> • The tightening of wording to ensure that developments reflect the landscape setting of the river was sought. 	<ul style="list-style-type: none"> • Setting is covered by paragraphs 1a, b, c or d • All these criteria are required to be met so any proposals that do not meet these would be refused. The policy is considered to provide a high level of protection for the existing character including the landscape setting of the river.

	<ul style="list-style-type: none"> The matter of setting is also covered by Policy D18 by virtue of the Navigations being a Conservation Area.
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Policy D12: Sustainable and Low Impact Development

EAB comment	Response
<ul style="list-style-type: none"> The suggestion that the Climate Change Board review these types of development prior to the before Regulation 19 consultation was agreed. 	<ul style="list-style-type: none"> The Council's Climate Change team was consulted as part of producing the draft LPDMP. It was not considered necessary to seek the views of other Councillors sitting on the Board as these had already been provided through other forums.

Policy D13: Climate Change Adaption

EAB comment	Response
<ul style="list-style-type: none"> The suggestion that the Climate Change Board review this adaptation before the Regulation 19 consultation was agreed. 	<ul style="list-style-type: none"> The Council's Climate Change team was consulted as part of producing the draft LPDMP. It was not considered necessary to seek the views of other Councillors sitting on the Board as these had already been provided through other forums.

Policy D14: Carbon Emissions from Buildings

EAB comment	Response
<ul style="list-style-type: none"> Climate Change Board to review before Regulation 19 consultation as agreed 	<ul style="list-style-type: none"> The Council's Climate Change team was consulted as part of producing the draft LPDMP. It was not considered necessary to seek the views of other Councillors sitting on the Board as these had already been provided through other forums.

Policy D15: Renewable and Low Carbon Energy Developments

EAB comment	Response
<ul style="list-style-type: none"> It was agreed that the Climate Change Board should also review Policies D12-15. 	<ul style="list-style-type: none"> The Council's Climate Change team was consulted as part of producing the draft LPDMP. It was not considered necessary to seek the views of other Councillors sitting on the Board as these had already been provided through other forums.

<ul style="list-style-type: none"> Urgency in language was needed to assert that Climate Change was currently happening. 	<ul style="list-style-type: none"> The wording has been updated accordingly (throughout the document).
<ul style="list-style-type: none"> Reverse language such as “if possible” to compel the applicant to prove why sustainable measures were “impossible” was requested. 	<ul style="list-style-type: none"> This relates to Policies D12 Sustainable and Low Impact Development and D13 Climate Change Adaptation The use of phrases such as “where possible” has been restricted to circumstances where it is appropriate, such as the use of domestic water recycling systems which have a high cost impact and are uncommon at present. In some cases, the addition of the words “wherever possible” makes the sentence stronger, as in the sentence “the use of permeable ground surfaces wherever possible” in policy D13 as it signifies the requirement to maximise their use, or in the sentence “retention and incorporation of green and blue infrastructure as far as possible” where it acknowledges that development can sometimes of necessity result in the loss of some undeveloped land but that it should be minimised and key features should be retained.
<ul style="list-style-type: none"> Concern was expressed around the “biodiversity” definition if the Council continued to allow glyphosate usage. 	<ul style="list-style-type: none"> This relates to policy P6/P7 Biodiversity in new development. Prohibition of glyphosate on new developments is likely to go beyond the scope of reasonable policy. The Council currently uses glyphosate due to lack of an alternative so it would be difficult to compel applicants to do the same.
<ul style="list-style-type: none"> Given the urgency of Climate Change, these policies were picked up by various members as requiring strengthening, greater ambition and tighter definition. 	<ul style="list-style-type: none"> This relates to Policy D14 Carbon Emissions from Buildings. The emerging policy sets a higher standard than current national standards and additional policy has been added to encourages schemes to improve upon these standards. The LPDMP is supported by a Viability Study which tests all policy requirements to ensure that, cumulatively, they do not threaten the viability of development proposals. The Viability Study has considered whether the standard could be increased to 35% and the advice has been that, on balance, when considered against the range of other policy requirements, the standard of 31% should be sought instead.
<ul style="list-style-type: none"> More active promotion and requirement of policies was sought, e.g. requirements on electric vehicle parking in new homes. 	<ul style="list-style-type: none"> This relates to other policies. Electric vehicle parking standards are covered by other policies. Likewise, other climate change measures are covered by other policies (i.e. not all climate change measures are in the climate change policies)

<ul style="list-style-type: none"> Linkage should exist between Air Quality and Climate Change policies. 	<ul style="list-style-type: none"> The Development Plan must be read as a whole.
<ul style="list-style-type: none"> Climate Change Board to review before Regulation 19 consultation as agreed 	<ul style="list-style-type: none"> The Council's Climate Change team was consulted as part of producing the draft LPDMP. It was not considered necessary to seek the views of other Councillors sitting on the Board as these had already been provided through other forums.

Policy D18: Conservation Areas

EAB comment	Response
<ul style="list-style-type: none"> The Conservation Area Character Appraisals should be brought forward and consideration be given to the appointment of a graduate resource to take the work forward. 	<ul style="list-style-type: none"> Issue is outside the scope of the LPDMP process

Policy D20: Non-Designated Heritage Assets

EAB comment	Response
<ul style="list-style-type: none"> The last sentence of paragraph 5.355 of the draft Local Plan should be deleted as it is considered to be superfluous and discouraging. 	<ul style="list-style-type: none"> This is a caution cited in the Historic Environment PPG (Reference ID: 18a-039-20190723). The phrasing used is exactly the same.
<ul style="list-style-type: none"> Strengthen the language in paragraph 3 (page 171 of the draft Local Plan document) and explain the mechanism for accepting suggestions for non-designated heritage assets nominated by other parties. 	<ul style="list-style-type: none"> The wording of paragraph 3 is as strong as it can be. It has been purposefully written in this manner to ensure that it is future proofed so that it can adapt to future national policy & guidance changes. We do not consider there is a Guildford specific policy approach to this issue and are seeking to apply national policy and guidance. The supporting text already refers to assets identified in neighbourhood plans.

Infrastructure Chapter

Policy ID5: Protecting Open Space

EAB comment	Response
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<ul style="list-style-type: none"> This Policy needed to be strengthened and aligned with Policy D5: Protection of Amenity and Provision of Amenity Space to avoid the loss of open space and community facilities. 	<ul style="list-style-type: none"> It is not feasible to provide a greater degree of protection for existing open space than the policy currently provides, as the NPPF sets parameters (in paragraph 99) for circumstances in which development on open space which meets its definition may be permitted. In regard to the suggestion of aligning the policy with Policy D5, these policies need to be kept separate, as they deal with entirely different matters. Policy ID5 deals with protection of existing open space under the NPPF definition which means open space of “public value” (which is likely to be mainly space that is publicly accessible), whereas Policy D5 deals with provision of amenity space, which is private or shared space for use by householders. The definitions sections in both policies clarify this.
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Policy ID6: Open Space in New Developments

EAB comment	Response
<ul style="list-style-type: none"> There was a wish for current provision to be increased (reference comments on D5). 	<ul style="list-style-type: none"> The quantitative open space standards in the policy are calculated for each proposed development based on the standards in Table ID6a and using the estimated occupancy of the proposed development from the latest Census. These were based on recommendations made in the Council’s Open Space, Sports and Recreation Assessment. The report to the Local Plan Panel explained the justification for these recommended standards, although broadly they are realistic and achievable and meet local needs as identified through surveys of borough residents, parish councils and adjacent local authorities. They also exceed current open space provision in the borough. Policies are required to be evidence based.
<ul style="list-style-type: none"> Concern regarding long term management of open space, especially for affordable and shared ownership homes, was expressed. 	<ul style="list-style-type: none"> Management of open space in perpetuity should be and is already achieved in most cases by default as responsibility for maintenance lies with developers or a management company appointed by them, unless an arrangement is made for the Council to acquire the space from the developer. In the latter case this is subject to the Council’s agreement and a one-off contribution from the developer covering a period after which the cost is absorbed into the Council’s maintenance programme.

Policy ID8: Community Facilities

EAB comment	Response
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<ul style="list-style-type: none"> • Current provision needed to be increased (reference comments on D5). • A standard of delivery should be set. 	<ul style="list-style-type: none"> • Expectations with regard to community facility provision (including schools, GP surgeries, community halls) to support development are already identified in the LPSS. • This includes provision reflected in the site allocation policies (e.g. community uses, services, new local centre) and requirements for identified strategic sites. The level of on-site provision, including for schools and health facilities, was informed by the evidence from providers. • Reference is made in the supporting / introductory text that the Council requires contributions via s106 agreement toward community facilities. Where justified, contributions to community facility provision is sought, and secured, including toward off-site infrastructure. • A development proposal is only required to meet the needs arising from the development rather than correct existing deficiencies. In small to medium scale development, this is often best achieved through improvements to existing community facilities rather than the provision of new facilities.
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Policy ID10: Achieving a Comprehensive Guildford Borough Cycle Network

EAB comment	Response
<ul style="list-style-type: none"> • It was felt that this Policy was weak and should place a greater emphasis on cycling and prioritise it to ensure delivery of cycleways catering for all types of cyclists by developers to achieve modal shift and use of the Sustainable Movement Corridor. Further clarity was required in relation to what constituted an acceptable cycle route in terms of safety and speed limits etc. There were concerns that many of the Borough's roads were too narrow to accommodate both vehicles and cycles and therefore separate Borough-wide routes were required. 	<ul style="list-style-type: none"> • The policy identifies routes and infrastructure which comprise a Comprehensive Guildford Borough Cycle Network as the basis and starting point for achieving development-related investment, requires cycle routes and infrastructure to be designed and adhere to the principles and quality criteria contained within the latest national guidance, and allows for updated plans – as could be prepared by Guildford BC and/or Surrey CC – to be taken into account, such as the expected Local Cycling and Walking Infrastructure Plan which Surrey CC will be leading on the preparation of. • Surrey CC, as the Local Highway Authority, is responsible for setting design standards for adopted local roads. The DfT's Local Transport Note (LTN) 1/20 Cycling Infrastructure Design (2020) provides a new recommended basis for those standards and there is an expectation that Local Highway Authorities will demonstrate that they have given due consideration to this guidance when designing new cycling schemes and, in particular, when applying for Government funding that includes cycle infrastructure. The national guidance requires that design should begin with the principle that all potential cyclists and their machines should

	<p>be catered for in all cycle infrastructure design. The national guidance is available at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/951074/cycle-infrastructure-design-ltn-1-20.pdf.</p> <ul style="list-style-type: none"> • Surrey CC has commissioned an update of the Council’s street design guidance, and the draft of this from April 2021 is informed by the new national guidance. See https://mycouncil.surreycc.gov.uk/mgConvert2PDF.aspx?ID=78302 and https://mycouncil.surreycc.gov.uk/mgConvert2PDF.aspx?ID=78303. • Figure 4.1 Appropriate protection from motor traffic on highways, from new national guidance, summarises the traffic conditions when protected space for cycling (fully kerbed cycle tracks, stepped cycle tracks and light segregation), marked cycle lanes without physical features and cycling in mixed traffic are now considered by Government to be appropriate. As an example, this indicates that any road with a speed limit of 40mph or above would require a fully kerbed cycle track in order to provide a cycling route that is considered suitable for most people. • Additional text was added to the Reasoned Justification to clarify the status of the proposed routes shown: As well as the mapped network of routes, the Guildford Route Assessments Feasibility Study (2020) contains a set of 14 tables (Tables 17-30) detailing proposed cycling improvements for the main routes identified in the Guildford urban area. The identified issues, proposals and cost estimates should be reviewed in scheme development. For the rest of the borough (where the evidence base is sourced from Surrey County Council's Guildford Local Cycling Plan) further work will be required to define the nature of the route and level of provision required. • Additional text was added to the Reasoned Justification to highlight the importance of safe school cycle routes: For example, particular attention needs to be given to routes used by school children in the interests of safety.
<ul style="list-style-type: none"> • It was requested that the legibility of the map at Appendix A be improved through colour coding and designation of cycle routes prior to the Regulation 19 consultation. 	<ul style="list-style-type: none"> • The legibility of the maps will be improved.

Policy ID11: Parking Standards

EAB comment	Response
<ul style="list-style-type: none"> The 2011 data should be updated on the release of 2021 Census information as a Main Modification. 	<ul style="list-style-type: none"> 2021 Census data will not be released until 2023. We obtained and analysed DfT vehicle data and compared this to changes in housing stock since 2011 to understand any changes in availability levels over this time and results shows the two have increased in line with one another, indicating that the number of vehicles available to the average household in Guildford borough has remained approximately static over this period of time. Standards for non-strategic sites in SPD could, if the Inspector decides they are most appropriate in an SPD, be updated in future considering new evidence.
<ul style="list-style-type: none"> As parking standards set out in this Policy related to local but not district centres, it was requested that the latter be added to the Policy. 	<ul style="list-style-type: none"> Reference to urban local and district centres is included in relation to potentially appropriate locations for low car or car free schemes. Rural district centres are not considered to be appropriate for these types of schemes due to their relative accessibility to alternative modes of transport.
<ul style="list-style-type: none"> The tables relating to public houses should be adjusted to treat them as restaurants for the purposes of parking provision as a retention measure. 	<ul style="list-style-type: none"> Public houses are assessed by 'Individual assessment/justification' which allows a range of factors to be considered such as the nature of the business, location and alternative modes of transport at proposed site. A factor that would likely be taken into account for a planning application would be the relative role of wet (drinking only) and dry (where food is served) sales for the proposed development.

Draft Parking SPD

Policy ID3: Sustainable Transport for New Developments

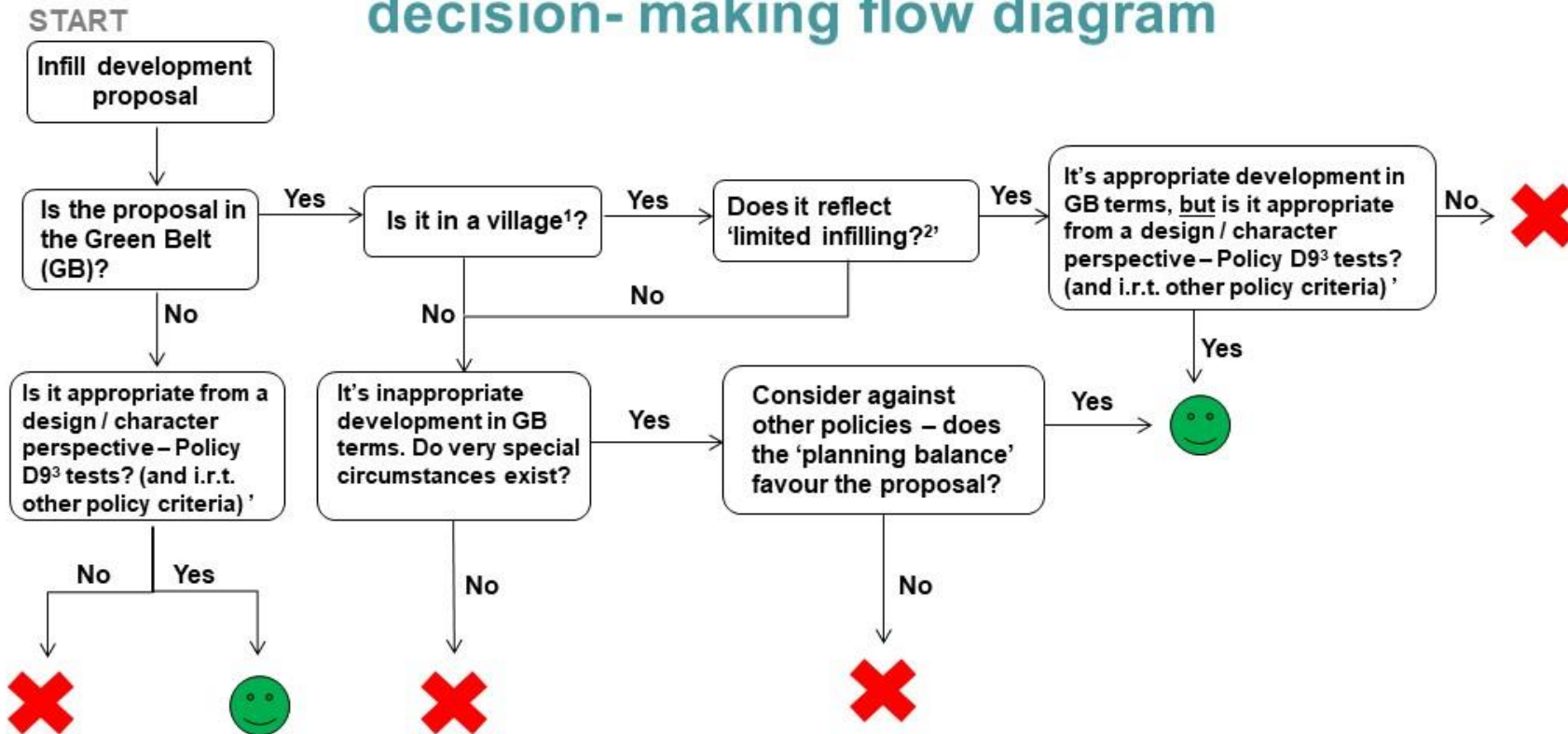
EAB comment	Response
<ul style="list-style-type: none"> With regard to this Policy of the Local Plan Strategy and Sites document, on which this SPD provided policy guidance, concern was expressed that the low levels of off-street parking suggested was likely to lead to issues with parking on streets and pavements. 	<ul style="list-style-type: none"> The proposed residential parking standards are geographically differentiated. For each category of area, the standards have been benchmarked against local car availability levels. Having been benchmarked, the standards are set as maximum standards in the urban areas. The LPSS Policy ID3, at 4) b), and similarly in the proposed LPDMP Policy ID11, at 5) d), are aimed at preventing the risk of development-related parking on the public highway from adversely impacts road safety or the movement of other road users.

<p>A practical approach to enforcement was required to prevent roads from becoming impassable. A written response from a transport perspective would be circulated to the EAB by e-mail.</p>	<ul style="list-style-type: none"> • Further to the above, the Local Highway Authority is able to introduce and then enforce parking restrictions on adopted local roads, and, if deemed appropriate, could seek a developer contribution to implement new parking restrictions or alternatively a mechanism for monitoring the development’s impact with the potential for parking restrictions to be introduced later if required.
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General Points

EAB comment	Response
<ul style="list-style-type: none"> • A Project Plan must be produced and resource allocated for SPDs. 	<ul style="list-style-type: none"> • Issue is outside the scope of the LPDMP process
<ul style="list-style-type: none"> • Monitoring Indicators need to be broadened to include specific measures rather than rely on appeal outcomes. 	<ul style="list-style-type: none"> • Monitoring indicators assess the effectiveness of the LPDMP policy – they are not trying to quantify the extent of the issue it is seeking to address. Ultimately the policy will be tested through the appeal process when an inspector will consider how much weight should be given to it in determining the appeal. It is for this reason that its success at appeal, in being used as a reason for refusal in dismissing appeals, is used as the monitoring indicator for the vast majority of the policies. Furthermore, the monitoring is undertaken by the Planning Policy team and needs to be proportionate. Monitoring of many issues is also undertaken by other GBC departments and external organisations.

Proposals for infill development: decision-making flow diagram



¹ See Local Plan Strategy and Sites – Policy P2(c)i-iii and para 4.3.22

² See Local Plan Strategy and Sites – Policy P2(c)i-iii and para 4.3.23

³ See emerging Local Plan: Development Management Policies – Policy D9

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Council Report

Ward(s) affected: All

Report of the Director of Service Delivery

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Date: 7 December 2021

Gambling Act 2005: Statement of Principles 2022-25

Executive Summary

The Gambling Act 2005 requires the Council as licensing authority to prepare and publish a Statement of Principles every three years. The existing Statement of Principles was published in January 2019 and is due for renewal by January 2022.

The current Statement is due to expire and an updated draft, albeit with no changes, was approved for public consultation by Licensing Committee on 26 May 2021. This report sets out the results of the consultation and asks that the Council approves the draft Statement of Principles, which is attached as Appendix 1.

This matter was considered by the Licensing Committee at its meeting on 24 November 2021. The Committee endorsed the recommendation below.

Recommendation to Council:

That the Council approves the draft Gambling Act 2005 Statement of Principles 2022-25, as set out in Appendix 1 to this report.

Reason for Recommendation:

To comply with the requirements of the Gambling Act 2005 the Council must prepare, consult on, and approve a statement of principles for the period 2022-25.

Is the report (or part of it) exempt from publication? No

1. Purpose of Report

- 1.1 The report informs the Council of the results received during the consultation on the review of the statement of principles.

- 1.2 It asks the Council to approve the proposed statement of principles, which is set out in Appendix 1 to this report.

2. Strategic Priorities

- 2.1 Reviewing the Gambling Act 2005 Statement of Principles will contribute to our fundamental themes and priorities as follows:
- **Place making** – regenerating and improving Guildford town centre and other areas across the Borough through well-regulated licensed establishments.
 - **Community** – enhancing sporting, cultural, community and recreational facilities.
 - **Innovation** – Encouraging sustainable and proportionate economic growth to help provide the prosperity and employment that people need.
- 2.2 The statement of principles balances the right of an applicant to make an application under the Gambling Act 2005 (the Act) and to have the application considered on its merits, against the right of any person to make representation on an application or to seek a review of an existing licence.
- 2.3 An appropriate balance will ensure that gambling businesses are provided with a framework within which to operate whilst providing assurance to the public and protecting children and vulnerable persons.

3. Background

- 3.1 The Council is the licensing authority for the purposes of the Act which requires the Council to prepare a Statement of Gambling Principles that it proposes to apply in exercising its functions under the Act.
- 3.2 The Statement of Principles sets out the general approach the Council will take when carrying out its regulatory role under the Act and promoting the three licensing objectives:
- preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime
 - ensuring that gambling is conducted in a fair and open way
 - protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 3.3 The Act was designed to be a light touch piece of legislation covering a wide range of licensable activities such as adult gaming centres and betting premises.
- 3.4 The Act specifies that Local Authorities should “aim to permit” gambling, provided it is in accordance with the Code of Practice and guidance issued by the Gambling Commission, reasonably consistent with the licensing objectives and in accordance with the Statement of Principles. The effect of this duty is that Licensing Authorities must approach their functions in a way that seeks to regulate gambling by using their powers to promote the licensing objectives rather than by starting out to prevent it altogether.

- 3.5 The current Statement was adopted by the Council in December 2018, with the renewal date being January 2022.

4. Proposed changes

- 4.1 The current statement was comprehensively reviewed in 2018 to reflect the updated Guidance published by the Gambling Commission (5th Edition, September 2015) and to include a Local Area Profile for Guildford. Whilst there has been a further update in Guidance from the Commission, there has been no material change to the Guidance affecting Local Authority Statements of Principles. As such, there are no changes proposed to the current Policy.
- 4.2 In addition, due to the demands on the Council in transitioning under the Future Guildford review, responding to the Covid-19 pandemic a lack of resource available in the Council to update the GIS maps in the Local Area Profile and other current pressures on the licensing service any significant changes to the Policy would be difficult to implement under the current circumstances.

5. Consultation

- 5.1 Whilst there are no changes proposed to the Statement of Principles, the Council still has a duty to consult on the revision and it is important that consultation takes place to ensure to the Statement of Principles is clear and transparent for businesses, responsible authorities and the public, and to seek views on any suggestions for amendments that consultees may have.
- 5.2 The legislation specifies those persons and groups that the Council has a duty to consult with.
- 5.3 Following the approval of the Licensing Committee, consultation was carried out over a 12 week period between 5 July and 1 October 2021. Officers consulted with interested parties by:
- Writing to the chief officer of police
 - Publicising the consultation on the Council's website
 - Writing to or emailing the responsible authorities listed in Appendix B of the Statement of Principles
 - Writing to or emailing the consultees listed in Appendix C of the Statement of Principles who are either people representing the interests of persons carrying on gambling businesses or persons who may be affected.
 - Using the Council's website and social media to inform the public of the consultation.
- 5.4 During the consultation period three (3) consultation responses were received, which are shown in full in Appendix 2.
- 5.5 Relevant consultation comments, together with an officer response are presented for ease in the table below:

Consultee and Comment:	Officer Response:
<p>Mrs J Hogg, member of St Saviours Church, Woodbridge Road. We do not see the need for any further changes to the current position</p>	<p>Comment noted.</p>
<p>Gambleaware: Due to resource constraints on a small charity, we are not able to offer specific feedback on your policy. GambleAware is also fully supportive of local authorities which conduct an analysis to identify areas with increased levels of risk for any reason. In particular we support those who also include additional licence requirements to mitigate the increased level of risk. Areas where there are higher than average resident or visiting populations from groups we know to be vulnerable to gambling harms include children, the unemployed, the homeless, certain ethnic-minorities, lower socio-economic groups, those attending mental health (including gambling disorders) or substance addiction treatment services.</p>	<p>Comment noted. The Local Area Profiles contained within the Statement seek to identify areas where there may be a likelihood of increased risk to gambling harms.</p>
<p>The Betting and Gaming Council: We note that it is not proposed to update the existing (2019-2022) Statement of Principles and the comments below therefore follow a review of that policy. Part B is headed, “Promotion of the Licensing Objectives.” This should be amended to delete the reference to “promotion” as there needs to be a clear distinction between the Licensing Act 2003 regimes and that deal with by the Statement of Principles. Neither the licensing authority nor operators have a duty to promote the licensing objectives. The only body upon whom Gambling Act 2005 confers such a duty is the Gambling Commission itself. The first sentence of paragraph 16.3 appears to be incomplete. This reads, “<i>The council will need to be satisfied</i></p>	<p>The three licensing objectives guide the way in which the Gambling Commission and Licensing Authorities perform their functions, and the way in which businesses carry on their activities. The Commission and Licensing Authorities have a duty to pursue the objectives, and the Commission expects that businesses deliver them. Officers consider that the paragraph read as a whole is clear: If there is evidence of a risk to harm in a location,</p>

Consultee and Comment:	Officer Response:
<p><i>that there is sufficient evidence that the particular location would be harmful to the licensing objectives</i>” but it does not go on to state what the consequence of being so satisfied would be. This sentence needs redrafting/ supplementing in order that its meaning is clear.</p> <p>Paragraph 16.6 contains a list of matters that the licensing authority recommends are considered by operators when conducting risk assessments. This list should be redrafted to delete matters that are not relevant to any assessment of risk to the licensing objectives.</p> <p>SR Code Provisions 10.1.1 and 10.2.2 provide for <i>“relevant matters identified in the licensing authority’s statement of licensing policy”</i> to be taken into account. The examples of matters that the licensing authority recommends be considered needs therefore only to reflect matters that are relevant to the licensing objectives.</p> <p>It is impossible to see how issues such as <i>“known problems in the area such as street drinkers, youths participating in anti-social behaviour, drug dealing activities etc”</i> could pose a risk to the licensing objectives.</p> <p>Similarly, <i>“gaming trends that may mirror reflect benefit payments”</i> can only be relevant to an assessment of risk to the licensing objectives if the authority’s view is that anyone in receipt of benefits is deemed vulnerable or likely to commit crime as a result of gambling. This cannot be correct and references to any issue that is not relevant to the licensing objectives should be removed.</p> <p>Paragraph 20.2 needs to be redrafted. This states that applicants will be expected to explain in their</p>	<p>operators will need to ensure this is reflected in their risk assessment.</p> <p>The Council considers all of the identified list to be relevant for operators to consider as each has clear links to the licensing objectives.</p> <p>As above.</p> <p>These examples are linked to deprivation and potential vulnerability to gambling harms.</p> <p>As above comment.</p> <p>Licensees are required to undertake a local risk assessment when applying for a new premises licence. Their risk</p>

Consultee and Comment:	Officer Response:
<p>applications how their proposals will not exacerbate problems to individuals living in the vicinity or exacerbate any crime problems within the vicinity generally. Furthermore, this paragraph expects “tailored applications” and to propose licence conditions. This appears to conflate requirements of Licensing Act 2003 applications and those under Gambling Act 2005 and needs amending so that there is no confusion.</p> <p>Gambling Act 2005 applications do not require an explanation of how the proposals will not exacerbate any problems to individuals or general crime in the vicinity. Relevant matters are for the local area risk assessment in which an applicant will identify risks to the licensing objectives (rather than problems of crime in the area generally) posed by the provision of the gambling facilities proposed and detail policies, procedures and control measures in place to mitigate the risk.</p> <p>Furthermore, an applicant will not need to tailor an application nor propose licence conditions as is expected under Licensing Act 2003. The default conditions that attach to all premises licences are designed to be, and usually are, sufficient to ensure operation that is consistent with the licensing objectives. Additional conditions would only be required where there is evidence that the policies, procedures and control measures contained within the risk assessment do not adequately address the risk posed by the provision of gambling facilities proposed.</p> <p>Appendix D is overly long and refers to matters outside any consideration of risk to the licensing objectives. Maps 5, 8,9,10 all have no relevance as far as an assessment of risk to the licensing objectives is concerned and should</p>	<p>assessment must also be updated:</p> <ul style="list-style-type: none"> • when applying for a variation of a premises licence • to take account of significant changes in local circumstances, including those identified in a licensing authority’s policy statement • when there are significant changes at a licensee’s premises that may affect their mitigation of local risks. <p>Where a licensing authority’s policy statement sets out its approach to regulation with clear reference to local risks, it will facilitate operators being able to better understand the local environment and therefore proactively mitigate risks to the licensing objectives. In some circumstances, it might be appropriate to offer the licensee the opportunity to volunteer specific conditions that could be attached to the premises licence</p> <p>As above.</p> <p>Map 5 shows gambling premises and support centres assisting people with financial difficulties an unemployment. These are clear risk factors for being vulnerable to gambling harms as these centres will be accessed by members</p>

Consultee and Comment:	Officer Response:
therefore be removed.	<p>of the population who are likely to be unemployed and considered likely to have a combination of very low income and a large amount of personal disposable time.</p> <p>Map 8 shows gambling premises and alcohol licensed premises. There is evidence to suggest that persons impaired by the influence of alcohol may be at risk of gambling related harm and as such this is a relevant consideration for assessment by operators.</p> <p>Maps 9 and show gambling premises and reported crimes. The gambling objectives aim to prevent gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime and the maps are provided in order to assist operators with their risk assessments.</p>

5.6 Following consideration of the consultation responses received officers do not consider any changes to the draft Statement of Principles consulted upon are required.

6. Equality and Diversity Implications

6.1 Under the general equality duty as set out in the Equality Act 2010, public authorities are required to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation as well as advancing equality of opportunity and fostering good relations between people who share a protected characteristic and those who do not.

6.2 The protected grounds covered by the equality duty are: age, disability, sex, gender reassignment, pregnancy and maternity, race, religion or belief, and sexual orientation. The equality duty also covers marriage and civil partnership, but only in respect of eliminating unlawful discrimination.

6.3 The law requires that this duty to have due regard be demonstrated in decision making processes. Assessing the potential impact on equality of proposed changes to policies, procedures and practices is one of the key ways in which public authorities can demonstrate that they have had due regard to the aims of the equality duty.

6.4 There are no equality and diversity implications arising from the review of the Gambling Act Policy, which has been subject to public consultation with all stake holders.

7. Financial Implications

- 7.1 Under the Act, the Council has the power to recover its costs and set fees and charges at such a level that the licensing process is cost neutral to the Council.
- 7.2 The financial implications associated with the revision of the Statement of Principles can be financed from the Licensing budget.

8. Legal Implications

- 8.1 Section 349(1) of the Gambling Act 2005 requires the Council, as licensing authority, to prepare and publish a statement of principles to cover each successive period of three years. Section 349(2) requires the Council to review the statement from time to time, revise the statement if thought necessary as a result of the review and publish the revision before giving effect to it.
- 8.2 In preparing the statement, the Council must consult the following people for its area:
 - a) The chief officer of police
 - b) People representing the interests of persons carrying on gambling businesses
 - c) Persons who represent the interests of persons who are likely to be affected by the Council exercising its functions under the Act
- 8.3 Before a statement or revision comes into effect, the regulations require licensing authorities to publish a notice of their intention to publish a statement or revision. The notice must:
 - specify the date on which the statement or revision is to be published
 - specify the date on which the statement or revision will come into effect
 - specify the internet address where the statement or revision will be published and the address of the premises at which it may be inspected
 - be published on the authority's website and in/on one or more of the following places for at least four weeks before it comes into effect:
 - a local newspaper circulating in the area covered by the statement
 - a local newsletter, circular, or similar document circulating in the area covered by the statement
 - a public notice board in or near the principal office of the authority
 - a public notice board on the premises of public libraries in the area covered by the statement.

9. Human Resource Implications

- 9.1 The Future Guildford review has introduced wider changes to the Council's structure, including a reduction in the current Licensing resource, although the creation of a number of other potential resources yet to be realised in the Case Services or Compliance Team to potentially assist with Licensing work although it remains to be seen what effect this will have on the effective operation of the service, which remains busy in transitioning to the new structure. In addition, this

work has come at a time when the Licensing Service is busy assisting with the Council's response to the coronavirus pandemic, which has seen implications for other areas of Licensing, including relaxations to alcohol licensing restrictions.

- 9.2 There will no additional human resource implications associated with the revision of the Statement of Principles.

10. Climate Change/Sustainability Implications

- 10.1 There are no climate change or sustainability implications.

11. Summary of Options

- 11.1 After considering the report and the consultation responses, the Council may either:

- (1) approve the Statement of Principles at Appendix 1, or
- (2) approve the Statement with amendments.

12. Conclusion

- 12.1 The Act requires the Council to prepare and publish its Statement of Gambling Principles every 3 years and requires that we consult on the proposed statement of principles. The Statement for the next three year period has been prepared and the draft consulted upon.
- 12.2 Following consultation, the Licensing Committee considered this matter at its meeting on 24 November 2021 and has recommended the adoption of the Statement of Principles by the Council in order to comply with our statutory duty.

13. Background Papers

[Gambling Act 2005 Statement of Principles 2019-21](#)
[Gambling Commission Guidance to licensing authorities 6th edition May 2021](#)
[Gambling Commission – Participation and Perceptions Report February 2018](#)
[Gambling Regulation: Councillor Handbook – Local Government Association \(2018\)](#)

14. Appendices

Appendix 1: Guildford Borough Council draft Statement of Gambling Principles 2022-25
Appendix 2: Consultation Response Received

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Gambling Act 2005 Statement of Principles

2022 - 2025

<u>DOCUMENT INFORMATION</u>	
Origination/author:	Mike Smith, Senior Specialist for Licensing and Community Safety
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PART A – Introduction and Scope

1. The Licensing Objectives

1.1 Guildford Borough Council (the Council) is the licensing authority for the purposes of the Gambling Act 2005 (the Act).

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

- preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
- ensuring that gambling is conducted in a fair and open way
- protecting children and other vulnerable persons from being harmed or exploited by gambling

1.3 The Gambling Commission (the Commission) states: “The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling”.

1.4 The Council in making decisions about premises licences and temporary use notices will aim to permit the use of premises for gambling in so far as we think it:

- in accordance with any relevant code of practice issued by the Commission
- in accordance with any relevant guidance issued by the Commission
- reasonably consistent with the licensing objectives and
- in accordance with the authority’s statement of principles

2. Introduction

2.1 This is our Statement of Principles (Statement) in relation to our licensing functions under the Act. This latest draft of the policy contains no changes to the intent or direction of the previous policy, which is that the Council seeks to ensure that premises licensed for gambling uphold the licensing objectives. The statement includes the addition of a Local Area Profile, which has been developed as a guide which gambling operators can use when undertaking and preparing their local premises risk assessments; and sets out the Council’s expectations of operator’s risk assessments.

2.2 We will publish this Statement at least every three years and we will review it from time to time and consult on any proposed amendments. If we make any changes, we will then re-publish the Statement.

2.3 This Statement follows the format issued by the Local Authorities Coordinators of Regulatory Services (LACORS). All references to the ‘Guidance’ refer to the Commission’s Guidance to Licensing Authorities, 5th Edition, published September 2015.

2.4 The borough is the second highest populated district in Surrey with 146,800 residents in 2016. The major urban areas are located in the town centre of Guildford and Ash and surrounding areas on the western fringes of the borough adjacent to Aldershot town.

- 2.5 Guildford Borough is also the second largest borough in the county, covering approximately 269 square kilometres (104 square miles) of which 89% is land designated as Green Belt. Outside the urban areas and villages, rural areas contain the Surrey Hills Area of Outstanding Natural Beauty covering 99 square kilometres, several sites of importance for nature protection and areas of special scientific interest. The borough also has a rich and varied architectural heritage, including 36 scheduled ancient monuments.
- 2.6 Guildford is mostly an affluent area with relatively low unemployment and low levels of crime. Most residents are healthy and enjoy well above average life expectancy. The workforce is generally well-educated and highly skilled. The borough attracted over 4.9 million day visitors in 2016 and 351,000 staying trips, generating about £338.4 million in tourism income for local businesses, supporting around 6,167 actual jobs.
- 2.7 The town centre is a focus for major commercial and administrative functions and is a principal regional shopping destination, with a vibrant night time economy. In 2014 the town was awarded Purple Flag, recognising excellence in the management of the town centre at night. This prestigious award demonstrates the Council's and the other Purple Flag Partners' ambitions to develop and improve the night time economy, encouraging a broad outlook on how the town is presented at night and tackling all aspects from cleanliness to access and transport, street lighting to signage, entertainment variety and choice of styles in bars, clubs and restaurants. We have attached a map of Guildford Borough at Appendix A.
- 2.8 The Act requires the Council to consult the following parties:
- the Chief Officer of Police;
 - one or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area;
 - one or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Act.
- 2.9 Our consultation on this statement of principles took place between 5 July to 1 October 2021. We have attached a list of councils and partner organisations in Appendix B and a list of the persons we consulted at Appendix C. We followed the HM Government Code of Practice on Consultation (published July 2008), which is available at: <https://www.gov.uk/government/publications/consultation-principles-guidance>
- 2.10 We will make the full list of comments available by request to the Licensing Team, Guildford Borough Council, Millmead House, Millmead, Guildford, Surrey, GU2 4BB. If you have any comments about this Statement please send them via letter or email regulatoryservices@guildford.gov.uk
- 2.11 The Full Council approved The Statement of Principles at a meeting on 7 December 2021 and we published the Statement via our website.
- 2.12 This Statement will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as we will consider each on its own merits and according to the statutory requirements of the Act.

3. Declaration

- 3.1 In producing the final Statement, Guildford Borough Council declares that we have had regard to the licensing objectives of the Gambling Act 2005, the Guidance to Licensing Authorities issued by the Commission, and any responses from those consulted on the Statement.

4. Responsible Authorities

- 4.1 Regulations require the Council to state the principles we will apply in exercising our powers under Section 157(h) of the Act to designate, in writing, a body, which is competent to advise us about the protection of children from harm. The principles are:

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

- 4.2 In accordance with the suggestion in the Commission's Guidance, we designate the Surrey Safeguarding Children Board for this purpose.

- 4.3 We have published the contact details of all the Responsible Authorities under the Act on our website and at Appendix B of this Statement.

5. Interested parties

- 5.1 Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in the Act as follows:

"For the purposes of this Part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the applications is made, the person-

- a) lives sufficiently close to the premises to be likely to be affected by the authorised activities,
- b) has business interests that might be affected by the authorised activities, or
- c) represents persons who satisfy paragraph (a) or (b)"

- 5.2 The principles we will apply to determine whether a person is an interested party are:

Each case will be decided upon its merits. We will not apply a rigid rule to our decision making. We will consider the examples provided in the Commission's Guidance at 8.9 to 8.17. We will also consider the Commission's Guidance that the term "has business interests" will be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

- 5.3 Interested parties include democratically elected persons such as councillors and MPs. We will not require the councillor or MP to provide specific evidence of an interested party asking them to act as their representative as long as they represent the potentially affected ward. Likewise, we will consider potentially affected parish councils as interested parties. Other than these however, we

will generally require written evidence that a person/body (e.g. an advocate / relative) 'represents' someone who either lives sufficiently close to the premises likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.

- 5.4 If individuals wish to approach councillors to ask them to represent their views then they should take care that the councillors are not part of the Licensing Committee dealing with the licence application. If there are any doubts then please contact the Licensing Team.

6. Exchange of Information

- 6.1 The Act requires the Council to include the principles we will apply in exercising our functions under sections 29 and 30 of the Act regarding the exchange of information between the Commission and us. This also applies in relation to the functions under section 350 of the Act with respect to the exchange of information between us and the other persons listed in Schedule 6 to the Act. Those persons or bodies are listed in Schedule 6(1) as:

- a constable or police force
- an enforcement officer
- a licensing authority
- HMRC
- the first tier tribunal
- the Secretary of State.

- 6.2 In this regard, we will act in accordance with the provisions of the Act in our exchange of information, which includes the provision that we will not contravene the Data Protection Act 1998 or General Data Protection Regulations. We will also have regard to any Guidance issued by the Commission on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

- 6.3 Details of applications and representations which are referred to a Licensing Sub-Committee for determination will be published in reports that are made publicly available. Personal details of people making representations will be disclosed to applicants and only be withheld from publication on the grounds of personal safety where the licensing authority is asked to do so and is satisfied that it is appropriate to do so.

- 6.4 The authority will ensure that the information on the returns is accurate and sent to the Commission within agreed timescales.

- 6.5 We recognise the need to share information with other agencies about our inspections and compliance activities. The Council has various policies relating to 'information governance', which will be considered when deciding what information to share and the process for doing so. The Council is also a signatory to the Surrey Multi Agency Information Sharing Protocol, which allows the sharing of information between Agencies for the purpose of the prevention and detection of crime and for public protection.

- 6.6 Information can be accessed by data subjects via a number of routes including a Freedom of Information Request or Subject Access Request.

7. Compliance

7.1 The Act requires the Council to state the principles we will apply in exercising our functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of specified offences.

7.2 Our principles are that we will have regard to the Commission's Guidance and will endeavour to be:

- proportionate: regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
- accountable: regulators must be able to justify decisions, and be subject to public scrutiny;
- consistent: rules and standards must be joined up and implemented fairly;
- transparent: regulators should be open, and keep regulations simple and user friendly; and
- targeted: regulation should focus on the problem, and minimise side effects.

7.3 We will endeavour to avoid duplication with other regulatory regimes so far as possible.

7.4 We have adopted and implemented a risk-based inspection programme, based on:

- the licensing objectives
- relevant codes of practice
- guidance issued by the Commission, in particular at Part 36
- the Council's Local Area Profile
- the principles set out in this statement of principles

7.5 Our main enforcement role in terms of the Act is to ensure compliance with the premises licences and other permissions, which we authorise. The Commission is the enforcement body for operating licences and personal licences. It is also worth noting that we do not deal with concerns about manufacture, supply or repair of gaming machines, or concerns about on-line or remote gambling because this is part of the Commission's role.

7.6 This licensing authority also keeps itself informed of developments with regard to the work of the Better Regulation Delivery Office in its consideration of the regulatory functions of local authorities, in particular, with regard to the Regulators Code (April 2014) which provides a regulatory framework that supports compliance and growth while enabling resources to be focused where they are most needed. We will make available our enforcement and compliance protocols and written agreements upon request.

7.7 Bearing in mind the principle of transparency, the Council has adopted an Enforcement Policy which sets out the Council's approach to securing compliance with regulatory requirements and applies to all our regulatory functions, including Gambling. The Policy is available on the Council's website.

8. Licensing authority functions

8.1 The Act requires the Council to:

- be responsible for the licensing of premises where gambling activities are to take place by issuing *Premises Licences*
- issue *Provisional Statements*
- regulate *members' clubs* and *miners' welfare institutes* who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- issue *Club Machine Permits* to *Commercial Clubs*
- grant permits for the use of certain lower stake gaming machines at *unlicensed Family Entertainment Centres*
- receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines
- issue *Licensed Premises Gaming Machine Permits* for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where there are more than two machines
- register *small society lotteries* below prescribed thresholds
- issue *Prize Gaming Permits*
- receive and Endorse *Temporary Use Notices*
- receive *Occasional Use Notices*
- provide information to the Commission regarding details of licences issued (see section above in 6.1)
- maintain registers of the permits and licences that are issued under these functions

8.2 It is worth noting that we are not involved in licensing remote gambling at all, because this is the Commission's role via operating licences.

Part B – Promotion of the Licensing Objectives

9. Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.

9.1 The Gambling Commission will take the lead role in keeping gambling free from crime by vetting applicants for operator and personal licences. The Council will have to be satisfied that the premises will not adversely affect the licensing objective and is compliant with the Commission's Guidance, codes of practice and this policy statement.

9.2 The Council will expect the applicant to have a good understanding of the local area in which they either operate, or intend to operate, a gambling premises. As part of the application, the applicant will provide evidence to demonstrate that in operating the premises they will promote this licensing objective.

9.3 Examples of the specific steps the Council may take to address this area can be found in the section covering specific premises in Part C and in relation to permits and notices in Part D of this policy.

10. Ensuring that gambling is conducted in a fair and open way

10.1 The Gambling Commission is the body primarily concerned with ensuring that operators conduct gambling activities in a fair and open way, except in the case of tracks.

10.2 The Council will notify the Gambling Commission of any concerns about misleading advertising or absence of required game rules, or any other matters as set out in the Gambling Commission's Licence Conditions and Code of Practice.

10.3 Examples of the specific steps the Council may take to address this area can be found in the section covering specific premises in Part C and in relation to permits and notices in Part D of this policy.

11. Protecting children and other vulnerable persons from being harmed or exploited by gambling.

11.1 Protection of Children: Persons under 18 cannot be admitted to many types of gambling premises. This objective means preventing children from taking part in most types of gambling.

11.2 Section 45 of The Act provides the following definition for child and young person:

Meaning of "child" and "young person"

1) In this Act "child" means an individual who is less than 16 years old.

2) In this Act "young person" means an individual who is not a child but who is less than 18 years old.

11.3 Children and young persons may take part in private and non-commercial betting and gaming, but the Act restricts the circumstances in which they may participate in gambling or be on premises where gambling is taking place as follows:

- casinos, betting shops and adult gaming centres are not permitted to admit anyone under 18;
 - bingo clubs may admit those under 18 but must have policies to ensure that they do not play bingo, or play category B or C machines that are restricted to those over 18;
 - family entertainment centres and premises licensed to sell alcohol for consumption on the premises can admit under 18s, but they are not permitted to play category C machines which are restricted to those over 18;
 - clubs with a club premises certificate can admit under 18s, but they must have policies to ensure those under 18 do not play machines other than category D machines;
 - All tracks can admit under 18s, but they may only have access to gambling areas on days where races or other sporting events are taking place, or are expected to take place. Tracks will be required to have policies to ensure that under 18s do not participate in gambling other than on category D machines.
- 11.4 The Council will have regard to any code of practice which the Gambling Commission issues as regards this licensing objective in relation to specific premises.
- 11.5 The Council will consider whether specific measures are required at particular premises, with regard to this licensing objective. These measure may include supervision of entrances / machines, segregation of areas, etc. Examples of the specific steps the Council may take to address this area can be found in the section covering specific premises in Part C and in relation to permits and notices in Part D of this policy.
- 11.6 Where gambling premises are located in sensitive areas where young and/or vulnerable persons may be present, for example near schools, this Licensing Authority will consider imposing restrictions on advertising the gambling facilities on such premises where it is considered relevant and reasonably consistent with the Licensing Objectives.
- 11.7 Protection of vulnerable people: It is difficult to define the term “vulnerable person”. The Gambling Commission, in its Guidance to Local Authorities, does not seek to offer a definition, but will, for regulatory purposes assume that this group includes people:
- “who gamble more than they want to, people who gamble beyond their means, elderly persons, and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, or because of the influence of alcohol or drugs.”
- 11.8 The Gambling Commission’s Code of Practice clearly describes the policies and procedures that operators should put in place regarding:
- combating problem gambling
 - access to gambling by children and young persons
 - information on how to gamble responsibly and help for problem gamblers
 - customer interaction
 - self exclusion
 - employment of children and young persons

- 11.9 The Council may consider any of the measures detailed below as licence conditions should these not be adequately addressed by any mandatory conditions, default conditions or proposed by the applicant:
- leaflets offering assistance to problem gamblers should be available on gambling premises in a location that is both prominent and discreet
 - training for staff members which focuses on an employee's ability to detect a person who may be vulnerable and providing support to vulnerable persons
 - self exclusion schemes
 - operators should demonstrate their understanding of best practice issued by organisations that represent the interests of vulnerable people
 - posters and leaflets with GamCare Helpline and website displayed in prominent locations
 - external advertising to be positioned or designed not to entice passers-by.
- 11.10 It is a requirement of the Gambling Commission's Licence Conditions and Codes of Practice (LCCP), under Section 3, that licensees must have and put into effect policies and procedures intended to promote socially responsible gambling.
- 11.11 The LCCP say that licensees must make an annual financial contribution to one or more organisation(s) which between them research into the prevention and treatment of gambling-related harm, develop harm prevention approaches and identify and fund treatment to those harmed by gambling.

PART C: Premises Licences

12. General Principles

- 12.1 The Council will issue premises licences to allow those premises to be used for certain types of gambling. These are:
- a) casino premises,
 - b) bingo premises"
 - c) betting premises including tracks and premises used by betting intermediaries,
 - d) adult gaming centre premises, or
 - e) family entertainment centre premises.
- 12.2 Premises licences are subject to the requirements set out in the Act and regulations, as well as specific mandatory and default conditions, which the Secretary of State has detailed in regulations. The Council will exclude default conditions and attach others, where we believe it to be appropriate due to evidence of a risk to the licensing objectives.
- 12.3 The Gambling Commission has issued Codes of Practice for each interest area for which they must have regard. The Council will also have regard to these Codes of Practice.

13 Decision-making

When making decisions about premises licences the Council is under a statutory duty by virtue of s.153 of the Act to aim to permit the use of premises for gambling in so far as we think it:

- in accordance with any relevant code of practice issued by the Commission;
- in accordance with any relevant guidance issued by the Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with our Statement.

- 13.1 We will not accept moral objections to gambling as a valid reason to reject applications for premises licences (except with regard to any 'no casino resolution' - see section on Casinos). Issues of nuisance, planning permission and building regulation are not issues that can be taken into account when considering an application for a premises licence.
- 13.2 We will not consider whether there is demand for gambling as valid criteria when deciding whether to grant or reject applications for premises licences. Each application must be considered on its merits without regard for demand, reflecting the statutory 'aim to permit' principle outlined above.
- 13.3 However, we will consider the location of a premises so far as it relates to the licensing objectives and whether there is need for condition(s) to mitigate risks in respect of gambling in a particular location.
- 13.4 This Council has reviewed its constitution and scheme of delegation to officers to ensure effective implementation of the Act. The Licensing Committee and Sub-Committee have been set up to deal with licensing issues and the determination of applications in certain cases, ie those where representations have been made or where premises licences require review. Non contentious applications (ie those where no representations have been made) will be delegated to officers.

- 13.5 Where representations are received the Council will consider whether they are vexatious, frivolous or if they would influence the Council's determination of the application.

14. Definition of "premises"

The Act defines "premises" as including "any place". Section 152 of the Act therefore prevents more than one premises licence applying to any place. However, a single building could be subject to more than one premises licence, provided they are for different parts of the building and provided we can reasonably regard different parts of the building as being different premises. The legislation takes this approach to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. However, we will pay particular attention if there are issues about sub-divisions of a single building or plot and will ensure that licence holders observe mandatory conditions relating to access between premises.

- 14.1 The Commission states in its Guidance at paragraphs 7.6 - 7.8 : "7.6 In most cases the expectation is that a single building / plot will be the subject of an application for a licence, for example, 32 High Street. But, that does not mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing authority. 7.7 The Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises. If a premises is located within a wider venue, a licensing authority should request a plan of the venue on which the premises should be identified as a separate unit. 7.8 The Commission recognises that different configurations may be appropriate under different circumstances but the crux of the matter is whether the proposed premises are genuinely separate premises that merit their own licence - with the machine entitlements that brings – and are not an artificially created part of what is readily identifiable as a single premises."
- 14.2 The Council takes particular note of the Commission's Guidance, which states that licensing authorities should pay particular attention in considering applications for multiple licences for a building, and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular this Authority is aware that entrances and exits from parts of a building covered by one or more licences should be separate and identifiable so that the separation of different premises is not compromised and that people do not 'drift' into a gambling area. The Authority will pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed). Additionally, the third licensing objective seeks to protect children from being harmed by gambling. In practice, this means not only preventing children from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore, licence holders should configure premises so that they do not invite children to participate in, have accidental access to or closely observe gambling where they are prohibited from participating.

14.3 Clearly, there will be specific issues that the Authority will consider before granting such applications, for example, whether children can gain access; compatibility of the two establishments; and ability to comply with the requirements of the Act. But, in addition, an overriding consideration should be whether, taken as a whole, the co-location of the licensed premises with other facilities has the effect of creating an arrangement that otherwise would be prohibited under the Act.

14.4 This Authority takes particular note of the Gambling Commission's Guidance to Licensing Authorities relating to the artificial sub-division of premises. It also takes note of section 152 (1) of the Act and will look very carefully at any application that may appear to breach these provisions.

14.5 The Council will consider these and other relevant factors in making its decision, depending on all the circumstances of the case.

14.6 The Commission's relevant access provisions for each premises type are reproduced below:

14.7 Casinos

- the principal access entrance to the premises must be from a street (as defined at 7.21 of the Guidance)
- no entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons
- no customer must be able to enter a casino directly from any other premises which holds a gambling premises licence

14.8 Adult Gaming Centre

- no customer must be able to access the premises directly from any other licensed gambling premises

14.9 Betting Shops

- access must be from a street (in line with paragraph 7.21 of the Guidance) or from another premises with a betting premises licence
- no direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect, there cannot be an entrance to a betting shop from a shop of any kind and you could not have a betting shop at the back of a café – the whole area would have to be licensed.

14.10 Tracks

- no customer should be able to access the premises directly from:
 - a casino
 - an adult gaming centre

14.11 Bingo Premises

- no customer must be able to access the premise directly from:
 - a casino
 - an adult gaming centre
 - a betting premises, other than a track

14.12 Family Entertainment Centre

- no customer must be able to access the premises directly from:
- a casino
- an adult gaming centre
- a betting premises, other than a track

14.13 Part 7 of the Commission's Guidance contains further guidance on this issue, which we will also take into account in our decision-making.

15. Premises "ready for gambling"

15.1 The Guidance states that a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.

15.2 If the construction of a premises is not yet complete, if they need alteration, or if the applicant does not yet have a right to occupy them, then the applicant should make an application for a provisional statement instead.

15.3 In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, we will determine applications on their merits, applying a two stage consideration process:

- first, whether the premises ought to be permitted to be used for gambling
- second, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.

15.4 Applicants should note that the Council is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.

15.5 Detailed examples of the circumstances in which the Council may grant such a licence are at paragraphs 7.58-7.65 of the Guidance.

16. Location

16.1 The Council will not consider demand issues with regard to the location of premises but we will consider the potential impact of the location on the licensing objectives in our decision-making. In line with the Commission's Guidance to Licensing Authorities, we will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder.

16.2 With regards to these licensing objectives it is the Council's policy, upon receipt of any relevant representation to look at specific location issues which include:

- the possible impact that a gambling premises may have on any sensitive premises that provide services to children or young people or vulnerable people; eg a school, vulnerable adult centre;

- the possible impact a gambling premises may have on a residential area where there is a high concentration of families with children;
 - the nature and size of the gambling activities taking place;
 - any levels of crime in the area.
- 16.3 The Council will need to be satisfied that there is sufficient evidence that the particular location of the premises would be harmful to the licensing objectives. It is a requirement of the Gambling Commission's Licence Conditions and Codes of Practice (LCCP), under Section 10, for licensees to assess the local risks to the licensing objectives posed by the provisions of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In undertaking their risk assessments, they must take into account relevant matters identified in this policy statement
- 16.4 The LCCP say that licensees must review (and update as necessary) their local risk assessments:
- to take account of significant changes in local circumstances, including those identified in this policy statement;
 - when there are significant changes at a licensee's premises that may affect their mitigation of local risks;
 - when applying for a variation of a premises licence; and
 - in any case, undertake a local risk assessment when applying for a new premises licence.
- 16.4 The Council will expect the local risk assessment to consider as a minimum:
- the location of services for children such as schools, playgrounds, leisure/community centres and other areas where children will gather;
 - the demographics of the area in relation to vulnerable groups;
 - whether the premises is in an area subject to high levels of crime and/or disorder.
- 16.5 Local risk assessments should show how vulnerable people, including people with gambling dependencies are protected.
- 16.6 The Council would also strongly recommend that the following matters are considered by operators when making their risk assessment, and they have taken action in the form of conditions where the operators have not demonstrated that they are sufficiently mitigating the risks. This list is not exhaustive and other factors not in this list that are identified must be taken into consideration:
- Information held by the licensee regarding self-exclusions and incidences of underage gambling
 - Gaming trends that may reflect benefit payments
 - Arrangement for localised exchange of information regarding self-exclusions and gaming trends
 - Urban setting such as proximity to schools, commercial environment, factors affecting footfall
 - Assessing staffing levels when a local college closes and the students begin to vacate the grounds.
 - Proximity of machines to the entrance door
 - Age verification policies including 'Think 21' and 'Think 25'
 - Consideration of line of sight from the counter to gambling machines.
 - Larger operators (William Hill, Coral, Ladbrokes, Betfred and Paddy Power) are responsible for conducting/taking part in underage testing, results of

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which are shared with the Gambling Commission. However, operators are urged to also make the results available to licensing authorities. Where the licensing authority receives intelligence in relation to failed 'Think 21' test purchases, the licensing authority would encourage the consideration of additional tasking over the standard once a year visits as a means of assessing risk.

- Providing the licensing authority with details when a child or young person repeatedly attempts to gamble on their premises. This may provide the Licensing authority with an opportunity to consider safeguarding concerns. The Crime, Enforcement and Regulation Service continue to raise awareness in cooperation with the Metropolitan Police of child sexual exploitation via Operation Makesafe amongst the business community. To date efforts have been focussed on providing awareness to hotels, taxi companies and licensed premises, nonetheless, extending such an approach to operators where there is a specific issue in relation to child safeguarding would be considered.
- Range of facilities in proximity to the licensed premises such as other gambling outlets, banks, post offices, refreshment and entertainment type facilities
- Known problems in the area, such as problems arising from street drinkers, youths participating in anti-social behaviour, drug dealing activities, etc.

16.7 The Council would expect a risk assessment to be tailored to each premises and not solely based on a 'standard' template. The Council would also expect that each assessment is completed by a suitably competent person.

16.8 It will be the responsibility of the gambling operator to assign the assessor for assessing the local risks for their premises. The person assigned as the assessor must be competent to undertake this role as failure properly to carry out this function could result in a breach of the provisions of the LCCP. The Gambling Commission has not produced any guidance on the competencies of assessors, however the Council would expect the assessor to understand how the premises operate or will operate, its design, and where it is located. The assessor will need to understand the local area and can use staff or area managers to assist in gaining an understanding of that local area. The assessor should also be suitably experienced in assessing gambling related risk and identification of appropriate controls

16.9 The Council expects that local risk assessments are kept on the individual premises and are available for inspection.

16.10 It should be noted that this policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant to show how potential concerns can be overcome.

17. Planning

17.1 The Commission's Guidance states at paragraph 7.58: "In determining applications the licensing authority should not take into consideration matters that are not related to gambling and the licensing objectives. One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal. Licensing Authorities should bear in mind that a premises licence, once it comes into effect, authorises premises to be used for gambling. Accordingly, a licence to use premises for gambling should only be issued in relation to premises that the

licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future...”.

- 17.2 The Council will not take into account irrelevant matters in line with the above guidance. In addition, we note the following excerpt from the Guidance at paragraph 7.65: “When dealing with a premises licence application for finished buildings, the licensing authority should not take into account whether those buildings have to comply with the necessary planning or building consents. Nor should fire or health and safety risks be taken into account. Those matters should be dealt with under relevant planning control, building and other regulations and must not form part of the consideration for the premises licence. Section 210 of the Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building”.

18. Duplication with other regulatory regimes

- 18.1 The Council seek to avoid any duplication with other statutory or regulatory systems where possible, including planning. When we consider a licence application, we will not consider whether we will award planning permission or building regulations approval through the planning process. We will though, listen to, and consider carefully, any concerns about conditions which licensees are unable to meet due to planning restrictions, should such a situation arise.
- 18.2 When dealing with a premises licence application for finished buildings, we will not take into account whether those buildings have to comply with the necessary planning or buildings consents. We will not take fire or health and safety risks into account, as these matters do not form part of the consideration for the premises licence. We will deal with those matters under relevant planning control, buildings and other regulations.

19. The Licensing Objectives

- 19.1 Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, we have considered the Commission’s Guidance and have set out our policy in Part B.

20. Local Area Profile

- 20.1 **Local Area Profile** – a map of this Local Authority’s area has been attached as **Appendix D**. The map contains the location of all schools, hostels and homes for vulnerable people, hotspots of reported crime, and centres for people with gambling addictions. This Authority will pay particular attention to applications for the new grant of, or variations to existing, premises licences where those premises lie within areas with a concentration of schools, crime, hostels/homes for vulnerable people and centres for people with a gambling addiction.
- 20.2 The Council will expect applicants to fully explain in their applications how their proposal will not exacerbate any problems to individuals living in the vicinity, or exacerbate any crime problems within the vicinity generally. Applicants will be expected to tailor their application, and have policies, procedures and control measures to mitigate any risks. They should have the appropriate numbers of

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trained staff, and propose licence conditions, to cater for the local area in which they propose to run their business.

- 20.3 Applicants should also be aware of areas with concentrations of hostels and other types of accommodation for vulnerable people. Where they propose to make an application for the new grant of a premises licence, or a variation to an existing licence, in such areas they should explain fully in their risk assessments how they will mitigate any risks of operating gambling premises in close proximity to concentrations of housing for vulnerable people.
- 20.4 Other publicly available sources of information are available to assist in operators completing a Local Area Profile.
- 20.5 This Authority will expect applicants for the new grant of, or variation to an existing, licence to include full details of their risk assessment in compliance with Social Responsibility code 10.1.1 and Ordinary code provision 10.1.2.

21. Conditions

- 21.1 The Secretary of State has set mandatory and default conditions and the Gambling Commission has set Licence Conditions and Codes of Practice on Operator's Licences which are necessary for the general good conduct of gambling premises, therefore it is unlikely that the Council will need to impose individual conditions imposing a more restricted regime in relation to matters that have already been dealt with.
- 21.2 If the Council is minded to impose conditions because there are regulatory concerns of an exceptional nature, then any additional licence conditions must relate to the licensing objectives.
- 21.3 Any conditions attached to licences will be proportionate and will be:
- relevant to the need to make the proposed building suitable as a gambling facility;
 - directly related to the premises and the type of licence applied for;
 - fairly and reasonably related to the scale and type of premises; and
 - reasonable in all other respects.
- 21.4 The Council will make all decisions on individual conditions on a case-by-case basis, although there will be a number of measures we will consider utilising should there be a perceived need, such as the use of supervisors, appropriate signage for adult only areas and so on. We have made some specific comments in this regard under some of the licence types below. The Council will also expect the licence applicant to offer his/her own suggestions as to the way in which he/she can effectively meet the licensing objectives.
- 21.5 We will also consider specific measures, which may be required for buildings subject to multiple premises licences. Such measures may include the supervision of entrances; segregation of gambling from non-gambling areas frequented by children; and the supervision of gaming machines in non-adult gambling specific premises in order to pursue the licensing objectives. These matters are in accordance with the Commission's Guidance.

- 21.6 The Council will also ensure that where category C or above machines are on offer in premises to which children are admitted (including buildings where multiple premises licences are applicable):
- all such machines are located in an area of the premises which is separated from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
 - only adults are admitted to the area where these machines are located;
 - access to the area where the machines are located is supervised;
 - the area where these machines are located is arranged so that it can be observed by the staff or the licence holder; and
 - at the entrance to and inside any such areas there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.
- 21.7 The Council is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. In line with the Commission's Guidance, we will consider the impact upon the third licensing objective and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.
- 21.8 We note that there are conditions which the Council cannot attach to premises licences which are:
- any condition on the premises licence which makes it impossible to comply with an operating licence condition;
 - conditions relating to gaming machine categories, numbers, or method of operation;
 - conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated); and
 - conditions in relation to stakes, fees, winning or prizes.

22. Door Supervisors

- 22.1 The Commission advises in its Guidance: "If a licensing authority is concerned that a premises may attract disorder or be subject to attempts at unauthorised access, for example by children and young persons, then it may require that the entrances to the premises are controlled by a door supervisor. and the licensing authority is able to impose a condition on the premises licence to this effect."
- 22.2 Where we decide that supervision of entrances/machines is appropriate for particular cases, a consideration of whether the supervisors should be SIA licensed or not will be necessary. We will not automatically assume that the supervisors need to be licensed, as the statutory requirements for different types of premises vary, in line with part 33 of the Gambling Commission Guidance.

23. Adult Gaming Centres

- 23.1 An Adult Gaming Centre (AGC) is one of three types of amusement arcade. This type of arcade can provide higher payout gaming machines (Category B3 and B4) and access is restricted to persons who are aged 18 years or over.

23.2 The Council will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.

23.3 We may consider measures to meet the licensing objectives. This list is not mandatory, nor exhaustive, and is merely indicative of example measures:

- proof of age schemes
- CCTV Supervision of entrances / machine areas
- physical separation of areas
- location of entry Notices / signage
- specific opening hours
- self-exclusion schemes
- provision of information leaflets / helpline numbers for organisations such as GamCare.

24. Licensed Family Entertainment Centres

24.1 A Licensed family entertainment centre (LFEC) is the second type of amusement arcade. This type of arcade can provide the lowest two categories of gaming machine (category C and D). Children can enter an LFEC but they can only gamble on category D machines. All category C machines must be located in a separate area, which can only be accessed by persons who are aged 18 years or over.

24.2 The Council will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

24.3 We may consider measures to meet the licensing objectives. This list is not mandatory, nor exhaustive, and is merely indicative of example measures such as:

- CCTV
- supervision of entrances / machine areas
- physical separation of areas
- location of entry
- notices / signage
- specific opening hours
- self-exclusion schemes
- provision of information leaflets / helpline numbers for organisations such as GamCare
- measures / training for staff on how to deal with suspected truant school children on the premises

24.4 In line with the Commission's guidance, the Council will refer to the Commission's website to see any conditions that apply to operating licences covering the way in which the area containing the category C machines should be delineated. We will also be aware of any mandatory or default conditions on these premises licences, when we have published them.

25. Casinos

- 25.1 The Act states that a casino is an arrangement whereby people are given the opportunity to participate in one or more casino games. Casino games are defined as a game of chance which is not equal chance gaming. This means that casino games offer the chance for multiple participants to take part in a game competing against the house or bank at different odds to their fellow players. Casinos can also provide equal chance gaming and gaming machines. Large and small casinos can also provide betting machines.
- 25.2 No casinos resolution – The licensing authority previously passed a ‘no casino’ resolution under Section 166 of the Gambling Act 2005 however this resolution expired on 31 January 2010 and was not renewed.
- 25.3 The Gambling (Geographical Distribution of Large and Small Casino Premises Licences) Order 2008 specifies which authorities may issue large and small casino premises licences. As Guildford Borough Council is not one of the local authorities permitted to issue these casino licences, it is therefore not necessary to consider making a further ‘no casino’ resolution.
- 25.4 Should legislation change and/or the council decide in the future to pass such a resolution, it will update this policy statement with details of that resolution. Any such decision will be made by the Full Council.

26. Bingo premises

- 26.1 A Bingo Hall is a place in which Bingo is played. There is no legal definition of Bingo but it is a game in which players mark off numbers on cards as the numbers are drawn randomly by the caller, the winner being the first person to mark off all the numbers on their card.
- 26.2 The Commission’s Guidance states at paragraph 18.5: “Licensing authorities need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence”. This will be a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas.
- 26.3 The Council notes the Guidance at paragraph 18.9 regarding the unusual circumstances in which we might permit pre-existing premises to be split into two adjacent premises. In making any decision, The Council will have regard to the limit for B3 gaming machines in licensed bingo premises which is 20% of the available machine estate.
- 26.4 The Council also notes the Guidance at paragraph 18.7, that children and young people are allowed into bingo premises; however, they are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed.

27. Betting premises

- 27.1 The Act contains a single class of licence for betting premises however within this single class there are different types of premises which require licensing such as high street bookmakers, bookmakers located in self contained facilities

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at racecourses as well as the general betting premises licences that track operators will require.

- 27.2 Betting machines – Section 181 of the Act states:
“A condition of a betting premises licence may relate to –
a) the number of machines used on the premises for the purpose of making or accepting bets;
b) the nature of those machines;
c) the circumstances in which those machines are made available for use.”
- 27.3 When considering whether to impose a condition on a licence the council will take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines.
- 27.4 Where certain measures are not already addressed by the mandatory and default conditions and the Gambling Commissions Codes of Practice or by the applicant, the council may consider licence conditions to address such issues,

28. Tracks

- 28.1 Guildford does not currently have a track in the Borough however, history shows a previous point-to-point track which could be reinstated.
- 28.2 The Council is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. The Council will follow the Commission’s Guidance and consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling). We will consider the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter.
- 28.3 The Council will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.
- 28.4 We may consider measures to meet the licensing objectives. This list is not mandatory, nor exhaustive, and is merely indicative of example measures such as:
- Proof of age schemes
 - CCTV
 - Supervision of entrances / machine areas
 - Physical separation of areas
 - Location of entry Notices / signage
 - Specific opening hours
 - Self-exclusion schemes
 - Provision of information leaflets / helpline numbers for organisations such as GamCare

- 28.5 Gaming machines - Where the applicant holds a pool betting operating licence and is going to use the entitlement to four gaming machines, machines (other than category D machines) should be located in areas from which children are excluded.
- 28.6 Betting machines – The Council will the Commission’s Guidance and take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons, or by vulnerable people, when considering the number, nature and circumstances of betting machines an operator proposes to offer.
- 28.7 Applications and plans. Applicants are required by regulations made under section 159 of The Gambling Act to submit plans of the premises with their application, in order to ensure that the licensing authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. We will use the plan to prepare future premises inspection activity.
- 28.8 Plans for tracks do not need to be in a particular scale, but should be drawn to scale and should be sufficiently detailed to include the information required by regulations.
- 28.9 Some tracks may be situated on agricultural land where the perimeter is not defined by virtue of an outer wall or fence, such as point-to-point racetracks. In such instances, where an entry fee is levied, track premises licence holders may erect temporary structures to restrict access to premises.
- 28.10 In the rare cases where the outer perimeter cannot be defined, it is likely that the track in question will not be specifically designed for the frequent holding of sporting events or races. In such cases, betting facilities may be better provided through occasional use notices where the boundary premises do not need to be defined.
- 28.11 The Council appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information so that this authority can satisfy itself that the plan indicates the main areas where betting might take place. For racecourses in particular, any betting areas subject to the “five times rule” (commonly known as betting rings) must be indicated on the plan.

29. Travelling Fairs

- 29.1 Where category D machines and / or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the Council is responsible for deciding whether the statutory requirement that facilities for gambling amount to no more than an ancillary amusement at the fair is met.
- 29.2 We will also consider whether the applicant falls within the statutory definition of a travelling fair.

- 29.3 We note that the 27-day statutory maximum for the land being used as a fair applies on a per calendar year basis, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. We will work with our neighbouring councils to ensure that we all monitor land, which crosses our boundaries so that the statutory limits are not exceeded.

30. Provisional Statements

- 30.1 Developers may wish to apply to us for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.

- 30.2 Section 204 of the Gambling Act provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that he or she expects to:

- be constructed;
- be altered; or
- acquire a right to occupy.

- 30.3 The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.

- 30.4 In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Commission (except in the case of a track) and they do not have to have a right to occupy the premises in respect of which their provisional application is made.

- 30.5 The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The Council will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties will be taken into account unless:

- they concern matters which could not have been addressed at the provisional statement stage, or
- they reflect a change in the applicant's circumstances.

- 30.6 In addition, we may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- which could not have been raised by objectors at the provisional statement stage;
- which in our opinion reflect a change in the operator's circumstances; or
- where the premises has not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the

plan and we will discuss any concerns we have with the applicant before making a decision.

31. Reviews

31.1 Interested parties or responsible authorities can make requests for a review of a premises licence; however, it is for the Council to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is relevant to the matters listed below;

- in accordance with any relevant Code of Practice issued by the Commission;
- in accordance with any relevant guidance issued by the Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the authority's statement of principles.

31.2 The Council will consider whether the request is frivolous, vexatious, or whether it will cause us to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.

31.3 The Council can also initiate a review of a particular premises licence, or a particular class of premises licence based on any reason, which we think, is appropriate.

31.4 Once a valid application for a review has been received, responsible authorities and interested parties can make representations during a 28-day period. This period begins 7 days after we receive the application and we will publish notice of the application within 7 days of receipt.

31.5 The Council will carry out the review as soon as possible after the 28-day period for making representations has passed.

31.6 The purpose of the review will be to determine whether the Council should take any action in relation to the licence. If action is justified, the options open to us are:

- (a) add, remove or amend a licence condition imposed by the licensing authority;
- (b) exclude a default condition imposed by the Secretary of State (e.g. opening hours) or remove or amend such exclusion;
- (c) suspend the premises licence for a period not exceeding three months; and
- (d) revoke the premises licence.

31.7 We will have regard to the principles set out in section 153 of the Act, as well as any relevant representations in determining what action, if any, we should take following a review.

31.8 In particular, we may also initiate a review of a premises licence if a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.

31.9 Once the review has been completed, we will, as soon as possible, notify our decision to:

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- the licence holder
- the applicant for review (if any)
- the Commission
- any person who made representations
- the chief officer of police or chief constable; and
- Her Majesty's Commissioners for Revenue and Customs

PART C: Permits / Temporary and Occasional Use Notices

32. Unlicensed Family Entertainment Centre gaming machine permits (Statement of Principles on Permits - Schedule 10 paragraph 7)

32.1 An unlicensed family entertainment centre (UFEC) is the third type of amusement arcade. The category of machine in this type of arcade is restricted to the lowest category D and children can enter and gamble.

32.2 Where a person does not hold a premises licence but wishes to provide gaming machines, he/she may apply to us for this permit. The applicant must show that the premises will be wholly or mainly, used for making gaming machines available for use (Section 238).

32.3 The Gambling Act 2005 states that a licensing authority may prepare a *statement of principles* that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission. The Commission's Guidance also states: "In its statement of policy, a licensing authority may include a statement of principles that it proposes to apply when exercising its functions in considering applications for permits...., licensing authorities may wish to give weight to matters relating to protection of children from being harmed or exploited by gambling....." (Paragraph 24.8)

32.3 Guidance also states: "...An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application....The licensing authority may also consider asking applicants to demonstrate:

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
- that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act; and
- that employees are trained to have a full understanding of the maximum stakes and prizes." (Paragraph 24.9)

It should be noted that a licensing authority cannot attach conditions to this type of permit.

32.4 Statement of Principles: The Council expects the applicant to show that he/she has policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. We will consider the efficiency of such policies and procedures on their merits, however, they may include appropriate measures / training for staff with regard to suspected truant schoolchildren on the premises, measures / training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on / around the premises. We will also expect applicants to demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs; that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and that staff are trained to have a full understanding of the maximum stakes and prizes.

33. (Alcohol) Licensed premises gaming machine permits - (Schedule 13 paragraph 4(1))

Automatic entitlement: 2 machines

33.1 The Gambling Act provides for premises licensed to sell alcohol for consumption on the premises, to have an automatic entitlement to 2 gaming machines, of categories C and/or D. The premises merely need to notify the Council in writing.

33.2 We can remove the automatic authorisation in respect of any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Commission about the location and operation of the machine has been complied with);
- the premises are mainly used for gaming; or
- an offence under the Gambling Act has been committed on the premises.

Permit: for 3 or more machines

33.3 If a person wishes to have more than two machines on the premises, then he/she must apply for a permit and we will consider that application based upon the licensing objectives; any guidance issued by the Commission issued under Section 25 of the Gambling Act 2005, and “such matters as we think relevant”.

33.4 This Council will consider “such matters” on a case-by-case basis. In general we will have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy us that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. We will be satisfied that there will be no access by measures which may include such things as the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be helpful. With regard to the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.

33.5 We recognise that some alcohol-licensed premises may apply for a premises licence for their non-alcohol licensed areas. The applicant would most likely need to apply for (and be dealt with) as an Adult Gaming Centre premises licence.

33.6 The Council can decide to grant the application with a condition to provide a lesser number of machines and/or a different category of machines than requested in the application. We cannot attach other conditions.

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

34. Prize Gaming Permits

- 34.1 The Gambling Act 2005 states that a licensing authority may “prepare a statement of principles that they propose to apply in exercising their functions under this Schedule” which “may, in particular, specify matters that the licensing authority proposes to consider in determining the suitability of the applicant for a permit”.
- 34.2 We have not prepared a statement of principles. Should we decide to do so, we will include details in a revised version of the Statement.
- 34.3 In making our decision on an application for this permit we may (but do not need to) have regard to the licensing objectives but we must have regard to any Commission guidance (Gambling Act 2005, Schedule 14 paragraph 8(3)).
- 34.4 The Gambling Act 2005 provides conditions with which the permit holder must comply, but the licensing authority cannot attach conditions. The conditions in the Act are:
- the limits on participation fees, as set out in regulations, must be complied with;
 - all chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
 - the prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
 - participation in the gaming must not entitle the player to take part in any other gambling.

35. Club Gaming and Club Machines Permits

- 35.1 Members Clubs and Miners’ welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance.
- 35.2 Members Clubs and Miner’s welfare institutes (and Commercial Clubs) may apply for a Club Machine Permit. A Club Machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D). Please note that Commercial Clubs may not site category B3A gaming machines offering lottery games in their club.
- 35.3 The Commission’s Guidance states: "The Act states that members’ clubs must have at least 25 members and be established and conducted “wholly or mainly” for purposes other than gaming, unless the gaming is restricted to that of a prescribed kind (currently bridge and whist). Members’ club must be permanent in nature But there is no need for a club to have an alcohol licence.” Examples include working men’s clubs, branches of Royal British Legion and clubs with political affiliations.
- 35.4 The Commission’s Guidance also notes that "Licensing authorities may only refuse an application on the grounds that:

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

35.5 The Act provides a 'fast-track' procedure for premises, which hold a Club Premises Certificate under the Licensing Act 2003 (Schedule 12 paragraph 10). The Commission's Guidance states: "Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police, and the grounds upon which an authority can refuse a permit are reduced." and "The grounds on which an application under this process may be refused are that:

- a) the club is established primarily for gaming, other than gaming prescribed by regulations under s266 of the Act;
- b) in addition to the prescribed gaming, the applicant provides facilities for other gaming;
- c) a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled."

35.6 Statutory conditions on club gaming permits require that no child uses a category B or C machine on the premises and that the holder complies with any relevant provision of a code of practice about the location and operation of gaming machines.

36. Temporary Use Notices

36.1 Temporary Use Notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a Temporary Use Notice, according to the Commission, would include hotels, conference centres and sporting venues.

36.2 The Council can only grant a Temporary Use Notice to a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence.

36.3 The Secretary of State has the power to determine the form of gambling that can be authorised by Temporary Use Notices. At this time the relevant regulations (SI no 3157: The Gambling Act 2005 (Temporary Use Notices) Regulations 2007) state that Temporary Use Notices can only be used to permit the provision of facilities or equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.

36.4 There are a number of statutory limits with regard to Temporary Use Notices. You can see discussion around the meaning of "premises" in Part 7 of the Commission's Guidance to Licensing Authorities. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. The Act defines "premises" as including "any place".

36.5 In considering whether a place falls within the definition of "a set of premises", the Council will look at, amongst other things, the ownership/occupation and control of the premises.

36.6 The Council will object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the Commission's Guidance to Licensing Authorities.

37. Occasional Use Notices

37.1 The Council has very little discretion with regard to these notices but we will ensure that the applicant does not exceed the statutory limit of 8 days in a calendar year. We will also consider the definition of a 'track' and whether the Act permits the applicant to avail him/herself of the notice.

38. Small Society Lotteries

38.1 The Council will adopt a risk-based approach towards our compliance responsibilities for small society lotteries. We consider the following list, although not exclusive, could affect the risk status of the operator:

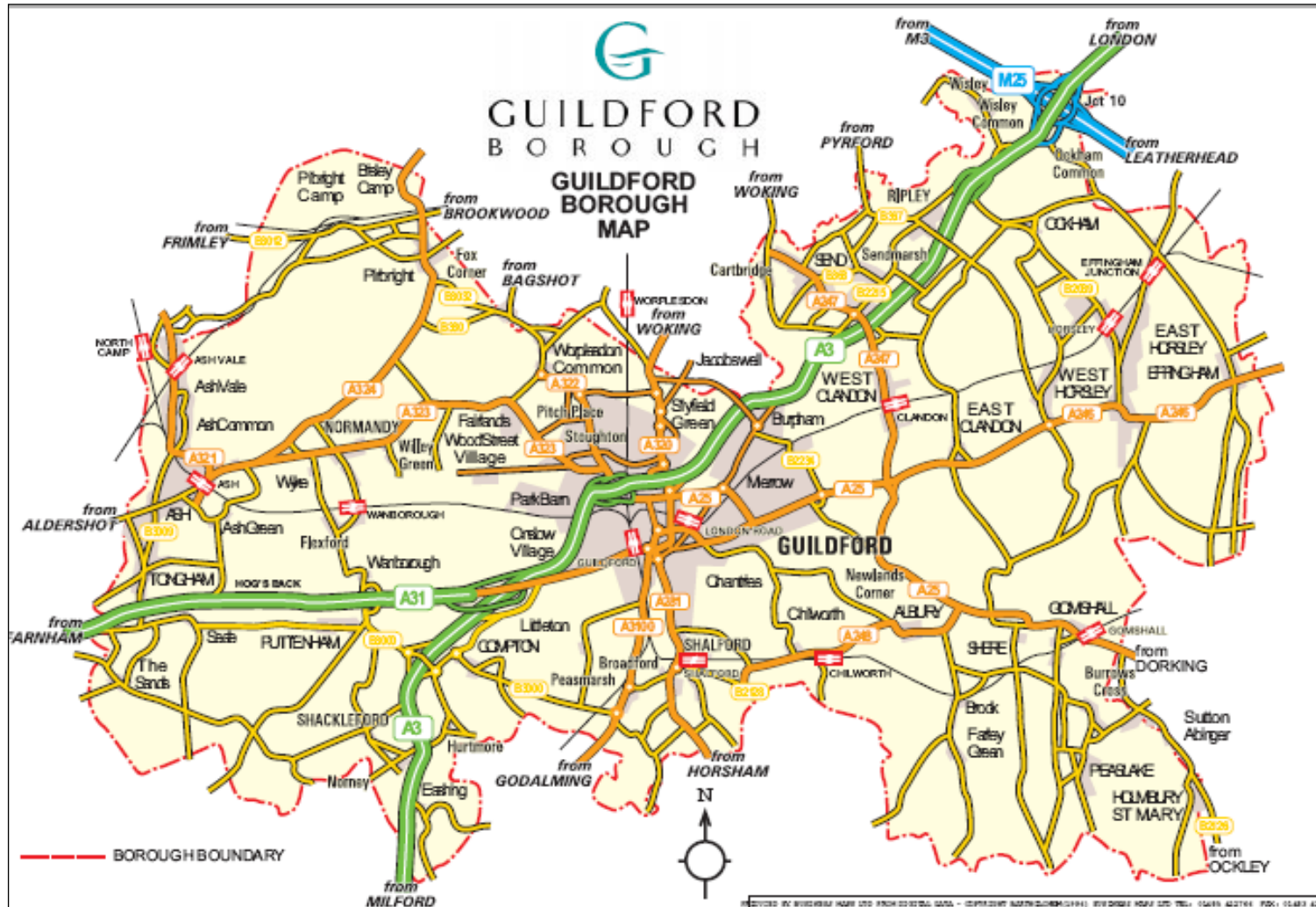
- Submission of late returns (returns must be submitted no later than three months after the date on which the lottery draw was held)
- Submission of incomplete or incorrect returns
- Breaches of the limits for small society lotteries

38.2 Non-commercial gaming is permitted if it takes place at a non-commercial event as either an incidental or principal activity at the event. Events are non-commercial if no part of the proceeds is for private profit or gain. The proceeds of such events may benefit one or more individuals if the activity is organised:

- By, or on behalf of, a charity or for charitable purposes
- To enable participation in, or support of, sporting, athletic or cultural activities.

38.3 Charities and community groups should contact us on (01483) 505050 or email regulatoryservices@guildford.gov.uk to seek further advice.

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Map of Guildford Borough



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Appendix B
List of Responsible Authorities

Licensing Authority

Guildford Borough Council
Licensing Team
Millmead House
Millmead
Guildford
Surrey
GU2 4BB

Gambling Commission

Gambling Commission
Victoria Square House
Victoria Square
Birmingham
B2 4BP

Chief Officer for Police

Surrey Police
The Licensing Unit
PO Box 101
Guildford
Surrey
GU1 9PE

Fire and Rescue Authority

Surrey Fire and Rescue Service
Fire Station
Guildford Road
Farnham
Surrey
GU9 9QB

Planning Authority

Guildford Borough Council
Planning Services
Millmead House
Millmead
Guildford
Surrey
GU2 4BB

Environmental Health Authority

Guildford Borough Council
Environmental Health Team
Millmead House
Millmead
Guildford
Surrey
GU2 4BB

Child Protection Authority

Surrey County Council
Safeguarding Children Unit
Quadrant Court
35 Guildford Road
Woking
Surrey
GU22 7QQ

HM Revenue and Customs

HM Revenue and Customs
National Registration Unit
Portcullis House
21 India Street
Glasgow
G2 4PZ

Appendix C

List of Consultees

All responsible authorities at Appendix B	
All Guildford Borough Councillors	
All Parish Councils	
Association of British Bookmakers	mail@abb.uk.com
Association of Licensed Multiple Retailers (ALMR)	info@almr.org.uk
British Amusement & Catering Trades Association	info@bacta.org.uk
British Beer & Pub Association	contact@beerandpub.com
National Casino Industry Forum	director@nci-forum.co.uk
British Greyhound Racing Board	Greyhound Board of Great Britain Procter house 1 Procter Street WC1V 6DW
British Horseracing Authority	info@britishhorseracing.com
British Institute of Innkeeping	BII and BIIAB, Wessex House, 80 Park Street, Camberley, Surrey, GU15 3PT
Canal and River Trust	customer.services@canalrivertrust.org.uk
Casino Operators Association	gensec@coa-uk.org.uk
Citizens Advice Bureau	15-21 Haydon Place, Guildford, GU1 4LL
Coral Racing Ltd	coral.licensing@qalacoral.com
Done Brothers (Cash Betting) Ltd	support@betfred.com
Experience Guildford	amanda@experienceguildford.com
Federation of Licensed Victuallers	admin@flva.co.uk
Gamblers Anonymous (UK)	sr.pro@gamblersanonymous.org.uk
GamCare	info@gamcare.org.uk
Gamestec Leisure Ltd	enquiries@gamestec.co.uk
Kossway Automatics Ltd	admin@kossway.com
Ladbrooks Betting & Gaming Ltd	richard.royal@ladbrokes.co.uk
Gala Coral Group	New Castle House, Castle Boulevard, Nottingham, NG7 1FT
Surrey Chambers of Commerce	louise.punter@surrey-chambers.co.uk
Guildford Pubwatch	guildfordpubwatch@ymail.com
Residents Associations	
Racecourse Association Ltd	info@racecourseassociation.co.uk
Remote Gambling Association	chawkswood@rga.eu.com
Responsibility in Gambling Trust	info@responsiblegamblingtrust.org.uk
Crime & Disorder Reduction Partnership	Lyndsey.Armitage@guildford.gov.uk
Surrey County Council Trading Standards Service	business.advice@surreycc.gov.uk
Security Industry Authority	info@sia.homeoffice.gov.uk
Star Oyster Ltd	michelh@staroyster.co.uk
Society for the Study of Gambling	ssqtreasurer@aol.com
The Bingo Association	info@bingo-association.co.uk
The Environment Agency	enquiries@environment-agency.gov.uk
The Lotteries Council	tina@lotteriescouncil.org.uk
The Working Men's Club & Institute Union	253/254 Upper Street, London N1 1RY
William Hill Plc	jnorris@williamhill.co.uk
Guildford Baptist Church	office@guildfordbaptist.org
Emmanuel Church	parish.office@emmanuelchurch.co.uk
Samaritans	admin@samaritans.org

Appendix D **Local Area Profile**

1. Introduction

The Gambling Act 2005 (the Act) gave Local Authorities (LAs) responsibility for issuing premises licenses for gambling venues. The Act states that LAs should '*aim to permit*' the use of premises for gambling so long as applications for premises licences are reasonably consistent with the Gambling Commission's code of practice, the Gambling Commission guidance, the licensing objectives and the Council's Statement of Principles.

The licensing objectives are:

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

Recently, there have been changes in the recommended approach to gambling licensing and regulation, as expressed in the guidance published by the Gambling Commission (the Commission). These changes can be summarised into three broad themes:

- Increased focus on risk and regulation
- Greater attention to local area risk, and;
- Encouragement of partnership and collaboration between stakeholders to mitigate risk

All industry operators have to undertake local area risk assessments to explore what risks gambling venues pose to the licensing objectives, including the protection of young and vulnerable people.

Guildford Borough Council (the Council) has developed this document as a guide which gambling operators can use when undertaking and preparing their local premises risk assessments. This guide is intended for all gambling operators and has not been designed with a specific gambling sector in mind.

The Gambling Commission introduced new provisions in its social responsibility code within the Licence Conditions and Codes of Practice (LCCP), which require gambling operators to assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and to have policies, procedures and control measures to mitigate those risks. This change in national policy is intended to provide a well evidenced and transparent approach to considering and implementing measures to address the risks associated with gambling.

The introduction of new provisions in the social responsibility code within the LCCP encourages local authorities, the Commission and the industry to work in partnership to address local issues and concerns. This movement towards increased partnership working is something that Guildford has been doing for a number of years and continues to support. We have found that a risk-based approach to regulation is beneficial for businesses and the authority to prioritise their actions in response to the identified risk.

The risk based approach provides a better understanding of, and enables a proportionate response, to risk. This approach includes looking at future risks and thinking about risks in a probabilistic way. Risk is not necessarily related to an event that has happened. Risk is related to the probability of an event happening and the likely impact of that event. In this case it is the risk of the impact on the licensing objectives.

This guide provides a framework for the local risk assessment process that will provide the necessary frame work to comply with the LCCP requirements. Local risk assessments will be beneficial to the Council as Licensing Authority under the Act, as well as responsible authorities and interested parties when considering new and variation applications. A well thought out and complete risk assessment will

benefit gambling operators in the process of applying for new and varying existing premises licences by reducing the need for additional information or possibly the imposition of conditions.

Gambling operators are required to undertake a risk assessment for all of their existing premises and must also undertake a review of those assessments when certain triggers are met. These triggers, along with the Council's views on what may instigate either a new assessment or the review of an existing one are detailed within this guidance document.

The Council considers that these local risk assessments are a key component of the overall assessment and management of the local risks. The Council would expect a risk assessment to be tailored to each premises and not solely based on a 'standard' template. The Council would also expect that each assessment is completed by a suitably competent person.

This local risk assessment process is not the same as other forms of risk assessment undertaken by gambling operators, such as Health and Safety at Work, Fire Safety and Food Hygiene, etc. These local risk assessments are specific to the potential harm that gambling premises can have on one or more of the licensing objectives under the Act. They are specific to the premises, the local area and the local community.

The Licensing Authority will set out how it intends to carry out its functions under the Act in this Statement of Licensing Principles, also known as Licensing Policy. This statement is kept under review and is updated every three years (as a minimum).

The Commission is responsible for issuing operating licences to gambling operators who are deemed suitable and competent to provide facilities for gambling. As a requirement of these operating licences, gambling operators must ensure that they comply with and meet the requirements of the LCCP.

In February 2015, the Commission introduced a new social responsibility code provision making it a requirement for certain gambling operators to assess the local risks to the licensing objectives posed by each of their premises based gambling operations. The Commission also introduced an ordinary code provision relating to sharing local risk assessments. The relevant provisions of the code state:

Social responsibility code provision 10.1.1

Assessing local risk

All non-remote casino, adult gaming centre, bingo, family entertainment centre, betting and remote betting intermediary (trading room only) licences, except non-remote general betting (limited) and betting intermediary licences.

1. Licensees must assess the local risks to the licensing objectives posed by the provision of gambling facilities at each of their premises, and have policies, procedures and control measures to mitigate those risks. In making risk assessments, licensees must take into account relevant matters identified in the licensing authority's statement of licensing policy.

2. Licensees must review (and update as necessary) their local risk assessments:

to take account of significant changes in local circumstances, including those identified in a licensing authority's statement of licensing policy;

when there are significant changes at a licensee's premises that may affect their mitigation of local risks;

when applying for a variation of a premises licence; and

in any case, undertake a local risk assessment when applying for a new premises licence.

Ordinary code provision 10.1.2

Sharing local risk assessments

All non-remote casino, adult gaming centre, bingo, family entertainment centre, betting and remote betting intermediary (trading room only) licences, except non-remote general betting (limited) and betting intermediary licences

1. Licensees should share their risk assessment with licensing authorities when applying for a premises licence or applying for a variation to existing licensed premises, or otherwise on request.

These code provisions came into effect on 6th April 2016. As a result, all premises that provide facilities for gambling within Guildford must be assessed to identify the local risks posed by the provision of gambling facilities in their respective locations. This guidance will assist operators in complying with these code provisions.

2. Guildford Area Profile

Although gambling is a legal entertainment activity it can, in some locations have a negative impact on individuals and the wider community. The Council is keen to understand how gambling can affect its residents and visitors.

The Borough is the second highest populated district in Surrey with 139,700 residents in 2012. The major urban areas are located in the town centre of Guildford and Ash and surrounding areas on the western fringes of the borough.

Guildford Borough is also the second largest borough in the county, covering approximately 269 square kilometres (104 square miles) of which 89% is land designated as Green Belt. Outside the urban areas and villages, rural areas contain the Surrey Hills Area of Outstanding Natural Beauty covering 99 square kilometres, several sites of importance for nature protection and areas of special scientific interest. The borough also has a rich and varied architectural heritage, including 36 scheduled ancient monuments.

Guildford is mostly an affluent area with relatively low unemployment and low levels of crime. Most residents are healthy and enjoy well above average life expectancy. The workforce is generally well-educated and highly skilled. Guildford is home to the University of Surrey.

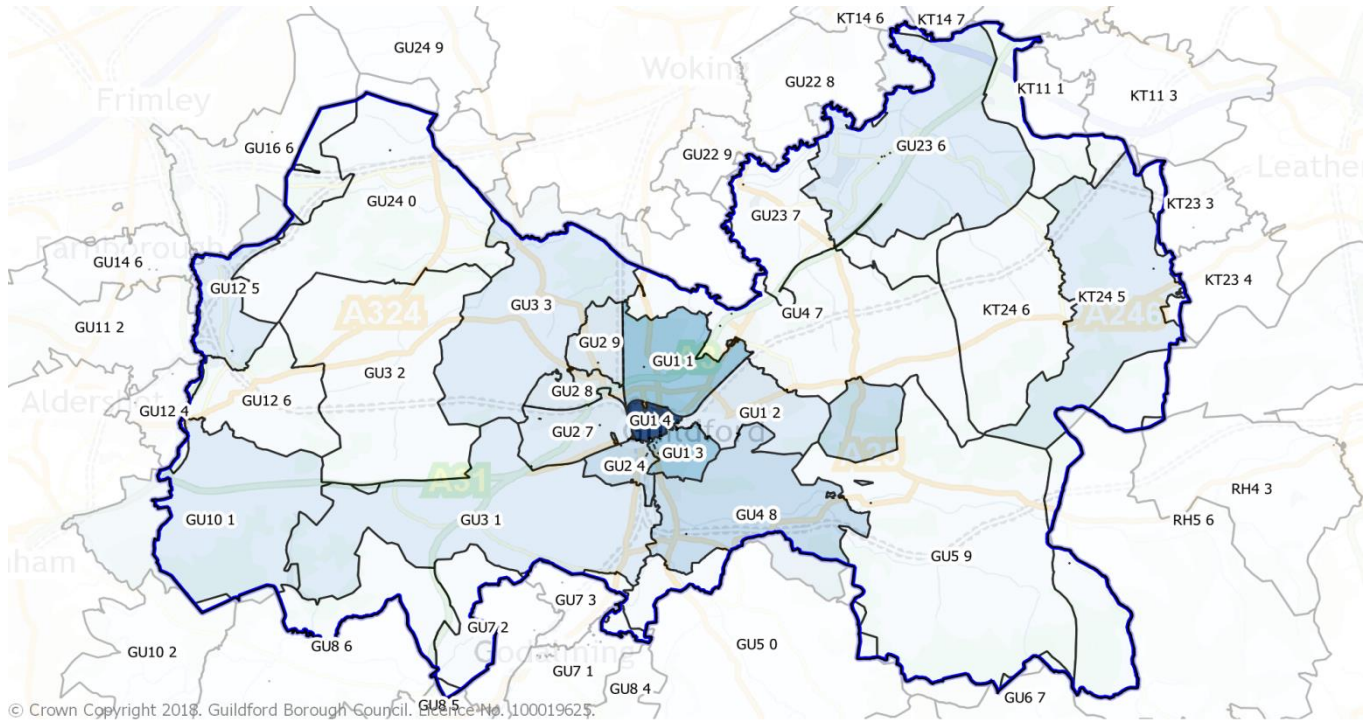
The town centre is a focus for major commercial and administrative functions and is a principal regional shopping destination, with a vibrant night time economy. In 2014 the town was awarded Purple Flag, recognising excellence in the management of the town centre at night. This prestigious award demonstrates the Council's and the other Purple Flag Partners' ambitions to develop and improve the night time economy, encouraging a broad outlook on how the town is presented at night and tackling all aspects from cleanliness to access and transport, street lighting to signage, entertainment variety and choice of styles in bars, clubs and restaurants. In order to retain this award, the Council, corporately, is keen to encourage a diverse entertainment economy, and recognises that the gambling sector contributes to this area.

Guildford has the following currently licensed for Gambling. There are:

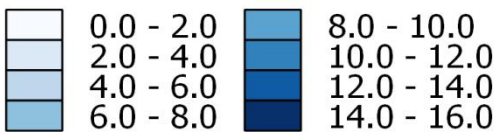
- 11 licensed betting premises, operated by national bookmakers
- 1 Family entertainment centre at Spectrum leisure centre
- Club Gaming permits at Members Clubs
- Club machine permits at Members Clubs
- Licensed premises gaming machine permits at alcohol licensed premises
- 44 Licensed premises gaming machine notifications at alcohol licensed premises
- 85 Small Society Lotteries

The majority of gaming premises are concentrated around the area of the town centre. Map 1 below shows the number and distribution of premises licensed for gambling per postcode sector of the Borough.

MAP 1: Distribution of premises licensed for gambling per postcode sector



Number of gambling premises



Despite the 2015 guidance from the Commission detailing the requirement for a local area profile, there is little guidance available about what should be contained within a local area profile. Westminster and Manchester Councils have been seen to lead the way in this area and commissioned research in 2015 to identify individuals in their local areas who were potentially vulnerable to gambling-related harm. The results of this research were published in two reports:

- Exploring area-based vulnerability to gambling-related harm: Who is vulnerable? Findings from a quick scoping review – 13th July 2015
- Exploring area-based vulnerability to gambling-related harm: Developing the gambling related harm risk index – 9th February 2016

Additional research by Leeds Beckett University (July 2016) into ‘problem’ gambling reports that national evidence shows that problem gambling can affect anyone at any time. ‘Problem’ gambling is defined as “gambling to a degree that compromises, disrupts or damages family, personal or recreational pursuits”.

Even when defined this way, the term ‘problem gambling’, is in fact not without its difficulties and needs careful explanation. The licensing objectives for gambling premises, emerging from the 2005 Gambling Act, call for vulnerable people to be protected from harm from gambling, not to be protected from problem gambling. This is an important distinction. Some people may experience harm from their gambling that is short lived, or episodic, or correspondingly they may experience harm whilst not considered to be ‘problem gamblers’. At the same time, some people who do not gamble or who do so responsibly and sustainably may experience harm because of the consequences of the gambling behaviour of others.

In short, the concept of *gambling related harm* is broader than that of *problem gambling*. There is an increasing expectation that policy makers (nationally and locally), industry regulators and operators in the industry consider this broader perspective and develop strategies to mitigate gambling related harm.

Rates of 'problem' gambling among all adults in Britain tends to be low although there are some groups who are more likely to experience problems. The research identified the following characteristics where there is evidence to support inclusion as being "at risk" from gambling related harm:

- Problem gamblers who are seeking treatment
- Substance abuse/misuse
- Poor mental health
- People with poorer intellectual functioning and learning disabilities
- Unemployment
- People from certain minority ethnic groups
- Younger people (including students)
- Adults living in constrained economic circumstances; particularly, those on very low incomes and benefits
- Homeless people and those living in areas of greater deprivation
- Offenders and ex-offenders, (including those on probation and some custodial circumstances)
- Immigrants
- People under the influence of alcohol

The groups listed above are also more likely to be vulnerable to debt and other problems, although little is known about why these groups are more vulnerable.

The 2018 Annual Report by the Gambling Commission into Gambling Participation and Perception found that overall, gambling participation has decreased since 2016 with 45% of people aged 16+ having participated in at least one form of gambling in the past four weeks in 2017 (48% in 2016). This is predominantly driven by participation in the National Lottery draws, as when people who have only gambled in the National Lottery draws are excluded, participation is at 31%. By contrast, online gambling participation has increased, with 18% of people have gambled online in the past four weeks (17% in 2016).

Overall perceptions and attitudes towards gambling are more negative than in 2016 with 33% of respondents thinking that gambling is fair and can be trusted and 41% thinking that gambling is associated with criminal activity. Theft and fraud are the crimes people associate the most with gambling. In addition, 80% of people think there are too many opportunities for gambling nowadays and 71% think that gambling is dangerous for family life, however 64% of respondents thought that people should have the right to gamble whenever they want.

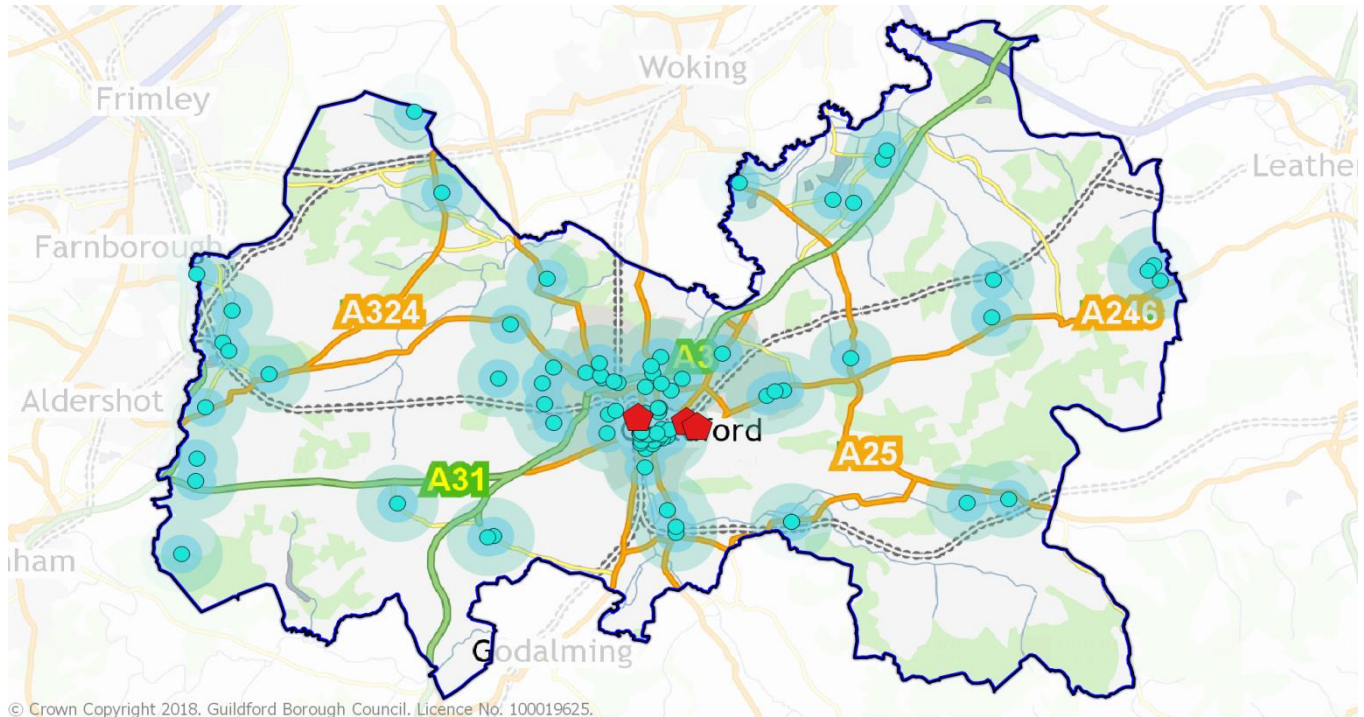
Further information about the potential risk factors and exact data used are now discussed:

Risk factor: problem gamblers seeking treatment

Dataset used: *Gamblers Anonymous meetings, and Gamcare counselling locations*

These locations are derived from lists provided by Gamcare and the Gamblers Anonymous website. These locations show the places where people with gambling problems will be visiting and hence 'pull' this potentially vulnerable group to this location.

MAP 2: Location of gambling premises and gambling treatment centres



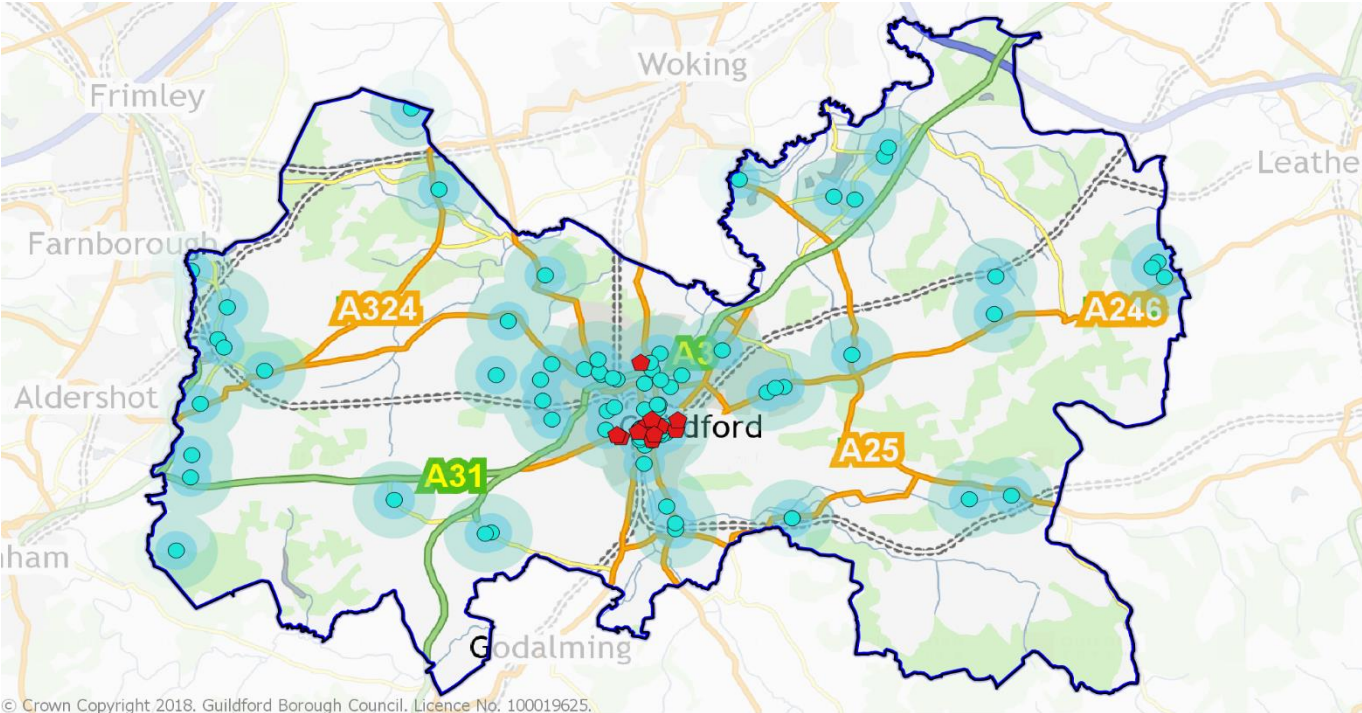
-  Gambling Treatment Locations
-  Gambling Premises
-  200m distance
-  500m distance
-  1km distance

Risk factor: people with substance abuse or misuse problems

Dataset used: Drug and alcohol treatment and recovery centres/clinics and clinics within GP surgeries, needle exchanges, accommodation for persons who require treatment for substance misuse

As with problem gambling treatment centres, these clinics are likely to act as ‘pull’ for potentially vulnerable people to these locations. This dataset is an amalgamation of LA internal lists supplemented by web searches for any possible missing data on government websites (public health departments, LAs, NHS, Care Quality Commission).

MAP 3: Location of gambling premises and substance misuse treatment centres



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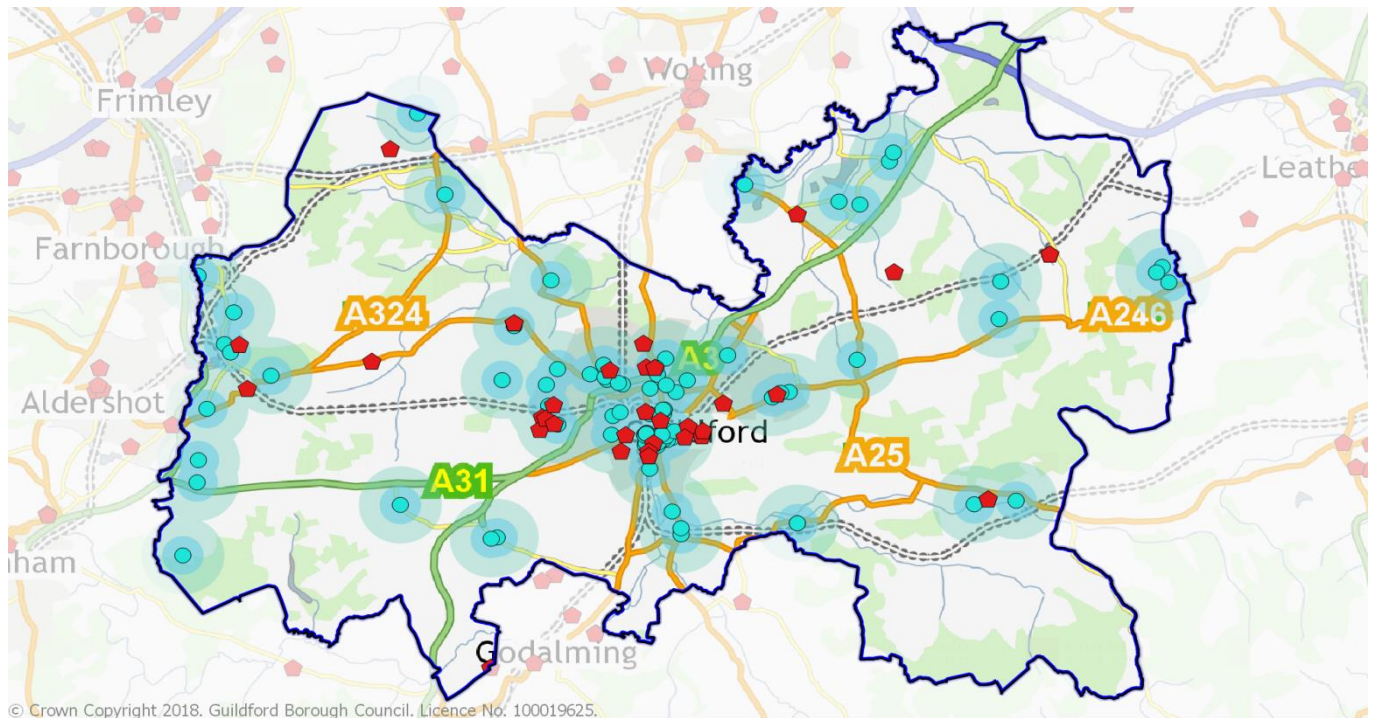
- ◆ Substance Misuse Treatment Centres
- Gambling Premises
- 200m distance
- 500m distance
- 1km distance

Risk factor: people with poor mental health

Datasets used: *Mental health treatment and recovery centres/clinics and clinics within GP surgeries, accommodation for persons who require treatment.*

As with problem gambling treatment centres, these clinics are likely to act as 'pull' for potentially vulnerable people to these locations. This dataset is an amalgamation of LA internal lists supplemented by web searches for any possible missing data on government websites (public health departments, LAs, NHS, Care Quality Commission).

MAP 4: Location of gambling premises and medical centres



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- ◆ Medical centres for mental health
- Gambling Premises
- 200m distance
- 500m distance
- 1km distance

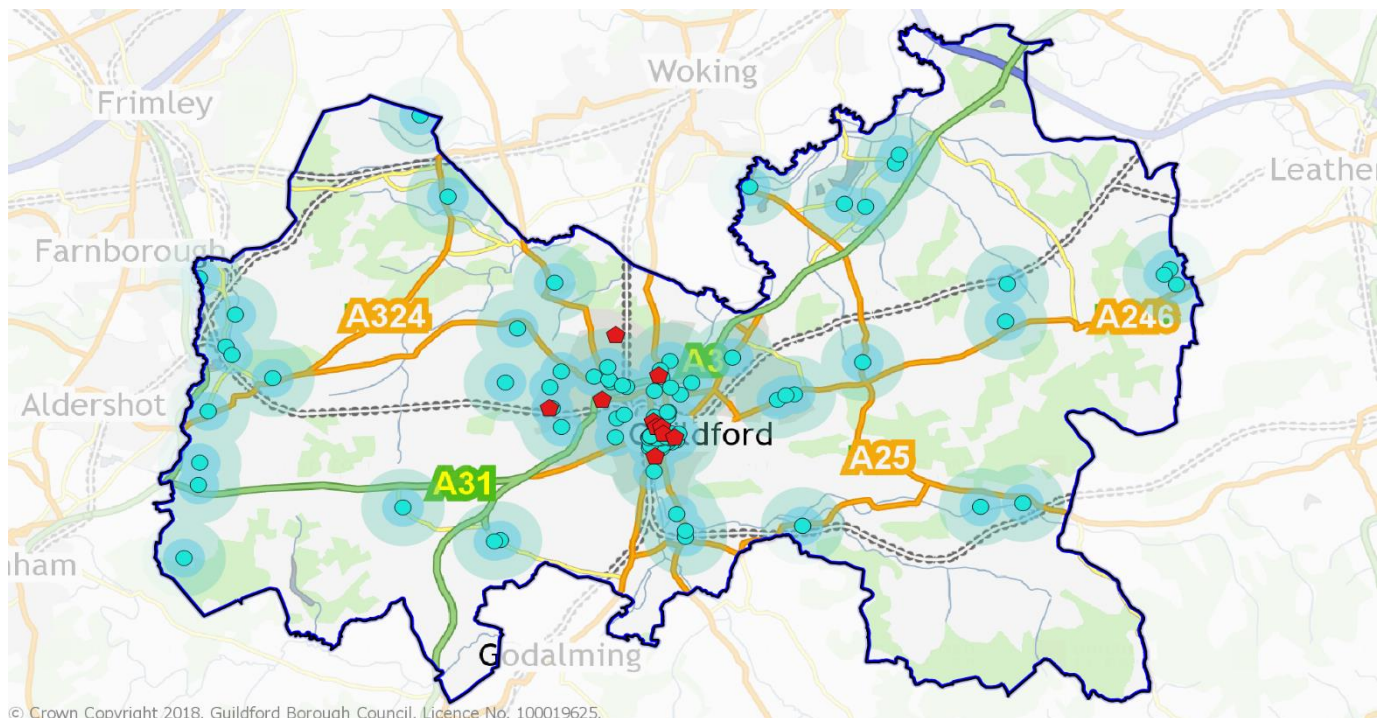
Risk factor: Unemployment and those with financial difficulties and/or debt

Datasets used: Location of job centres, CABs, payday loan shops, pawn brokers, CABs, food banks, soup kitchens etc.

Job centres and CABs will be accessed by members of the population who are likely to be unemployed and considered likely to have a combination of very low income and a large amount of personal disposable time. The Directgov website should provide a complete and current list of job centre locations.

These data represent locations where those with financial difficulties and debt problems are more likely to be present, visiting places where credit is accessed through less secured means, or places where people are so severely financially constrained they cannot afford to buy food. Although pay day loan shops may be accessed by many members of the population, these locations may serve to pull vulnerable populations with financial and debt problems into an area by providing them with access to unsecured and easy-access finance. These data are therefore derived from local web searches.

MAP 5: Location of gambling premises and unemployment and finance support centres



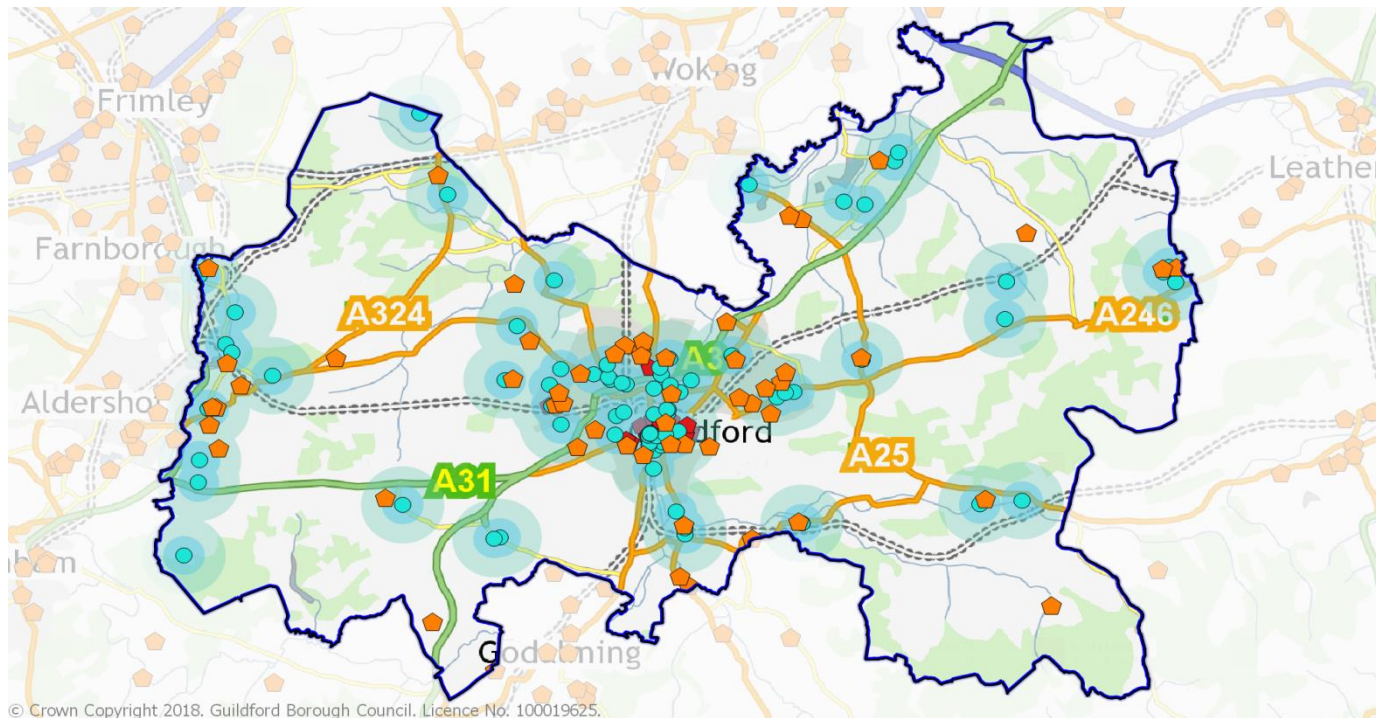
- ◆ Unemployment and Financial Support Locations
- Gambling Premises
- 200m distance
- 500m distance
- 1km distance



Risk factor: Youth

Datasets used: *Education institutions*

These data list all known educational institutions and are derived from a complete and current government database. These locations have been included as they represent areas where younger people will be present in greater numbers at certain points of the day. Many educational institutions can have catchment areas much broader than their immediate locale and they reflect the daytime population. In the case of higher educational institutes, this will also reflect greater night-time populations too.

MAP 6: Location of gambling premises and educational institutions



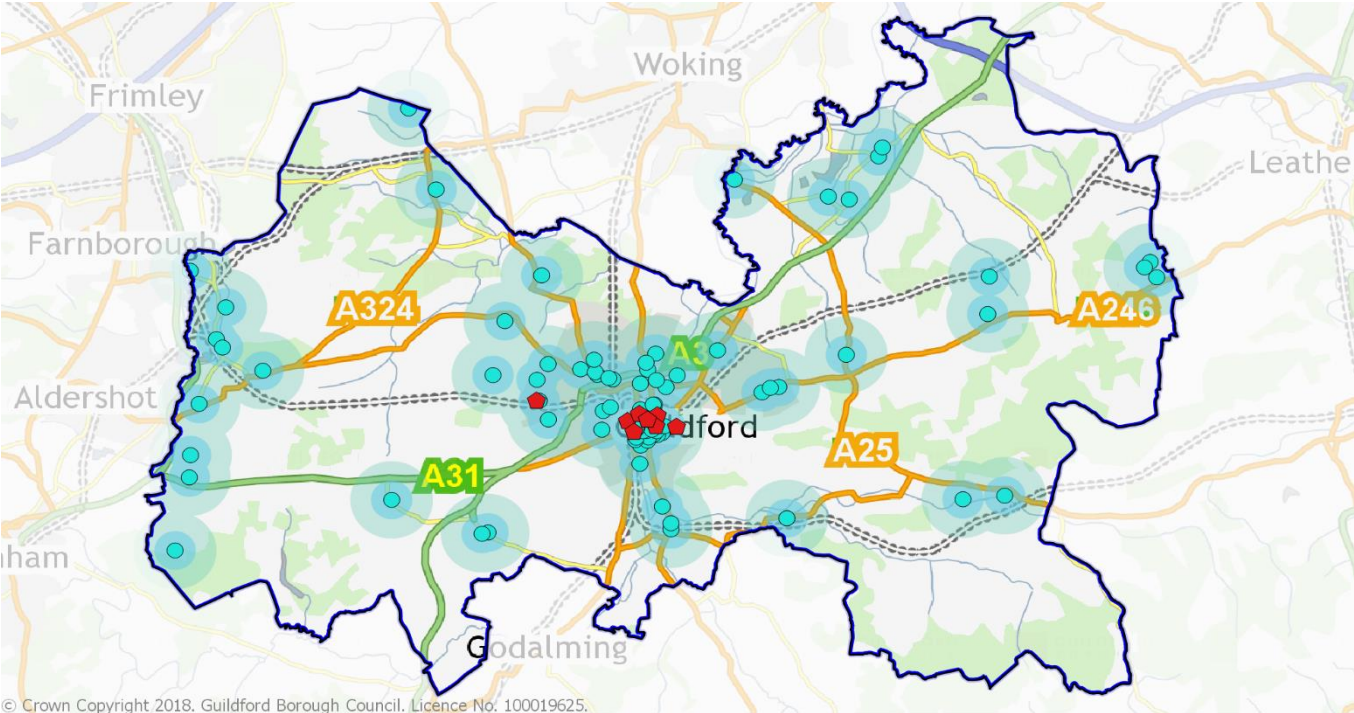
-  Educational Institutions
-  Gambling Premises
-  200m distance
-  500m distance
-  1km distance

Risk factor: Homelessness/housing instability

Dataset used: *The location of homeless accommodation from Local Authority lists/Homeless UK*

There are a variety of accommodation provision types for the homeless, ranging from emergency shelters to more mid to long-term support representing broader 'housing instability'. Data on the location of accommodation for homeless have been derived from online lists available at Homeless UK which give key locations. However, this database may not include sensitive locations not fit for publishing in the public domain (for example, women's refuges), as well as smaller accommodation provision.

MAP 7: Location of gambling premises and homeless support centres



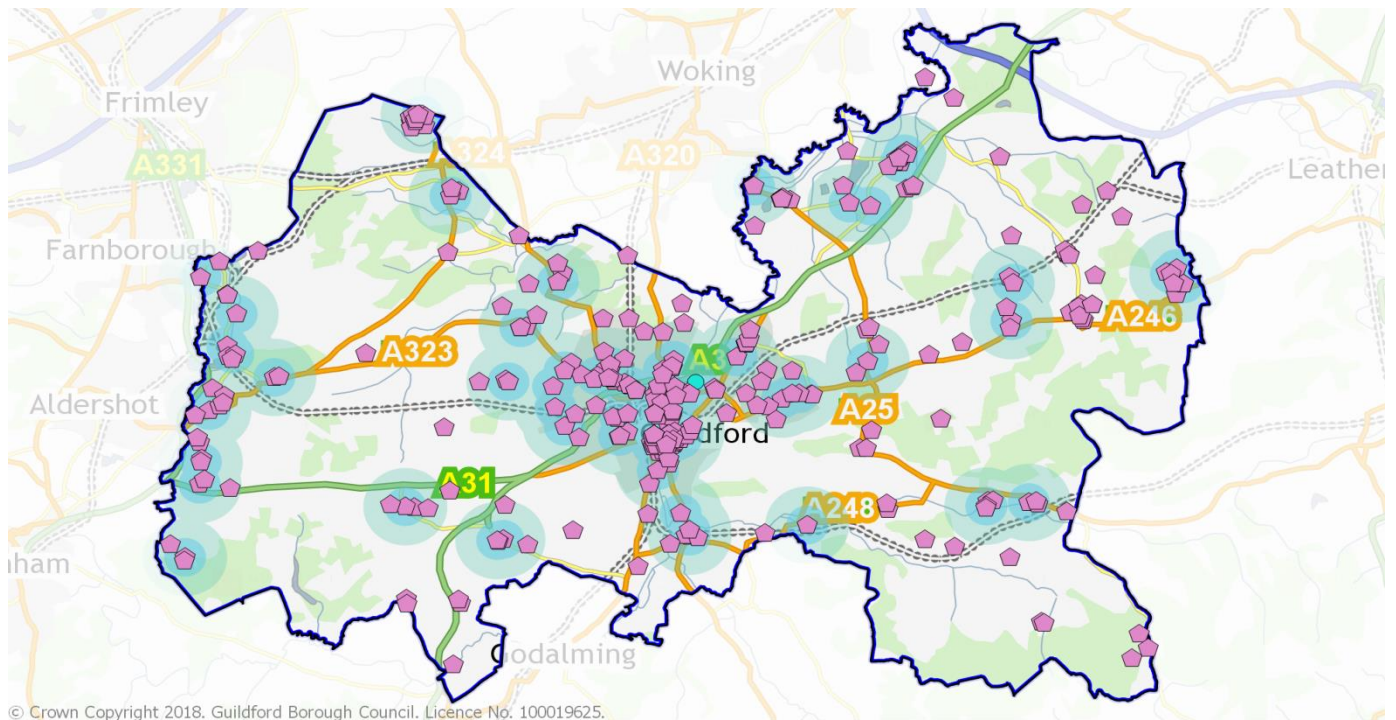
- ◆ Homeless Support Locations
- Gambling Premises
- 200m distance
- 500m distance
- 1km distance






Risk factor: Alcohol impairment

Dataset used: Location of premises licensed by Guildford Borough Council for the sale of alcohol

There is evidence to suggest that persons impaired by the influence of alcohol may be at risk of gambling related harm. The data used is from the Council's register of licensed premises.

MAP 8: Location of gambling premises and alcohol licensed premises



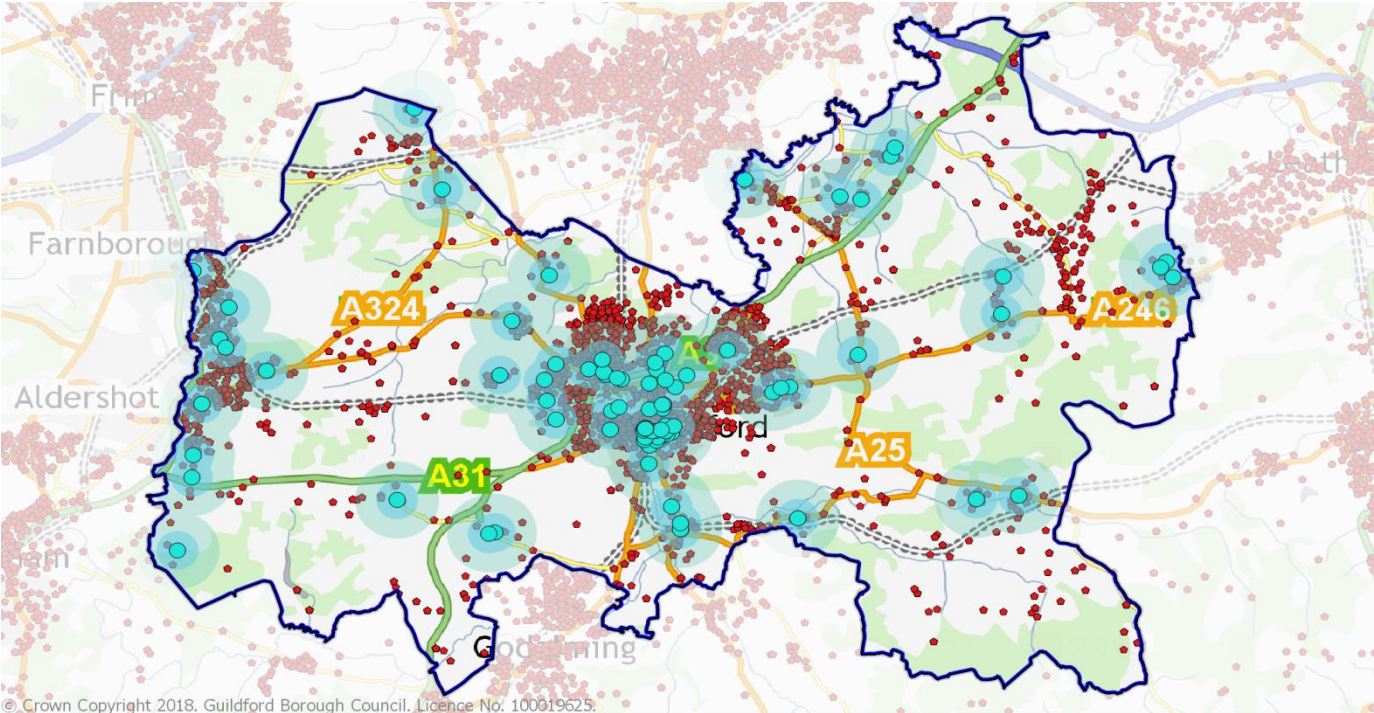
-  Licensed Alcohol Premises
-  Gambling Premises
-  200m distance
-  500m distance
-  1km distance

Risk factor: Crime
Dataset used: Surrey Police Crime Statistics

The gambling objectives also aim to prevent gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.

In order to assist operators with their assessments, crime patterns associated with the Borough for the year 2017 have been included in the Guildford area profile.

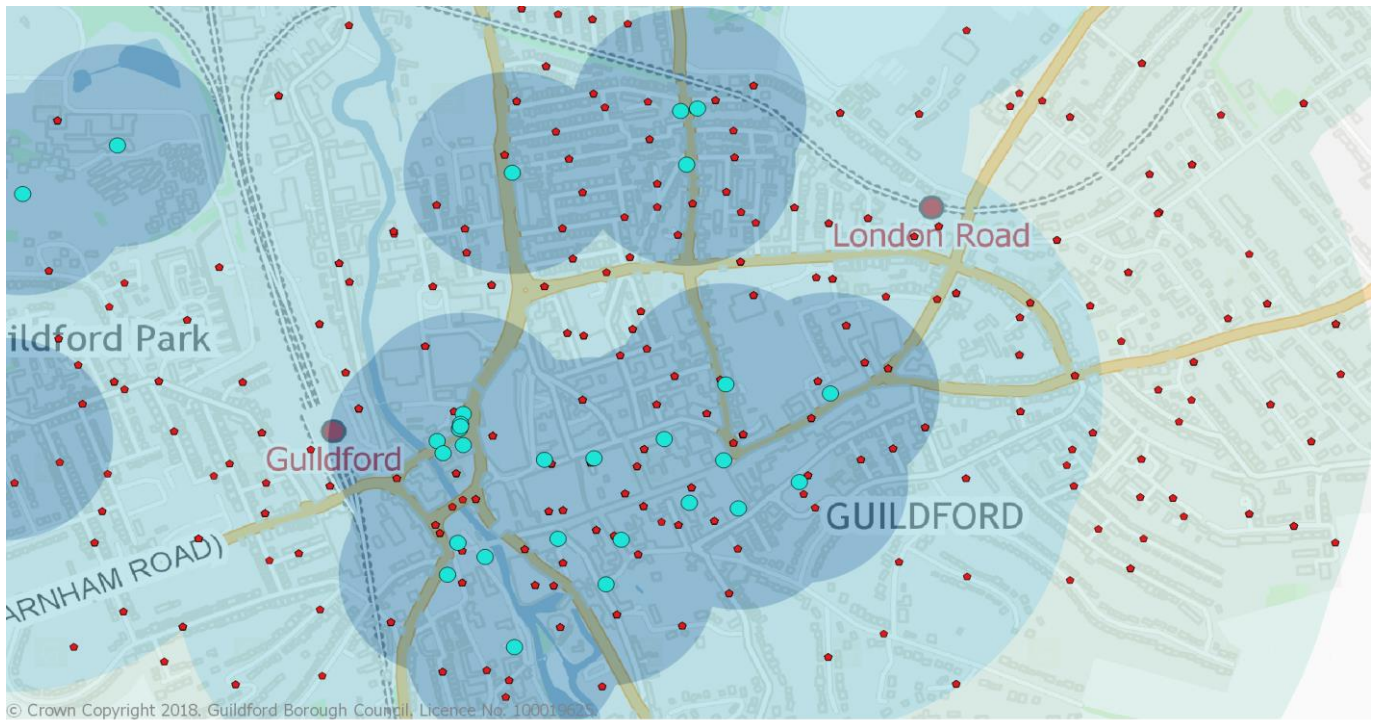
MAP 9: Location of gambling premises and reported crimes in 2017



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- Reported Crime 2017
- Gambling Premises
- 200m distance
- 500m distance
- 1km distance

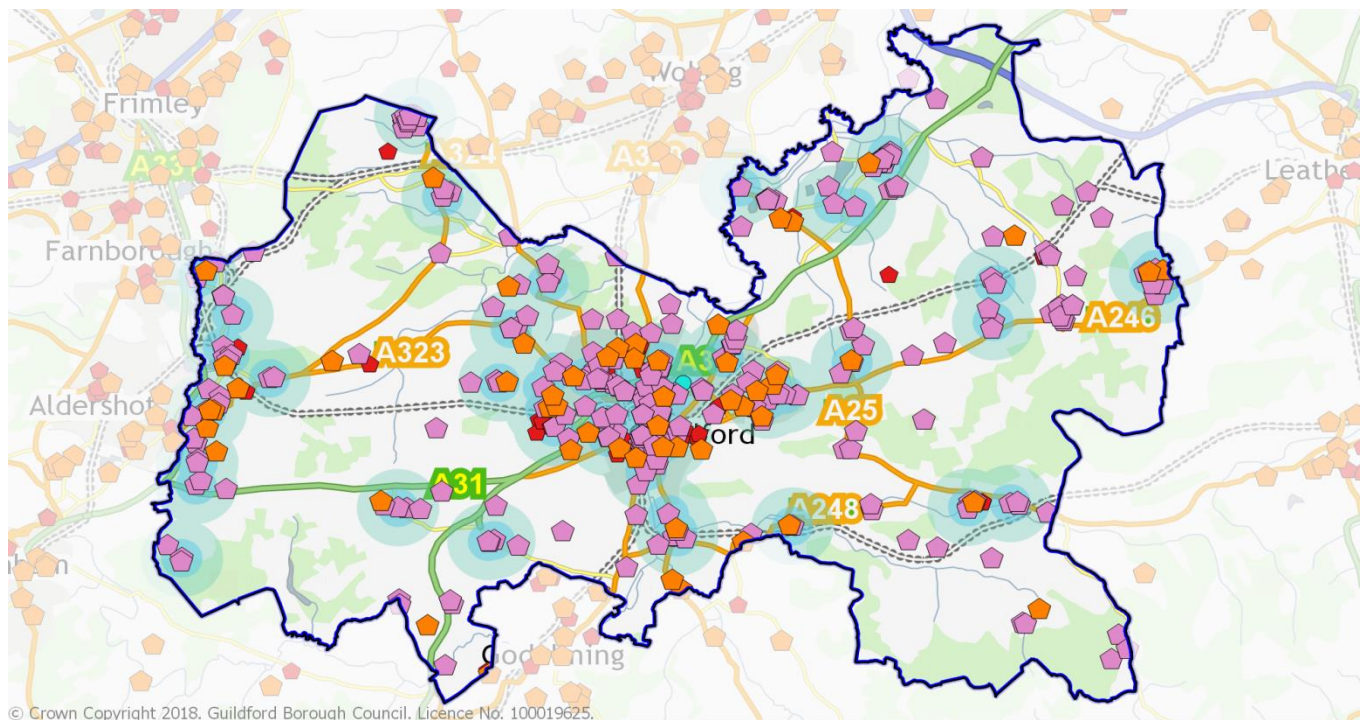
MAP 10: Location of gambling premises and reported crimes in 2017 focussed on the town centre



- Reported Crime 2017
- Gambling Premises
- 200m distance
- 500m distance
- 1km distance

All risk factor comparison and Town Centre Focus

MAP 11: Location of gambling premises, alcohol licensed premises and other identified risk groups



- ◆ Medical centres for mental health
- ◆ Gambling Premises
- ◆ Educational Institutions
- 200m distance
- 500m distance
- 1km distance

Map 11, showing the location of gambling premises against all risk groups indicates a close proximity of gambling premises and likely locations of vulnerable groups, particularly around Guildford town centre. Map 12 shows a zoom of the town centre and compares gambling premises and likely vulnerable groups.

Whether such proximity is that significant a factor is open to argument given that gamblers like anyone else can move around easily. Additionally, the increase in online gambling means that a person can effectively gamble wherever they are on their mobile device. Nonetheless, the Council would expect operators, particularly those in the town centre, to have identified the close proximity to vulnerable groups and have sufficient controls included in their risk assessment.

There is also a close correlation between premises licensed for gambling and for the sale of alcohol, mainly due to a number of licensed premises and clubs providing facilities for gaming. The Council would therefore expect operators to have identified alcohol consumption as a risk factor and have sufficient controls included in their risk assessment.

MAP 12: Location of gambling premises support centres for vulnerable groups in the town centre



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- ◆ Support Centres- Addiction, Homelessness and Unemployment
- Gambling Premises
- 200m distance
- 500m distance

3. Risk assessment triggers

The local risk assessment code provisions provide a number of triggers for when a new assessment is required and for when an existing one requires review. The Gambling Commission has not provided any further detail on these triggers and it will be ultimately down to gambling operators, the Commission and the Council to assess when these triggers have been met.

In order to assist gambling operators this section sets out the Licensing Authority's views on what these triggers may be and when operators should provide a copy of their assessments to the Licensing Authority.

3.1 New premises

If an operator intends to apply for a new premises licence under Part 8 of the Act then a local risk assessment must be carried out as required by the Commissions LCCP social responsibility code provision 10.1.1. That assessment should be based on how the premises are proposed to operate at the premises location and must take into account the local area. The completed assessment should be provided with the application for a new premises licence upon submission to the Licensing Authority.

3.2 Significant changes in local circumstances

Operators are required to review their local risk assessment if significant changes in local circumstances occur. Changes to local circumstances happen frequently and can be either temporary or permanent depending on the change, how long that change will remain in place and how it affects the local area. However, the requirement for review of the risk assessment is only applicable when that change is significant.

The review of the premises risk assessment may simply mean that after review no action is necessary as the measures and systems already in place will mitigate any risk associated with that significant change. In this case gambling operators may record that a review has taken place, why it had occurred and that no action was necessary. This would enable the gambling operator to maintain an appropriate audit trail so as to demonstrate that action had been taken.

However, on occasions the significant change in local circumstances may require a need to update and amend the existing risk assessment. In those cases gambling operators may wish to ensure that their assessments are updated adequately and that any relevant control measures are introduced correctly.

As the Gambling Commission has not set out what a significant change in local circumstances is it will be the gambling operator's responsibility to identify these changes and take the appropriate action in reviewing their risk assessments. The Council, in an attempt to assist gambling operators has produced the following lists of examples that may be considered to be significant changes in local circumstances:

- The local area is classified or declassified by the Licensing Authority as being an area of heightened risk within its Statement of Licensing Principles.
- Any new pay day loan or pawn brokers open in the local area
- Educational facilities increase in the local area. This may occur as a result of the construction of a new school/college or where a significant change is made to an existing establishment.
- The local area is identified as a crime hotspot by the police and/or Licensing Authority.
- Any vulnerable group is identified by the Licensing Authority or venues relating to those vulnerable groups are opened in proximity to gambling premises (e.g. additional homeless hostels or gambling or mental health care/support facilities are opened in the local area).

The list above is not an exhaustive list of examples of what could be considered as significant changes in local circumstances. The Council will provide information to gambling operators when it feels a significant change has occurred in the local area to enable them to take any necessary steps in

reviewing their risk assessments. The Council may inform gambling operators when it feels that a significant change has occurred in the area. The Council may also include any specific concerns that it feels may be considered as part of any review of the local area risk assessment for that premises. The notification of any significant changes from the Council should be a prompt to gambling operators to consider carrying out a review of their local risk assessments and having regard to any specific concerns raised by the Council.

3.3 Significant changes to the premises

From time to time operators will undertake changes to the premises' layout and décor, which is unlikely to prompt a review of the risk assessment for that premises. However, where there is a significant change at the premises that may affect the mitigation of local risks, then an operator must review its risk assessment and if necessary update it, taking into account the change and how it may affect one or more of the licensing objectives.

It is expected that gambling operators will undertake this risk assessment process as a matter of course for any premises refit, changes to layout or internal control measures. If any changes do require a review of the risk assessments for that premises gambling operators should ensure that they have a system in place to record and action any measures identified in that review.

The gambling operator will be responsible for identifying when a significant change to the premises has occurred. In order to assist gambling operators the Council has provided the following list of examples of what could be classified as a significant change to the premises (some of which may also require a variation to the existing premises licence).

- Any building work or premises refit where gambling facilities are relocated within the premises.
- The premises licence is transferred to a new operator who will operate the premises with its own procedures and policies which are different to those of the previous licensee.
- Any change to the operator's internal policies which as a result requires additional or changes to existing control measures; and/or staff will require retraining on those policy changes.
- The entrance or entrances to the premises are changed, for example, the door materials are changed from metal with glazing to a full glass door or doors are reallocated from egress to ingress or vice versa.
- New gambling facilities are made available on the premises which were not provided previously, for example, bet in play, handheld gaming devices for customers, Self Service Betting Terminals, or a different category of gaming machine is provided.
- The premises operator makes an application for a licence at that premises to provide an activity under a different regulatory regime, for example, to permit the sale of alcohol or to provide sexual entertainment on the premises.

As with the examples of significant changes in local circumstances set out in paragraph 3.7, the list above is not an exhaustive list of significant changes to premises.

The Council will not, as general practice, request a copy of the reviewed risk assessment if a significant change to the licensed premises has occurred, unless the change is one that will necessitate a variation application.

3.4 Variation of the premises licence

Variations to premises licences are only those required to be made under section 187 of the Act and will not include changes of circumstances such as a change of premises' name or a change of licensee's address, etc.

The Commissions LCCP social responsibility code provision 10.1.1 requires that gambling operators must undertake a review of the local risk assessment and update it if necessary when preparing an

application to vary the premises licence. Operators submitting a variation application to the Council may consider submitting a copy of the reviewed local risk assessment when submitting the application. This will then negate the need for the Council requesting to see a copy of this risk assessment and could potentially reduce the likelihood of a representation being made to the application.

If an operator wishes to vary a converted casino premises licence from one premises to another then the gambling operator should consider producing a new risk assessment for that premises. It is advisable that a copy of that assessment is submitted to the Council with the application form.

3.5 Regular review of risk assessment

As a matter of best practice the Council recommends that operators establish a regular review regime in respect of their local risk assessments. This review programme can be carried out alongside other reviews on Health and Safety risk assessments for the premises. This review programme would ensure that, regardless of whether or not any of the trigger events set out above have occurred, these risk assessments are considered at regular intervals and updated if necessary.

It will be up to the gambling operator as to the frequency of these reviews but it is recommended that no more than three years should pass before these assessments are reviewed. Operators may wish to synchronise their reviews of the local risk assessments with the publication of the Council's Statement of Licensing Principles for Gambling. This would enable gambling operators to consider the Local Area Profile, which has been published in the Council's Statement of Licensing Principles for Gambling.

4. Undertaking a local risk assessment

A local risk assessment of gambling premises should be carried out through a step-by-step approach. Gambling operators may first assess the local area and identify the relevant risk factors, then assess the gambling operation, and finally assess the premises design, both internal and external. Once the risk factors have been identified, the control measures to mitigate the risks should be considered. These control measures will either already be in place or will need to be implemented.

Who should undertake the assessment

It will be the responsibility of the gambling operator to assign the assessor for assessing the local risks for their premises. The person assigned as the assessor must be competent to undertake this role as failure properly to carry out this function could result in a breach of the provisions of the LCCP. The Gambling Commission has not produced any guidance on the competencies of assessors, however the Council would expect that the assessor must understand how the premises operate or will operate, its design, and where it is located. The assessor will need to understand the local area and can use staff or area managers to assist in gaining an understanding of that local area. The assessor should also be suitably experienced in assessing gambling related risk and identification of appropriate controls.

Step 1: The local area

Operators should start by identify the local risk factors surrounding the premises. The risk factors will differ from location to location so an understanding of the specific characteristics of the local area and the people who live, work or visit that area is important.

The Guildford Local Area Profile (section 2) will set out the demographic profile of areas of the Borough, and the specific concerns and risks that the Licensing Authority has identified in relation to gambling in those areas.

Step 2: Gambling operation and physical design

In assessing the risk factors associated with a gambling operation the assessor should take into account the local risks which are commonly accepted by broader stakeholders and how that gambling operation may affect that risk.

The physical design of the premises is a key consideration as this could have a significant impact on the risk to the licensing objectives. In assessing the risk factors associated with the premises design and layout reference is needed to the local area risks factors already identified to ensure the design doesn't add to that risk. The design, both internal and external should be considered and specific risk factors identified and noted.

Step 3: Control measures

Once the risk factors have been identified, the assessor should seek to identify control measures that would mitigate the identified risks. Such control measures will relate to one of the three categories of control measures mentioned above (systems, design and physical). Some risk factors may require a combination of control measures to adequately mitigate the risk.

Step 4: Action Plan

Once the assessment has been carried out an action plan should be completed so that any identified actions are documented and a deadline for completing the required piece of work is set and agreed.

Completed assessment

The control measures must be implemented on the premises and, if applicable, staff on the premises should be trained in their use or trained on the new policy or procedure. The assessment must be retained and should be reviewed whenever a trigger occurs or as part of a regular review regime (see part 3 above).

BY EMAIL ONLY
LICENSING SECTION
GUILDFORD BOROUGH COUNCIL

Please ask for: Richard Taylor
Direct Tel: 01482 590216
Email: rjt@gosschalks.co.uk
Our ref: RJT / MJM / 123267.00001
#GS4117608
Your ref:
Date: 27 September 2021

Dear Sirs,

Re: Gambling Act 2005 Policy Statement Consultation

We act for the Betting and Gaming Council (BGC) and are instructed to respond on behalf of the BGC to your consultation on the review of your Gambling Act 2005 Statement of Principles.

The Betting and Gaming Council

The Betting and Gaming Council (BGC) was created in 2019 as the new standards body for the UK's regulated betting and gaming industry. This includes betting shops, online betting and gaming businesses, bingo and casinos. Its mission is to champion industry standards in betting and gaming to ensure an enjoyable, fair and safe betting and gaming experience for all of its members' customers.

BGC members support 119,000 jobs and account for £4.5 billion to the Treasury annually in tax. Recent study also showed that BGC members contributed around £7.7 billion in gross value added to the UK economy in 2019.

The gambling industry is integral to the survival of sport. Betting companies spend over £40 million a year on the English Football League (EFL) and its clubs. Horse racing, an industry estimated to be worth £3.5 billion a year to the UK economy and which generates 85,000 jobs receives over £350 million per annum through the Horse Racing Industry Levy, media rights and sponsorship. Darts and Snooker receive in excess of £10 million per annum which represents 90 % of all sponsorship revenue.

The BGC has four principal objectives. These are to –

- **create a culture of safer gambling throughout the betting and gaming sector, with particular focus on young people and those who are vulnerable**
- **ensure future changes to the regulatory regime are considered, proportionate and balanced**

- **become respected as valuable, responsible and engaged members of the communities in which its members operate**
- **safeguard and empower the customer as the key to a thriving UK betting and gaming industry**

Before we comment on your draft policy document, it is important that the backdrop against which the comments are made is established.

Betting and Gaming in the UK

Betting and gaming is an incredibly important part of the UK leisure and hospitality industry, employing over 70,000 people, including 50,000 in betting, 13,000 in casinos and 10,000 people directly employed online. The betting and gaming industry contributes £8.7 billion Gross Value Added to the UK economy & contributes £3.2 billion to HM Treasury. In addition, casinos contribute over £120 million to the tourism economy each year.

Betting and gaming is widely enjoyed in the UK. Around 30 million people participate in some sort of gambling, whether that is on the National Lottery, placing a bet in betting shops, playing in casinos or at bingo. The overwhelming majority of these people do so safely without reporting any problems.

Any consideration of gambling licensing at the local level should also be considered within the wider context.

- the overall number of betting shops is in decline. The latest Gambling Commission industry statistics show that the number of betting offices (as of March 2020) was 7681. This is reducing every year and has fallen from a figure of 9137 in March 2014. Covid 19 had a devastating effect on the betting industry. The number of betting offices in June 2020 was down to 6461.
- planning law changes introduced in April 2015 have increased the ability of licensing authorities to review applications for new premises, as all new betting shops must now apply for planning permission.
- In April 2019 a maximum stake of £2 was applied to the operation of fixed odds betting terminals
- successive prevalence surveys and health surveys tells us that problem gambling rates in the UK are stable and possibly falling.

Problem Gambling

Problem gambling rates are static or possibly falling. The reported rate of 'problem gambling' (according to either the DSM-IV or the PGSI) was 0.8% of the adult population in 2015, in 2016 it was 0.7% and in 2018 it was 0.5% of the adult population.

This is termed statistically stable but is encouraging that we might finally be seeing a reduction in problem gambling due to the raft of measures that have been put in place recently both by the

industry, the Gambling Commission and the Government – from a ban on credit cards, restrictions to VIP accounts, new age and identity verification measures and voluntary restrictions on advertising. These rates have remained broadly the same since the introduction of the Gambling Act 2005.

Whilst one problem gambler is too many, both the Government and regulator both say there is no evidence that problem gambling has increased in recent years.

During the Covid-19 period of lockdown, both the Gambling Commission and Government have acknowledged that problem gambling levels have not increased.

In June 2020, the BGC's five largest members committed to increasing the amount they spend on research, education and treatment (RET) services from 0.1 per cent to 0.25 per cent of their annual revenue in 2020, 0.5 per cent in 2021, 0.75 per cent in 2022 and 1 per cent in 2023. The five operators confirmed they will provide £100 million to GambleAware charity to improve treatment services for problem gamblers.

Rates of 'problem gambling' in the UK are low by international standards – compared to France (1.3%), Germany (1.2%), Sweden (2.2%) and Italy (1.27%).

The BGC supported the creation of the new NHS gambling treatment clinics who have promised 22 clinics, 3 of which are open now. We are pleased that the NHS have committed to work to increase the number of clinics in the UK in addition to existing serviced delivered by Gordon Moody Association and GamCare's 120 treatment centres located throughout the UK.

The BGC welcomes the Gambling Commission's National Strategy was a way of accelerating progress on responsible gambling and tackling problem gambling. Our members are fully committed to meeting this challenge and are working tirelessly to deliver new responsible gambling initiatives including technology that tackles problem gambling and supporting a statutory levy and increased funding for problem gambling clinics.

Underage participating by those aged 11-16 in any gambling activity has declined from 22% to 11% over the past decade; here, 'gambling activity' mainly relates to personal betting (e.g. playing cards with friends) and legal play of lotteries (e.g. participating with consent of parents / guardians). BGC members have a zero tolerance to those under the age of 18 attempting to use their products.

Working in partnership with local authorities

The BGC is fully committed to ensuring constructive working relationships exist between betting operators and licensing authorities, and that where problems may arise that they can be dealt with in partnership. The exchange of clear information between councils and betting operators is a key part of this and the opportunity to respond to this consultation is welcomed.

Differentiation between Licensing Act 2003 and Gambling Act 2005 applications

When considering applications for premises licences, it is important that a clear distinction is made between the regimes, processes and procedures established by Gambling Act 2005 and its

regulations and those that are usually more familiar to licensing authorities – the regimes, processes and procedures relating to Licensing Act 2003.

Whilst Licensing Act 2003 applications require applicants to specify steps to be taken to promote the licensing objectives, those steps being then converted into premises licence conditions, there is no such requirement in Gambling Act 2005 applications where the LCCP provide a comprehensive package of conditions for all types of premises licence.

It should continue to be the case that additional conditions in Gambling Act 2005 premises licence applications are only imposed in exceptional circumstances where there are clear reasons for doing so. There are already mandatory and default conditions attached to any premises licence which will ensure operation that is consistent with the licensing objectives. In the vast majority of cases, these will not need to be supplemented by additional conditions.

The LCCP require that premises operate an age verification policy. The industry operates a policy called “Think 21”. This policy is successful in preventing under-age gambling. Independent test purchasing carried out by operators and submitted to the Gambling Commission, shows that ID challenge rates are consistently around 85%.

When reviewing draft statements of principles in the past, we have seen statements of principles requiring the operation of Challenge 25. Unless there is clear evidence of a need to deviate from the industry standard then conditions requiring an alternative age verification policy should not be imposed.

The BGC is concerned that the imposition of additional licensing conditions could become commonplace if there are no clear requirements in the revised licensing policy statement as to the need for evidence. If additional licence conditions are more commonly applied this would increase variation across licensing authorities and create uncertainty amongst operators as to licensing requirements, over complicating the licensing process both for operators and local authorities

Considerations specific to the proposed (unchanged) Gambling Act 2005 Statement of Principles

We note that it is not proposed to update the existing (2019-2022) Statement of Principles and the comments below therefore follow a review of that policy.

Part B is headed, “Promotion of the Licensing Objectives.” This should be amended to delete the reference to “promotion” as there needs to be a clear distinction between the Licensing Act 2003 regimes and that deal with by the Statement of Principles. Neither the licensing authority nor operators have a duty to promote the licensing objectives. The only body upon whom Gambling Act 2005 confers such a duty is the Gambling Commission itself.

The first sentence of paragraph 16.3 appears to be incomplete. This reads, “*The council will need to be satisfied that there is sufficient evidence that the particular location would be harmful to the licensing objectives*” but it does not go on to state what the consequence of being so satisfied would be. This sentence needs redrafting/supplementing in order that its meaning is clear.

Paragraph 16.6 contains a list of matters that the licensing authority recommends are considered by operators when conducting risk assessments. This list should be redrafted to delete matters that are not relevant to any assessment of risk to the licensing objectives.

SR Code Provisions 10.1.1 and 10.2.2 provide for “*relevant matters identified in the licensing authority’s statement of licensing policy*” to be taken into account. The examples of matters that the licensing authority recommends be considered needs therefore only to reflect matters that are relevant to the licensing objectives.

It is impossible to see how issues such as “*known problems in the area such as street drinkers, youths participating in anti-social behaviour, drug dealing activities etc*” could pose a risk to the licensing objectives.

Similarly, “*gaming trends that may mirror reflect benefit payments*” can only be relevant to an assessment of risk to the licensing objectives if the authority’s view is that anyone in receipt of benefits is deemed vulnerable or likely to commit crime as a result of gambling. This cannot be correct and references to any issue that is not relevant to the licensing objectives should be removed.

Paragraph 20.2 needs to be redrafted. This states that applicants will be expected to explain in their applications how their proposals will not exacerbate problems to individuals living in the vicinity or exacerbate any crime problems within the vicinity generally. Furthermore, this paragraph expects “*tailored applications*” and to propose licence conditions. This appears to conflate requirements of Licensing Act 2003 applications and those under Gambling Act 2005 and needs amending so that there is no confusion.

Gambling Act 2005 applications do not require an explanation of how the proposals will not exacerbate any problems to individuals or general crime in the vicinity. Relevant matters are for the local area risk assessment in which an applicant will identify risks to the licensing objectives (rather than problems of crime in the area generally) posed by the provision of the gambling facilities proposed and detail policies, procedures and control measures in place to mitigate the risk.

Furthermore, an applicant will not need to tailor an application nor propose licence conditions as is expected under Licensing Act 2003. The default conditions that attach to all premises licences are designed to be, and usually are, sufficient to ensure operation that is consistent with the licensing objectives. Additional conditions would only be required where there is evidence that the policies, procedures and control measures contained within the risk assessment do not adequately address the risk posed by the provision of gambling facilities proposed.

Appendix D is overly long and refers to matters outside any consideration of risk to the licensing objectives. Maps 5, 8,9,10 all have no relevance as far as an assessment of risk to the licensing objectives is concerned and should therefore be removed.

Conclusion

On behalf of the BGC, we thank you for the opportunity to comment on your draft statement of principles and hope that these comments above are useful. The BGC will work with you to ensure that its members' operation of its premises will operate in accordance with the licensing objectives.

Yours faithfully,



GOSSCHALKS LLP

Council Report

Ward(s) affected: All

Report of Director of Service Delivery

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Local Council Tax Support Scheme for 2022-23

Executive Summary

Local Council Tax Support (LCTS) enables us to help around 4,500 households to pay their Council Tax, by providing £5.8 million of support. These are households where low incomes do not cover essential housing costs. We share the cost with Surrey County Council, Guildford's share being around 10%.

The Council has a statutory duty to consider annually whether to revise its LCTS scheme (otherwise known as Council Tax Reduction (CTR)), replace it with another or make no changes at all. The Council is obliged to consult with interested parties if it wishes to revise or replace the scheme, although it makes sense to consult even if we do not propose to change the current scheme. The Council must approve a scheme for the 2022-23 financial year by 31 January 2022, to enable annual bills to be calculated correctly.

In 2021-22 we made some small changes to the scheme. We increased Personal Allowances, Premiums and Non-Dependant Deductions. We also removed the cap on Band E entitlement for 2021-22 to provide additional help during the pandemic.

For 2022-23 we propose the following changes, which we forecast will have a revenue cost of £2,500

- Increase Personal Allowances and Premiums to ensure that the help given does not unduly reduce due to inflation.
- Increase Non-Dependant Deductions to reflect an expectation that their contribution to the household expenses should increase each year.
- Continue to remove the cap on Band E entitlement for 2022-23 to provide additional help during the pandemic. This allows anyone in a Band E property who is eligible for 100% help to receive 100% instead of having the help restricted to a maximum of a lower banded Band D property.

Changes to Personal Allowances, Premiums and the Band E restriction will increase the cost of the scheme. The nature of changing caseload and personal circumstances of claimants means that officers forecast that the increase can be accommodated within the existing revenue budget.

Whilst some uncertainty remains around the economy, government initiatives to support individuals and businesses throughout the pandemic have prevented most from needing welfare support. Officers still believe it is important to support people to stay in their own homes in the coming months, and to minimise the transfer of costs to our homeless prevention service.

The discretionary hardship fund was increased for 2021-22 in anticipation of an increase in unemployment levels and calls for help. Whilst we are only half way through the year, and there remains some uncertainty, the economic outlook is much more positive. It no longer looks as if the additional funds will be needed and officers propose that the fund returns to its normal £40,000. This should still provide sufficient funds for any additional applications that may result from the end of furlough or with increased caseload as a result of business failures.

In 2020 the government provided us with COVID19 Council Tax Hardship Funds. These are separate from the LCTS Hardship Fund and allow us to support taxpayers with additional Council Tax discounts. A taxpayer cannot receive more than a 100% reduction. As a large percentage already receive 100% LCTS we did not spend all the funds and carried them forward to provide additional support in 2021. We forecast that funds will remain at the end of 2021 and that these should again be carried forward to provide further discounts in 2022.

Councillors considered the complexities of LCTS at the Strategy and Resources EAB on 14 June. They were asked to provide feedback of key areas they would like officers to either leave untouched or look at in more detail. They feedback that they would like the recalculation linked to Universal Credit to be looked at. This is a complex matter and will be considered as part of the longer Future Options review.

We carried out a stakeholder consultation between 24 September and 13 October 2021. The results of the consultation are set out in section 7 of this report. Only one response was received. Whilst this is disappointing, the proposed changes are low impact. The County and the Police support the changes.

At its meeting on 23 November 2021, the Executive considered the matter and endorsed the recommendations below.

Recommendation to Council:

- (1) That the current LCTS scheme (which is on our website), be amended for 2022-23 as set out in detail in Appendix 1, with effect from 1 April 2022.
- (2) That the Council maintains a discretionary hardship fund of £40,000 in 2022-23, and carries forward any residual 2020 and 2021 COVID19 Council Tax Hardship Funds.

Reasons for Recommendation:

- (1) To ensure that the Council complies with government legislation to implement a LCTS scheme from 1 April 2022.
- (2) To maintain a discretionary fund to help applicants suffering from severe financial hardship.

Is the report (or part of it) exempt from publication? No

1. Purpose of Report

- 1.1 This report reminds the Council of our current LCTS Scheme, discusses the changes proposed for 2022-23, and reports on the consultation that we are obliged to carry out with stakeholders prior to adopting a scheme for the new financial year.
- 1.2 The report also advises of the level of financial support provided during the year (and previous years) to the most financially vulnerable in the community. It includes a narrative on the impact of the pandemic on the annual review.

2. Strategic Priorities

- 2.1 The work of the Benefits service contributes two of our fundamental themes: place-making and community.
- 2.2 LCTS provides residents with help with the Council Tax element of their housing costs. By processing claims for financial support quickly and accurately the Benefits service supports the most financially vulnerable and less advantaged of our residents. It is important that the scheme continues to support those most in need.

3. LCTS Background

- 3.1 In April 2013 the government replaced Council Tax Benefit (CTB) with locally determined support schemes. In addition, the government reduced the funding available for such schemes to support those of working age by 10%. For the borough, this equated to a reduction in funding of approximately £700,000, of which approximately 10% related to Guildford Borough Council (as our element of the total council tax is roughly 10%), and 90% to Surrey County Council. The aims of the government's changes were to:
- help decentralise power and give councils increased financial autonomy,
 - support deficit reduction,
 - give councils a greater stake in the success of their local economy.
- 3.2 The schemes implemented from 2013/14 to 2021-22, minimised the impact on vulnerable people as much as possible. Additionally, the Council set aside sums each year to ensure that extra support was available for any resident or family that faced financial hardship because of the benefit reforms. A summary of the changes made is included in Appendix 2.
- 3.3 From 2014 the government rolled central funding for LCTS into the Revenue Support Grant (RSG) for local authorities and it was subject to the same cuts. Despite LGA requests it was not separately itemised, but as our RSG is zero from 2018 we receive no further funding for the LCTS payments we make. We do however receive a separate payment to subsidise administration. The Ministry of Housing, Communities & Local Government (MHCLG) calculates the grant using a formula based on working and pension age caseload, which also factors in labour and accommodation costs. Whilst we do not generally expect this grant to increase the pandemic has had an effect. The grant reduced from £83,088 in 2019/20 to £80,868 for 2020/21, and then increased to £84,091 for 2021-22.

- 3.4 We have successfully embedded the LCTS scheme into the HB service we operate, with very few complaints from customers about how we administer it or indeed the radical nature of the government’s reform. Naturally, we will always be in dialogue with disaffected customers, but they are able to take advantage of the various complaints and appeals mechanisms that are available to them. We have a strong record of accomplishment in dealing with such sensitive issues in a compassionate way.
- 3.5 The embedding of the scheme is good news, as the abolition of CTB in 2013 was a major strand of the government’s changes to the welfare state, and the most significant change to the Benefits service in over 20 years. Every council operates a different scheme now, with many variations designed to encourage more people back into work and address the deficit reduction.

4. Universal Credit (UC) and National Welfare Reform

- 4.1 Universal Credit replaces six benefits, including HB but not LCTS, with one national benefit.
- 4.2. Rollout is in two phases:
- Natural migration (when entitlement to one of the underlying benefits changes) began in Guildford on 24 October 2018. New working age claims for HB can now only be made in limited circumstances.
 - Managed migration for the remaining caseload was originally due to be complete in October 2017. The government has repeatedly delayed plans, and on 11 March 2019 announced that 10,000 claimants in Harrogate would pilot the process from July 2019. In February 2020 the DWP told “Inside Housing” that only 69 people were in the pilot and only a handful had moved to UC. The pilot was suspended due to the pandemic and will not be restarting. Migration of all working age claimants to UC remains due to complete by September 2024. At the time of writing, we do not have details on how this will work, and a lot of uncertainty remains around the process.
- 4.3 The Commons Library is publishing constituency level data on the number of households on UC, legacy benefits and tax credits (table 1 below). These show that more households are now on UC than legacy benefits. The percentage increase in UC claims is higher than the decrease in legacy benefits, indicating that more households are claiming welfare benefits because of the pandemic. It should however be remembered that, unlike the legacy job seekers allowance, UC is both an in and out of work benefit.

Table 1

Constituency level data	Households on UC May 2020	Households on legacy benefits and tax credits May 2020	Households on UC May 2021	Households on legacy benefits and tax credits May 2021
Guildford	3,589	3,324	4,364	2,842
Mole Valley	2,908	2,500	3,504	2,124
Surrey Heath	3,837	3,131	4,568	2,572
Woking	3,921	3,961	5,124	3,252

- 4.4 We will continue to assess ongoing working age HB claims until they migrate to UC. We expect the government to incorporate HB for pension age into pension credit once the roll out of UC is complete. Whilst HB Caseload is reducing (table 2 below), the indication is that we will have substantial numbers to assess for at least the next two to three years.

Table 2

HB Current (Live) Claim Caseload	30/09/18	31/03/19	31/03/20	31/03/21	31/08/21
Pension Age Claimants	1,628	1,587	1,535	1,468	1,446
Working Age Claimants	3,464	3,180	2,515	2,191	2,074

- 4.5 HB is a national benefit administered locally to help those in need with payment of their rent. Although UC will replace HB, in the meantime the government continues to make amendments to both the HB and pension age LCTS regulations. These include annual increases in things such as premiums and personal allowances to protect against increases in the cost of living.

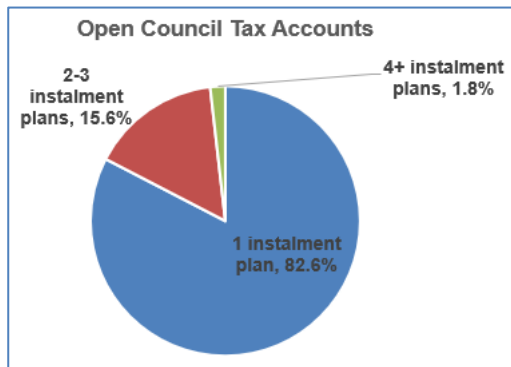
5. The Impact of the COVID-19 Pandemic

- 5.1 We reported in recent years on plans for a more fundamental review of future options for LCTS (Appendix 3). The reasons for the review remain valid, however the project has been delayed firstly by preparations for Phase B of Future Guildford, and secondly by the impact of the pandemic on capacity – with resources diverted to work on grants for businesses, continued support and advice for residents on low incomes, and NHS Test and Trace Support Payments. Much of this work remains ongoing.

The number of live LCTS claims with a UC income on them has increased from 695 on 31 August 2020 to 787 on 31 August 2021. We have carried out some analysis regarding the impact of UC on Council Tax instalment plans to establish whether the delay in our fundamental review is creating an unacceptable situation whereby substantial numbers of residents are having their instalments recalculated every month – with the result that they never have a chance to pay.

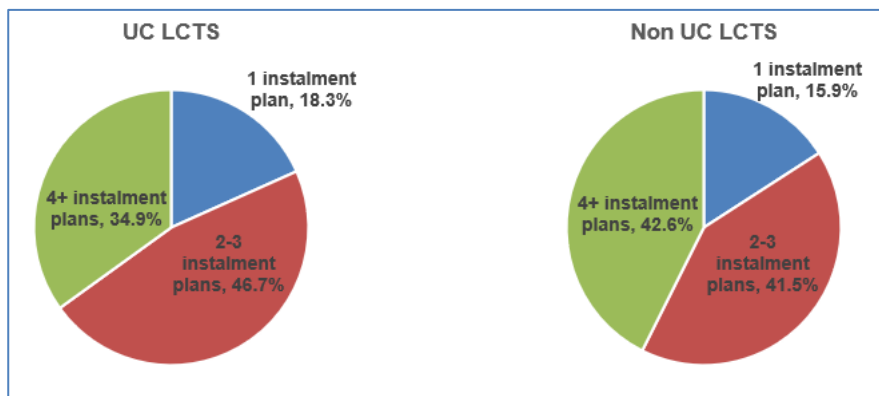
Looking at all open Council Tax accounts (Chart 1) 82.6% have had one instalment plan, 15.6% have had 2 or 3 and 1.8% have had 4 or more instalment plans. Instalment plans recalculate when there is a change to an account – this could be a change in LCTS but it could also be as a result of moving property, applying for a discount or changing a payment method.

Chart 1 All Council Tax Accounts



A higher proportion of working age LCTS recipients have had more than one instalment plan than either pension age or those not in receipt of LCTS. Looking at working age LCTS recipients who still have some Council Tax to pay (Chart 2) being on UC does appear to correlate with more instalment plans but not substantially more. The driving factor is being in work on a low income with fluctuations in pay, and this has not changed with the introduction of UC.

Chart 2 Working Age LCTS with some Council Tax to Pay



We asked councillors at the Strategy and Resources EAB for feedback on areas that they recommend should be either untouched or looked at in more detail during scheme reviews. They agreed that we should look at minimising instalment recalculations.

Unfortunately changing the scheme is not as easy as simply saying we will not recalculate for changes as this would result in unfair scenarios such as:

- The recipient who has 10% of their Council Tax paid and then has a reduction in pay. This would currently entitle them to more help, which a “do not recalculate” rule would prevent.
- The recipient who has 90% of their Council Tax paid and then has an increase in pay. They would currently be entitled to less help, but a “do not recalculate” rule would maintain the help at a higher level.

We also need to consider whether our software supplier can automate the changes, and how any changes interact with other elements of the scheme – for example changes in capital or to non-dependants’ income.

Due to these complexities we need to look at this as part of the fundamental review, however the instalment analysis shows that the delay is not causing a substantial problem.

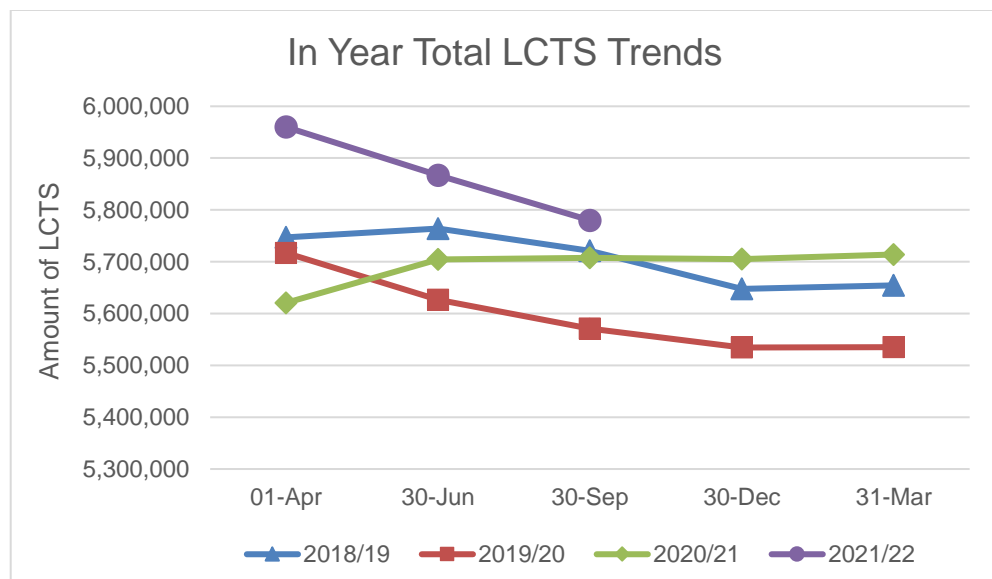
5.2 A year ago we reported that we had seen a relatively small increase in LCTS payments since 1 April 2020. At 30 September 2020 we had seen an in year change of £87,083. As table 3 shows this rose to £93,279 by the end of the year.

Table 3

Year	LCTS at 01/04 £	LCTS at 31/03 £	In Year Change £	Retrospective LCTS changes for previous years £
2013/14	6,720,705	6,578,398	-142,307	n/a
2014/15	6,399,286	6,181,992	-217,294	-69,066
2015/16	6,140,508	5,901,366	-239,142	-171,760
2016/17	5,542,321	5,518,566	-23,755	-51,999
2017/18	5,679,604	5,533,577	-146,027	-71,346
2018/19	5,747,267	5,648,418	-98,849	-64,515
2019/20	5,716,933	5,534,922	-182,011	-84,931
2020/21	5,620,688	5,713,967	93,279	-78,089
2021-22 At 30/09/21	5,959,880	5,779,998	-179,882	-4,686

Generally, the trend in year is for a reduction in total support. Looking at the quarterly totals for the last three years 2021-22 currently appears consistent with 2018/19 and 2019/20, with 2020/21 as the exceptional year (Graph 1)

Graph 1



Figures from the Office of National Statistics (ONS) show that unemployment rates locally rose from 1.8% in March 2020 to 3.1% in March 2021. The highest figure previously was 5.6% in March 2013.

The government put measures into place that minimised the increase in working age welfare claims. The main measure being the furlough scheme. Whilst the government originally intended it to end in 2020, a series of extensions mean that the scheme ended on 30 September 2021.

HMRC released figures on 9 September 2021 that show that the number of employees on furlough continues to decrease as the economy reopens. Employees on furlough in Guildford Borough have fallen from 10,800 at 31 July 2020 to 4,700 at 31 May 2021 to 3,100 at 31 July 2021 (information is based on where HMRC records show an employee lives). It is not unreasonable to assume that the 30 September 2021 figures, when published, will show a further reduction following completion of step 4 of “The Roadmap out of Lockdown” on 19 July.

What we do not know is whether those coming off furlough are returning to their existing job, moving to a new job, or becoming unemployed. However, those on low incomes via any route should (if eligible) already be receiving LCTS and therefore be included in the figures in table 3. It is possible that some of the residual furloughed employees will claim LCTS from October if they lose their job or move to a lower paid post.

- 5.3 The vaccination programme and the end of lockdown appear to give us more economic certainty than a year ago, however research still paints a mixed picture of facts and possibilities.

The Local Government Information Unit (LGiU) briefing on The Institute for Fiscal Studies (IFS) 2021 report on living standards, poverty and inequality concludes that it remains hard to predict the future.

“Despite the enormous economic upheaval that has accompanied the pandemic, the labour market impact has so far been relatively modest. This is thanks in no small part to the UK Government’s Job Retention Schemes, which have succeeded in protecting millions of jobs, albeit unevenly ...

Things may well change in the autumn as the Job Retention Schemes wind down, but it is very hard to predict the future path of employment and unemployment, even without the additional uncertainties of the pandemic. It is likely that many people will lose their jobs as support is withdrawn, but the unemployment shock could be offset to some extent by the new labour shortages that are emerging because of Brexit.”

The National Institute of Economic and Social Research reports a relatively optimistic forecast at a national level:

“The unemployment rate is now forecast to peak at 5.4 per cent in the fourth quarter of 2021, with the majority of furloughed staff either returning to their existing jobs or filling the current gaps in the labour market, but an increase of 150,000 in jobless figures following the end of the Coronavirus Job Retention Scheme. Real household incomes are forecast to grow by 2.8 per cent this year after falling by 0.6 per cent in 2020: strong earnings growth, driven by the return to full earnings of furloughed staff, is partially offset by higher inflation.”

The Office of National Statistics (ONS) Labour market overview, UK: September 2021 also suggests an improving picture of the labour market continuing to recover:

- London, Scotland and the South East have yet to return to pre pandemic numbers of payroll employees. Everywhere else is now above these numbers.
- Young people aged 16-24 have been particularly affected by the pandemic - however even this sector has seen improvement.
- Number of job vacancies across all sectors reached record levels between June and August 2021.

However, the Centre for Cities and the Resolution Foundation report (LGiU briefing) that the impacts of the pandemic on personal finances have been uneven, with wealthier households cutting back on spending and increasing their savings, while poorer households have been unable to reduce their spending and have also seen their incomes fall. Whilst there is a suggestion that households with savings will boost the economy with post lockdown spending, there is also concern for those with reduced incomes and increased debt. Where debts include Council Tax and rent arrears they potentially have an impact on local authorities finances.

- 5.4 The government provided businesses and individuals with a range of support measures throughout the pandemic. These have minimised the number of households requiring welfare benefits and have undoubtedly prevented businesses from closing (company insolvencies were considerably lower in 2019/20 than in 2020/21) – however there will undoubtedly be some business failures in the months ahead as support is withdrawn and a post-pandemic world settles down.

The increase in job vacancies to higher than ever levels is good news for those needing to find alternative employment, although the statistics give no indication of whether these jobs are permanent, zero hour contracts or minimum wage.

With regards to LCTS the potential impact of the pandemic has been much reduced by the government's support for employers and employees. We should however anticipate a further increase in people seeking support over the next 6 or so months. Following which, if there are no further lockdown's, we should reasonably expect levels of support to stabilise and decrease.

- 5.5 The government allocated us a £469,380 COVID-19 hardship fund for us to administer locally in line with published guidance. They expected all working age LCTS claimants in 2020/21 to receive a hardship fund discount of up to £150, after we applied all other discounts and exemptions. Where the liability for the remainder of the financial year was less than £150 the discount should bring the liability down to nil. The discount is to be applied to all existing claimants and then to any who qualify throughout the rest of the year. We adopted a discretionary scheme under delegated authority at the end of June 2020 and issued recipients with revised bills.

Because we operate a LCTS scheme that grants 100% support to 60 to 70% of applicants, we did not spend the fund in 2020/21 and Council agreed that we would carry the residual funds forward. We have been operating the same scheme in 2021-22. Table 4 shows the spending on this fund to date.

Table 4

	Amount £	Balance £
Fund		469,380
Allocated in 2020/21	167,541	301,839
Adjustments to 2020/21 to 30/09/21	1,632	300,207
Allocated in 2021-22 as at 30/09/21	132,781	167,426

We do not have to repay the residual funds. We propose that if there are any residual funds at the end of the year then they be carried forward into 2022-23. A decision on a scheme to help taxpayers to be made once we know the value of those funds.

6. LCTS Annual Review Options

6.1 Once again we delayed forecasting the impact of scheme changes until August to try and maximise accuracy. We could not delay further due to the consultation and committee requirements to get a scheme in place for 2022. Although legislation allows us to adopt a scheme as late as 11 March, in practical terms this does not allow us to calculate and issue council tax bills for the first instalment date of the new financial year. To accomplish this the report needs to go to full Council by 31 January.

6.2 In reviewing our LCTS scheme there are essentially three options available. We can reduce, maintain or increase the current level of financial support available.

6.3 We are not in receipt of additional funding and we have already made substantial reductions in the support that we grant. We made these reductions through targeted and considered scheme changes. These ensure that those most in need continue to have their Council Tax reduced to zero.

6.4 The New Policy Institute reported that in 2018, 264 (80 percent) local authorities had implemented schemes where everyone had to pay a percentage of the council tax, no matter what their financial situation was. Asking everyone to pay something is an “easy” way to save a large proportion of LCTS expenditure. However, the consequence of this is a large number of relatively small council tax debts to collect, generating additional work for the Council Tax collection team, and almost inevitably a drop in collection rates.

Prior to the pandemic our collection rates remained amongst the highest in the country and, we believe, the most vulnerable continue to be supported in full. For those adversely affected by our scheme the Discretionary LCTS Hardship Fund allows for a detailed review of their income and expenditure needs, and financial help where necessary.

6.5 In autumn 2020 we reported that our existing scheme would continue to support residents who were in greatest need. New applicants for LCTS due to the pandemic would be assessed in the same way as existing claimants. The cost of the scheme would increase with more people applying. Around 10% of the increased cost would fall to Guildford Borough Council.

At the time the unknown cost was a concern, but officers believed it was important to support people to stay in their own homes until the economy bounced back, and to minimise the transfer of costs to our homeless prevention team. For this reason, we did not suggest that the scheme should be changed to keep our expenditure under control.

As at autumn 2021 these reasons have not changed. There remains uncertainty around the ending of furlough and it remains important that we support residents. Our scheme continues to do that.

The overall cost of LCTS rose during 2020/21 (by £93k) but has fallen during the first six months of 2021-22 (by £180k) as the economy reopened. Whilst the cost of any increase due to the end of furlough remains unknown, there is more certainty that it will not be exorbitant.

- 6.6 Our LCTS scheme is complex, containing many variables to tailor assessment to the individual, as did the national Council Tax Benefit that preceded it. Making no changes to the scheme does not “maintain” the level of financial help being given as it freezes some of the allowances used in the assessment calculation. In HB and the national Pension Age Scheme these figures are uprated annually to offset increases in the cost of living. To ensure that we continue to help those most in need we propose that councillors agree to change our scheme to reflect the latest values being used for either HB or Pension Age LCTS (set out in Appendix 1) for:
- Personal Allowances
 - Premiums
 - Non-Dependant Deductions

A Personal Allowance is the basic amount that a specific type of household is expected to need each week – for example a family, couple or single person. Premiums are the additional sums required for specific needs such as having a disability or needing a carer. Increasing either of these results in claimants receiving more help than they would if the figures were frozen.

Non-Dependant Deductions are the contribution that someone over 18 makes to the household finances. These work on a banded scale which will also be increased. The contributions range from £4.05 per week for someone who is unemployed to £12.45 for someone earning around £24,000 pa. Increasing non-dependant deductions means that we expect any non-dependant living in the household to contribute slightly more to household expenses (HB already assumes that they should do so). The effect is generally to reduce the amount of LCTS, however if a non-dependant does not have a pay increase and moves into a lower band then the LCTS can increase as their contribution reduces. The complexity of the calculations can also mean that a claimant continues to receive 100% LCTS because their needs exceed their income.

The combined cost of the three changes is forecast at £2,500.

It should be remembered that individual claims are always changing with individual circumstances, meaning that it is likely that claimants will only be affected by the changes for part of the year.

- 6.7 We removed the cap on help for claimants living in a Band E property for 2021-22. The cap normally restricts the maximum help to a Band D charge.

The rationale for this was the anticipation that the pandemic would lead to more requests for support from residents who had previously enjoyed permanent and well-paid employment – enabling them to live in a larger property. We estimated that the cost for existing claimants would be around £50,000. The cost for an increase in applications was unknown.

Reviewing Band E recipients, the overall number claiming working age LCTS has increased by 7 since August 2020. Around two-thirds of the caseload has remained static. Of the 142 cases in August 2021:

- 138 are currently for the whole year
- 2 start part way through the year and currently continue to 31 March 2022
- 2 are for a period that has ended
- 101 are the same claimants as last year
- 27 live in the same properties as last year and are now claiming LCTS
- 14 have moved to a band E Property (these are mainly tenants, half have moved into the borough)

Only 64 of the 142 claims receive 100% help. The overall cost of the removal of the cap is just under £50,000.

Given the continued uncertainty about the coming months, that costs have not escalated, and that we need to continue to support those affected by the pandemic to maintain their own homes, removing the Band E restriction for a further year is a balanced way of providing residents with support.

- 6.8 In any normal financial year, retrospective recalculations of support occur because of claimant changes in circumstance. Table 3 (replicated below) sets out the sums granted during the financial year, plus adjustments for previous years. In previous years we have been able to accommodate scheme changes within existing revenue budget. 2020/21 was an exception due to the pandemic, however 2021-22 looks set to follow normal trends and we predict that we can accommodate scheme changes within the existing budget.

Table 3

Year	LCTS at 01/04 £	LCTS at 31/03 £	In Year Change £	Retrospective LCTS changes for previous years £
2013/14	6,720,705	6,578,398	-142,307	n/a
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2021-22 At 30/09/21	5,959,880	5,779,998	-179,882	-4,686

7. Stakeholder Consultation

- 7.1. We undertook a consultation, from 24 September and 13 October 2021, via our website as well as seeking the views of our major preceptors (Surrey County Council and the Police and Crime Commissioner).
- 7.2 Surrey County Council (SCC) welcomes our intention to continue to provide financial support for the most vulnerable households and support the proposals. They asked some questions about the removal of the Band E cap and have said that they do not want to see it extended for a further year. We have confirmed that the extension is for just 2022-23.
- 7.3 The Office of the Police and Crime Commissioner for Surrey (PCC) asked some questions about the changes and following clarification has no further comments and supports the changes for 2022-23.
- 7.4 Copies of the SCC and PCC responses are included in this report at **Appendices 4 and 5** respectively.
- 7.5 The main aim of the online consultation was to ensure residents had the opportunity to give their views about the proposed LCTS scheme changes for 2022-23. The key objectives of the consultation were as follows (full report is attached at **Appendix 6**):
- To understand residents' views on the proposed changes for 2022-23.
 - To assess the level of agreement towards future options for the LCTS scheme, specifically that all claimants should have to pay a certain fixed percentage of their council tax and the extent to which this may have an impact.
 - To provide residents with the opportunity to suggest other savings or options that could be included in future reviews of the LCTS scheme, including the Future Options Review.
- 7.6 There is a statutory requirement that we consult on our scheme. In earlier years we commissioned SMSR Ltd, an independent research company, to carry out the consultation on our behalf. This involved an online survey and the Citizens Panel and cost around £5000 per year. Writing to individual claimants to advise them of the consultation incurred an additional cost of over £1000.00. In 2017/18 271 residents responded to the consultation.

As reported in previous years even with publicity response rates have been disappointing. Engagement has been low from those in receipt of LCTS. However proposed changes have been minimal and, apart from Non-Dependant Deductions, beneficial to applicants.

Officers concluded that any future consultation around more substantial scheme changes must:

- Include current working age recipients of LCTS, as well as the general population.
- Provide more information on the context – for example our legal obligations, how the welfare system works in general, the contribution Council Tax makes to service funding, and areas where we do or do not have discretion.
- Provide examples of what the proposed changes may mean for people, so that consultees can understand them better.

- 7.7 The public consultation received only one response, which supported the changes. Whilst this is disappointing the proposed changes are minor.
- 7.8 Councillors at the Strategy and Resources EAB found that the current scheme is complex as, in common with other welfare benefits, it attempts to ensure fairness by catering for endless permutations of household circumstance. As such we should probably not be surprised that engagement is low, and it may be that the best feedback on any revised scheme following our fundamental review will come from advice agencies used to dealing with the intricacies of such schemes.
- 7.9 In conclusion, given the minor nature of the changes it is probably not surprising that few residents responded to the consultation. However, it remains a challenge to engage the public and explain the intricacies of the scheme. Going forward with our Future Options Review, we will consider how we get as much feedback as possible from stakeholders. With regards to the annual reviews we need to continue to balance the cost of consultation against the scale of proposed changes.

8. Key Risks

- 8.1 As in 2020 the key risk is our inability in the light of the COVID-19 pandemic to predict the demand for Local Council Tax Support, and therefore the revenue cost.
- 8.2 However the effectiveness of the vaccination programme, furlough, business support and the roadmap out of lockdown (as discussed in paragraphs 5.2, 5.3 and 5.4) has reduced the level of risk.
- 8.3 The level of support is already being monitored, and this will continue. This will allow officers to flag up any extreme changes with the S151 Officer.

9. Financial Implications

- 9.1 The amount of LCTS has reduced since its inception in 2013. Table five below shows the total amount paid out over the years when compared to the final year of CTB. As can be seen, even with additional increases in Council Tax to pay for Adult Social Care we have far exceeded the original required saving of £700,000 in 2012/13.

Not all the reduction will be down to the changes we have made directly, but also the government's central reforms to encourage more people into work and become less reliant on benefits, as well as improvements in the economy up to March 2020.

Table 5

Year	Figures as at:	£ amount of CTB/LCTS	Compared to 2012/13
2012/13 (CTB)	31-Mar-13	6,964,525	n/a
2013/14	31-Mar-14	6,578,398	-386,127
2014/15	31-Mar-15	6,181,992	-782,533
2015/16	31-Mar-16	5,901,366	-1,063,159

Year	Figures as at:	£ amount of CTB/LCTS	Compared to 2012/13
2016/17	31-Mar-17	5,518,566	-1,445,959
2017/18	31-Mar-18	5,533,577	-1,430,948
2018/19	31-Mar-19	5,648,418	-1,316,107
2019/20	31-Mar-20	5,534,922	-1,429,603
2020/21	31-Mar-21	5,713,967	-1,250,558
2021-22	30-Sep-21	5,779,998	-1,184,527

- 9.2 From 2010 to 2018, Guildford’s Council Tax collection rates were consistently amongst the top twenty in England. In 2019 end of year collection was affected by the pandemic and we slipped to 32nd place. Performance up to 2018 indicates that the changes made to the LCTS scheme are not creating significant levels of bad debt.

This is consistent with the Institute for Fiscal Studies 2019 report “The impacts of localised council tax support schemes”. They found that Council Tax arrears increased in Council adopting minimum payments (everyone must pay something regardless of circumstance) and was unchanged in those that did not (such as Guildford).

- 9.3 From 2013 to 2020 we set aside £40,000 to support the most vulnerable in the community should they be facing short-term difficulties in paying their council tax. In 2021 we increased this to £60,000 to ensure that we had sufficient funds should the pandemic result in an increase in requests for help especially from those in higher banded properties.

Despite publicising our scheme and making sure claiming hardship funds is as inclusive as possible, we have not yet spent anywhere near our budget even in 2020 and 2021, as the following table illustrates.

Table 6

Year	No. of applications	No. of successful applications	Amount of extra support £	Budget £
2013/14	26	8	2,073	40,000
2014/15	64	33	13,371	40,000
2015/16	54	26	10,646	40,000
2016/17	90	49	14,660	40,000
2017/18	68	35	15,903	40,000
2018/19	90	29	11,087	40,000
2019/20	106	30	14,585	40,000
2020/21	137	20	10,451	40,000
2021-22 at 30/09/21	25	8	5,671	60,000

- 9.4 The Discretionary LCTS Hardship Fund enables us to assess the income and expenditure needs of any claimants adversely affected by our scheme rules and provide further financial assistance where necessary. Applicants are encouraged not to depend upon the fund in the long term. Awards have

generally been for 75% of the shortfall between entitlement under our amended scheme rules and the governments default rules.

Standard benefit schemes use set assumptions regarding expenditure ie a couple with one child need x amount to live on, but under the hardship scheme we look at actual expenditure. This does enable us to take extraordinary expenditure into account – for example a sick child having to be taken regularly to a distant hospital. In exceptional circumstances we pay 100% of the shortfall.

- 9.5 Schedule 1A of the Local Government Finance Act 1992 requires us to consider transition for anyone disadvantaged by a change to the local scheme. The Hardship Fund ensures that we can do this, however it is important to note that help is only available to those affected by the scheme and is restricted to the amount that they are affected.

Our local rules do not affect all claimants, and many claimants are not entitled to 100% LCTS. The fund does not exist to top up help to those not affected by the scheme, or to help taxpayers facing hardship for any other reason. By way of clarification table 7 shows the reasons for refusing applications in 2020 and 2021.

Table 7

Reason for refusal	Number of applications 2020 to 31/03/21	Number of applications 2021 to 30/09/21
Information not provided to enable assessment	35	5
Income is sufficient for expenses	31	11
No LCTS claim	24	1
Not affected by scheme rules	15	0
Already received 100% LCTS	10	0
Capital £6k+	2	0
Grand Total	117	17

- 9.6 The Council Tax team is aware of the fund and advises customers about it. Where customers face hardship for other reasons, they try to work with them to find solutions (which could include rescheduling instalments or advising them to take independent advice).
- 9.7 It could be argued that we should reduce the fund as we consistently do not allocate all the funds. However, it is important that we have funds in place should we need them. The effects of the pandemic have been cushioned by government initiatives and whilst the worst of the pandemic appears to be over officers recommend that the fund reverts to £40,000 but is not reduced any further.
- 9.8 LCTS is funded from the Collection Fund, and any variance from costed assumptions affects the surplus or deficit of this fund. Any deficit is recovered from the General Fund. The forecast cost of £2500 for 2022-23 scheme changes, is a negligible cost.

10. Legal Implications

- 10.1 The *Local Government Finance Act 2012* introduced local council tax reduction (CTR) schemes to replace CTB from April 2013. The *Council Tax Reduction Scheme (Prescribed Requirements) (England) Regulations 2012* contains the mandatory elements for any local scheme and details the scheme that must be adopted for pensioners.
- 10.2 Schedule 1A to the Local Government Finance Act 1992 as amended makes further provision regarding the LCTS schemes. The Council is under a statutory duty to review its LCTS scheme annually. If the authority wishes to revise or replace its scheme, the Council must (in the following order):
- (a) consult any major precepting authority, which has the power to precept it
 - (b) publish a draft scheme in such manner as it thinks fit and
 - (c) consult such other persons as it considers are likely to have an interest in the operation of the scheme.

The Council must decide on any revision or replacement of the scheme by a meeting of the Council. In 2017 *The Council Tax Reduction Schemes (Amendment) (England) Regulations 2017 SI 1305* changed the deadline for the Council to decide on a scheme from 31 January to 11 March.

- 10.3 Under Schedule 1A to the 1992 Act, the Council must publish the scheme in such a manner as it thinks fit. We will publish our scheme on our website once Council has approved it and we have made all the agreed amendments. In addition, each Council Tax bill that we issue explains that help with the Council Tax may be available and advises taxpayers where further information can be found.

11. Human Resource Implications

- 11.1 The proposed amendments to the LCTS Scheme for 2022-23 will not change the workload for either Customer and Case Services, or the Revenues and Benefits Specialists.

The teams remain key in delivering the migration of UC and other DWP initiatives that we are obliged to carry out, often at short notice. Additionally, they have become involved in non-benefit government initiatives, such as the NHS Test and Trace Support Payments for those on low incomes who are directed to self-isolate, as verification requires access to secure government systems already used by benefits assessors.

- 11.2 Natural migration to UC is reducing the HB caseload in the long term. In the short term, each case moving to UC creates additional work due to the two-week run on of HB. The government put the run on into place to mitigate the delays in the DWP making UC payments, but it has created an additional administrative process for us.
- 11.3 Once claimants are on UC, the workload associated with their LCTS claims increases due to the initial delay in the DWP awarding UC, and subsequently the monthly reassessment of entitlement. We will address this through our separate Future Options for LCTS Review.

- 11.4 The DWP is responsible for the timetable and detailed plans for the managed migration of working age caseload to UC. Migration is currently due to complete by September 2024, having been postponed several times from October 2017. The DWP has yet to share any plans for the migration, and without any details we cannot make any plans. If changes are imminent as regards the managed migration of Universal Credit, officers will advise councillors accordingly.

12. Equality and Diversity Implications

- 12.1 We must demonstrate that we have consciously thought about the three aims of the Public Sector Equality Duty, as set out in *Section 149* of the *Equality Act 2010*, as part of the decision-making process to develop an LCTS Scheme. The three aims the authority must have due regard for are to:

- eliminate discrimination, harassment and victimisation
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- foster good relations between persons who share a relevant protected characteristic

- 12.2 The Council must pay due regard to a risk of discrimination arising from the decision before them. There is no prescribed manner in how we must exercise our equality duty, though producing an Equalities Impact Assessment (EIA) is the most usual method. The LCTS EIA, is not affected by the minor changes being recommended for 2022-23.

- 12.3 The *protected characteristics* are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race (including ethnic or national origins, colour or nationality), religion or belief, sex, sexual orientation.

13. Climate Change/Sustainability Implications

- 13.1 There are no Climate Change/Sustainability implications

14. Executive Advisory Board comments

- 14.1 Following a press release in 2020, councillors indicated that they would like an EAB on LCTS. Officers proposed that this occur in May or early June 2021 for the 2022 scheme, as this would be before any modelling or forecasting took place and would allow the EAB to have input at an early stage.
- 14.2 At the Strategy and Resources EAB on 14 June 2021, councillors were presented with information regarding the complexities and challenges of the current LCTS Scheme and its component parts. They were taken through some example calculations to show how the component parts fit together, and were asked to provide feedback of key areas they would like officers to either leave untouched or look at in more detail.
- 14.3 In terms of designing an LCTS scheme that was simple, fair and affordable, the current scheme was not considered to be simple, and it was questionable whether it would be affordable in the long term. However, the scheme could

be deemed to be fair owing to its complexity that enabled it to be tailored to assist in all household circumstances. Whilst a simpler scheme was sought (through the paused Future Options Review), this would need to be balanced against fairness and affordability with a view to achieving the best combination to meet local needs.

- 14.4 Councillors agreed that the main point to be fed back from the Board's discussion was that the calculation of Universal Credit under the LCTS Scheme should be an area to remain untouched in the interests of avoiding onerous and time-consuming monthly recalculations. This area has already been commented on in paragraph 5.1 as some additional analysis has been completed post EAB. The matter will be considered further as part of the Future Options Review.

15. Summary of Options

- 15.1 This report provides an overview of the current position regarding our LCTS scheme and the successes we have experienced with its implementation, from both a customer and financial point of view. It considers the impact of the pandemic on our scheme and what may happen in the next 6 to 12 months.
- 15.2 The Council can implement some relatively small changes to the scheme to:
- address the impact of increases in the cost of living,
 - continue to provide some additional support to claimants in band E properties.
- 15.3 Creating a Local Council Tax Support Scheme is not without risk:
- There is a balance to be found between an affordable local welfare arrangement and significant hardship for residents. Given a scheme that currently supports those most in need as we come out of the pandemic, officers are not recommending that support should be reduced. For a modest cost levels of support can be maintained.
 - Officers have concluded that the hardship fund helps minimise the risk by providing help for those facing financial hardship because of our scheme rules. This could include individuals affected by the pandemic, especially if there is an increase in business failures in 2022-23.
 - The impact of Universal Credit remains uncertain, and therefore a further risk. A more radical review of our scheme is being undertaken to try and mitigate any problems, but due to the complexity of the work involved this is more than a one-year project.
- 15.4 To continue with the momentum of the past eight years, the Council is asked to agree that an appropriate hardship fund be maintained in 2022-23, to enable us to continue to support families affected by our local scheme. Officers suggest this reverts to a £40,000 pot as the uncertainties that led to the increase for 2021-22 did not materialise due to the governments extended furlough and business grant schemes.
- 15.5 In addition, if there are any residual COVID-19 hardship funds left at the end of the financial year officers suggest carrying them forward into 2022-23 to provide further Council Tax discounts for those in financial need.

16. Conclusion

- 16.1 We have intermittently reduced the amount of support available to meet our financial targets, without overly complicating our scheme and causing customers severe hardship.
- 16.2 New claimants as a result of the pandemic, receive the same level of help as pre pandemic claimants. The scheme is detailed and has proved robust since it was introduced in 2013, with limited requests for hardship funds. New claimants will increase the cost of the scheme, but so far these have been minimised by various government COVID support schemes.
- 16.3 It is important that we continue to provide help with the Council Tax to those who are financially vulnerable.
- 16.4 To try and balance cost and support officers suggest the Council approves relatively small changes to the scheme to address the impact of increases in the cost of living and to continue to provide some additional support to those in Band E properties.

17 Background Papers

Council Reports:

- Report to Council 6 December 2012; LCTS Scheme Assessment
- Report to Council 12 December 2013; Review of the 2013-14 LCTS Scheme and changes for 2014-15
- Report to Corporate Improvement Scrutiny Committee 18 September 2014; Welfare Reform – Impact and Service Review; One Year On
- Report to Council 9 December 2014; LCTS for 2015-16
- Report to Customer and Community Scrutiny Committee 8 September 2015; Review of the 2015-16 LCTS Scheme and proposed changes for 2016-17
- Report to Council 9 December 2015; LCTS Scheme for 2016-17
- Report to Council 6 December 2016; LCTS Scheme for 2017-18
- Report to Council 5 December 2017; LCTS Scheme for 2018-19
- Report to Council 4 December 2018; LCTS Scheme for 2019-20
- Report to Council 3 December 2019; LCTS Scheme for 2020-21
- Report to Council 8 December 2020; LCTS Scheme for 2021-22
- Report to Strategy and Resources Executive Advisory Board 14 June 2021; Contributing to reviews of the Local Council Tax Support Scheme

Administration Grant Awards:

- Localised Council Tax support provisional allocations
<https://www.gov.uk/government/publications/localised-council-tax-support-administration-subsidy-grant-2019-to-2020>
- Localised Council Tax support provisional allocations
<https://www.gov.uk/government/publications/localised-council-tax-support-administration-subsidy-grant-2020-to-2021>
- Localised Council Tax support provisional allocations
<https://www.gov.uk/government/publications/localised-council-tax-support-administration-subsidy-grant-2021-to-2022>

External Reports and Data

- Inside Housing <https://www.insidehousing.co.uk/news/news/low-number-of-tenants-moved-to-universal-credit-in-harrogate-pilot-65041>
- Commons Library <https://commonslibrary.parliament.uk/constituency-data-universal-credit-roll-out/>
- Office of National Statistics unemployment levels [M01 Regional labour market: Modelled unemployment for local and unitary authorities - Office for National Statistics \(ons.gov.uk\)](https://www.ons.gov.uk/methods/analysis/employment-and-labour-market/m01-regional-labour-market-modelled-unemployment-for-local-and-unitary-authorities)
- HMRC <https://www.gov.uk/government/collections/hmrc-coronavirus-covid-19-statistics>
- Institute for Fiscal Studies <https://lgiu.org/briefing/ifs-2021-report-living-standards-poverty-and-inequality-in-the-uk/>
- National Institute of Economic and Social Research <https://www.niesr.ac.uk/publications/uk-economic-outlook-summer-2021-emerging-shadow-covid-19>
- Office of National Statistics UK Labour Market Report <https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/employmentandemployeetypes/bulletins/uklabourmarket/september2021>
- Centre for Cities and the Resolution Foundation Reports <https://lgiu.org/briefing/mind-the-gap-how-covid-19-has-impacted-on-personal-finances/>
- Company Insolvencies <https://www.gov.uk/government/statistics/company-insolvency-statistics-january-to-march-2021>
- New Policy Institute <https://www.counciltaxsupport.org/schemes/>
- Institute of Fiscal Studies Report “The impacts of localised council tax support schemes”
<https://www.ifs.org.uk/uploads/publications/comms/R153.pdf>

18. Appendices

Appendix 1: Proposed Changes to The Guildford Borough Council (Council Tax Reduction Scheme) (Persons who are not Pensioners) for 2022-23

Appendix 2: Summary of Scheme Changes 2013 to 2021

Appendix 3: Reasons for Reviewing Future Options for LCTS

Appendix 4: Response from Surrey County Council

Appendix 5: Response from Police and Crime Commissioner

Appendix 6: Consultation report

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Proposed Changes to The Guildford Borough Council (Council Tax Reduction Scheme) (Persons who are not Pensioners) for 2022-23

NB all amounts are weekly rates.

1. Personal Allowances

Column (1) - Person or couple	2021 Amount	Amount Proposed 2022
(1) A single claimant who -	(1)	(1)
(a) Is entitled to main phase employment and support allowance	(a) £74.35	(a) £74.70
(b) Is aged not less than 25	(b) £74.35	(b) £74.70
(c) Is aged not less than 18 but less than 25	(c) £58.90	(c) £59.20
(2) Lone Parent	(2) £74.35	(2) £74.70
(3) Couple	(3) £116.80	(3) £117.40

Column (1) - Child or young person	Column (2) – Amount 2021	Column (2) – Amount Proposed 2022
Person in respect of the period -		
(a) beginning on that person's date of birth and ending on the day preceding the first Monday in September following that person's sixteenth birthday;	£68.27	£68.60
(b) beginning on the first Monday in September following that person's sixteenth birthday and ending on the day preceding that person's twentieth birthday	£68.27	£68.60

2. Premiums

Family premium

Where the Family Premium still applies and the applicant is not a lone parent the proposal is to increase the premium from £17.60 to £17.65.

Other premiums

17. Premium	Amount 2021-22	Proposed 2022-23
(1) Disability Premium—	(1)	(1)
(a) where the applicant satisfies the condition in paragraph 9(a);	(a) £34.95	(a) £35.10
(b) where the applicant satisfies the condition in paragraph 9(b).	(b) £49.80	(b) £50.05
(2) Severe Disability Premium	(2)	(2)
(a) where the applicant satisfies the condition in paragraph 11(2)(a);	(a) £66.95	(a) £67.30
(b) where the applicant satisfies the condition in paragraph 11(2)(b)—		
(i) in a case where there is someone in receipt of a carer's allowance or if he or any partner satisfies that condition only by virtue of paragraph 11(5);	(b)(i) £66.95	(b)(i) £67.30
(ii) in a case where there is no-one in receipt of such an allowance	(b)(ii) £133.90	(b)(ii) £134.60
(3) Disabled Child Premium	(3) £65.52 in respect of each child or young person in respect of whom the condition specified in paragraph 13 of Part 3 of this Schedule is satisfied	(3) £65.94 in respect of each child or young person in respect of whom the condition specified in paragraph 13 of Part 3 of this Schedule is satisfied
(4) Carer Premium	(4) £37.50 in respect of each person who satisfies the condition specified in paragraph 14.	(4) £37.70 in respect of each person who satisfies the condition specified in paragraph 14.
(5) Enhanced Disability Premium	(5)	(5)
	(a) £26.60 in respect of each child or young person in respect of whom the conditions specified in paragraph 12 are satisfied	(a) £26.67 in respect of each child or young person in respect of whom the conditions specified in paragraph 12 are satisfied
	(b) £17.10 in respect of each person who is neither	(b) £17.20 in respect of each person who is neither
	(i) a child or a young person; nor	(i) a child or a young person; nor
	(ii) a member of a couple or a polygamous marriage	(ii) a member of a couple or a polygamous marriage
	In respect of whom the conditions specified in paragraph 12 are satisfied	In respect of whom the conditions specified in paragraph 12 are satisfied
	(c) £24.50 where the applicant is a member of a couple or a polygamous marriage and the conditions specified in paragraph 12 are satisfied in respect of a member of that couple or polygamous marriage	(c) £24.60 where the applicant is a member of a couple or a polygamous marriage and the conditions specified in paragraph 12 are satisfied in respect of a member of that couple or polygamous marriage

Part 6 - Amount of components

	Amount 2021-22	Proposed 2022-23
18. The amount of the work-related activity component is	29.55	29.70
19. The amount of the support component is	39.20	39.40

3. Non-Dependant Deductions

	Amount 2021-22	Proposed 2022-23
(1) Subject to the following provisions of this paragraph, the non-dependant deduction in respect of a day referred to in paragraph 47 is -		
(a) in respect of a non-dependant aged 18 or over in remunerative work,	£12.40 x 1/7	£12.45 x 1/7
(b) in respect of a non-dependant aged 18 or over to whom sub-paragraph (a) does not apply,	£4.05 x 1/7	£4.05 x 1/7
(2) In the case of a non-dependant aged 18 or over to whom sub-paragraph (1)(a) applies, where it is shown to the appropriate authority that his normal gross weekly income is		
(a) less than X, the non-dependant deduction to be made under this paragraph is the amount specified in sub-paragraph (1)(b)	X £217.00	X £217.00
(b) not less than X but less than Y, the non-dependant deduction to be made under this paragraph is b;	X £217.00 Y £377.00 b £8.25	X £217.00 Y £377.00 b £8.30
(c) not less than Y but less than Z, the non-dependant deduction to be made under this paragraph is	Y £377.00 Z £469.00 c £10.35	Y £377.00 Z £469.00 c £10.40

4. Band E Restriction

Amend Part 12 - Maximum council tax reduction, Paragraph 47. Maximum council tax reduction under this scheme, sub-paragraph (1)(a)(i)

From

- (i) a maximum amount that is equal to the council tax charge of a dwelling in council tax band D, and

To

- (i) a maximum amount that is equal to the council tax charge of a dwelling in council tax band **E**, and

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Summary of Changes 2013-14 to 2021-22

Guildford Borough Council based its Working Age Local Council Tax Support Scheme on the old Council Tax Benefit Scheme. Local modifications to the scheme are summarised in the table below. Some supplementary information is included as notes below the table.

Element of LCTS Scheme	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22
Overall nature of changes	Measures to pass on about £300,000 of the government's funding reduction	Measures to pass on a further £170,000 of the government's funding reduction	Minimal changes	Modest changes to pass on a further £300,000 of the governments funding reduction	No changes	Minimal changes to ensure that the level of help was not unduly reduced by inflation, and to keep the scheme understandable by mirroring changes to some HB rules	Minimal changes to ensure that the level of help was not unduly reduced by inflation, and income or capital from emergency funds treated consistently	Minimal changes to ensure that the level of help was not unduly reduced by inflation, and income or capital from emergency funds treated consistently	Minimal changes to ensure that the level of help was not unduly reduced by inflation. In response to the pandemic relaxation of the band cap and an increase in the Hardship Fund
Second Adult Rebate (Alternative Maximum Council Tax Benefit)	Withdrawn								
Backdating	Reduced from 6 to 3 months					Reduced from 3 months to 1 month to mirror HB changes			
Minimum Weekly Award (entitlement calculated to be less than this amount per week is not paid)	Introduced a £5.00 minimum	Increased from £5.00 to £10.00							
Capital Limit (a limit above which assistance will not be provided)	Reduced from £16,000 to £6,000								

Element of LCTS Scheme	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22
Maximum level of Council Tax Support, against which entitlement is calculated	Restricted to the Band D charge for the area in which a property is located	No entitlement for properties in Bands F,G, H. Band E restricted to a Band D charge							Band E restriction to a Band D charge removed in response to the pandemic
Income and Capital Disregards (income that is disregarded for the purpose of calculating LCTS entitlement)	100% income disregard for War Disablement Pensions and War Widows/ Widowers Pensions		Introduced 100% income disregard of "personal budget payments in relation to Education, Health and Care plans for children with special education needs."	Removed 100% income disregard for both Child Benefit and Maintenance			Introduced 100% income and capital disregard for funds from "The London Emergencies Trust" and the "We Love Manchester Emergency Fund"	Introduced 100% income and capital disregard for the "Windrush Compensation Scheme"	
Personal Allowances and Premiums (the calculated sum for household needs, income is compared to this)		Increased		Frozen		Increased Personal Allowances and Premiums Introduced the exclusion of Family Premium for new entitlements or additional new children to mirror HB changes	Increased Premiums	Increased Premiums	Increased Personal Allowances and Premiums

Element of LCTS Scheme	2013-14	2014-15	2015-16	2016-17	2017-18	2018-19	2019-20	2020-21	2021-22
Non-Dependent Deductions (the amount non-dependents are expected to contribute to the household)		Increased		Increased		Increased	Increased	Increased	Increased
Minimum Income for the Self Employed * ¹				Introduced Higher of actual income or 35 hours x National Minimum Wage		Introduced an annual increase in the minimum income floor			
Allowable Temporary Absence outside Great Britain (the period of absence before LCTS is affected)						Reduced from 13 weeks to 4 (with some exceptions) to mirror HB changes			
Discretionary Hardship Fund * ² (supports those affected by the changes in the Local Council Tax Scheme)	Fund introduced	Fund maintained	Fund maintained	Fund maintained	Fund maintained	Fund maintained	Fund maintained	Fund maintained	Fund increased to £60,000 in response to the pandemic.
Other									Residual 2020 COVID19 Council Tax Hardship Funds carried forward* ³

*¹Minimum Income Floor

- The minimum income floor is an assumption that, after an initial set up period of 12 months, a person who is self-employed works for a specific number of hours for a set wage. Where this assumed income exceeds the actual income, we use the assumed income to calculate entitlement to LCTS. We request annual income and review annually. If annual figures are not available we accept whatever can be provided for a shorter period of time, and make a note to review this sooner. Our minimum

income floor increases in line with the minimum wage in place on 1 January of the scheme year. Claimants disadvantaged by the rule can apply for help from the Discretionary Hardship Fund.

- We have not had a lot of queries since introducing the minimum income floor. We would expect significant issues to materialise through requests for help from the Discretionary Hardship Fund or via difficulties with Council Tax collection, and this has not been the case.
- During 2017 Surrey Welfare Rights provided feedback on the way our scheme worked compared to Universal Credit (UC), especially regarding carers and the disabled who were self-employed. In response, we looked more closely at these cases and concluded that:
 - the numbers affected are small as claimants need to satisfy multiple criteria: be carers and self-employed working for less than 35 hours per week on less than the minimum wage.
 - we have a satisfactory mechanism in place through our Hardship Fund to ensure that no one suffers financially
 - a further review of our scheme was likely with the roll out of UC and that it was appropriate to consider Surrey Welfare Rights suggestions at that time
- Universal Credit uses a minimum income floor, with some modification where claimants are disabled or carers. This has not been without criticism. On 10 May 2018 the House of Commons Work and Pensions Committee published a report “Universal Credit: supporting self-employment”. This looks at the difficulties of balancing support for entrepreneurship with protecting the public purse. The minimum income floor is intended to incentivise the self-employed to increase their earnings and develop their business, while ensuring that the Government does not subsidise unsustainable low-paid self-employment indefinitely. It highlighted some issues:
 - The DWP has no plans to publish any significant analysis of UC’s effect on self-employment until at least autumn 2019.
 - The DWP calculates UC awards monthly, but the self-employed have volatile incomes and the result is that they do not receive the same help as the employed. The report suggests longer reporting periods of up to a year where claimants demonstrate irregular payment patterns.
 - For the first year of self-employment claimants are exempt from the minimum income floor. The report suggests that in some instances this period should be extended and that a taper off could also be used.
- We will consider our treatment of the self-employed when we carry out our more fundamental review of the scheme.

*²Payments from the Discretionary Hardship Fund are:

- means tested (an assessment of income and expenditure)
- awarded for a maximum of one year at a time
- not usually for more than 75% of any Council Tax Benefit lost
- not awarded if non-essential expenditure exceeds the loss of Council Tax Benefit incurred
- not backdated.

*³2020 COVID19 Council Tax Hardship Funds

In 2020-21 the government allocated us a £469,380 COVID-19 hardship fund for us to administer locally in line with published guidance. They expected all working age LCTS claimants to receive a hardship fund discount of up to £150, after applying all other discounts and exemptions. Where the liability for the remainder of the financial year was less than £150 the discount should bring the liability down to nil. Because a large number of applicants already receive 100% LCTS we had residual funds. We are using these to provide a similar scheme in 2021-22.

Excerpt from Executive Report Local Council Tax Support Scheme for 2020-21

5. Reviewing Future Options for LCTS

- 5.1 The government has designed UC to take advantage of a wealth of electronic data returns and automation. As a result, the DWP calculates UC awards on an ongoing basis and they increase or decrease each month in response to changes in income and other factors. This contrasts with the benefits UC replaces where entitlement typically only changed when the claimant advised the DWP of a change of circumstance.
- 5.2 We take income from UC into account when assessing entitlement to LCTS. We anticipate that monthly changes in entitlement will reduce Council Tax collection rates, frustrate LCTS claimants, and increase administrative costs. An increasing number of Councils are looking at alternative models for their LCTS schemes as a result.
- 5.3 The New Policy Institute reported in 2018 that around five authorities had moved to a banded income scheme. We know that due to the impact of monthly changes in UC others have changed or are considering changing their schemes. Typically a banded scheme:
- States that a claimant will receive an award of £x if their income falls in a certain income band, and £y for a different band. This means that there is tolerance for fluctuations in income.
 - Includes rules to reflect different household expenditures linked to household composition (eg single, couple, children) and needs (eg disability, carers).
 - Includes transitional protection for anyone losing out as a result of the change in entitlement from a previous scheme.
- 5.4 Although we have been dealing with LCTS for UC claims since 24 October 2018, it is still relatively early days and we have not identified any significant trends. As at 4 July 2019 we had 244 claims with a UC income on them. These numbers will increase with time.
- 5.5 Local Council Tax Schemes are complex to ensure that everyone is treated consistently and, if necessary, that the scheme is robust and resilient to challenge in Court. Our current scheme runs to 136 pages of rules, and is based on the Council Tax Benefit that preceded it in 2012.
- 5.6 Officers have concluded that, in the light of UC and the time that has elapsed since 2013 a more fundamental review of our LCTS scheme is necessary. Given the scale of the work required (research, modelling, consultation and rule writing), we cannot accomplish this within a single year, and is therefore running alongside the annual reviews. The review will include consideration of a banded income scheme.

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From: @surreycc.gov.uk
Sent: 29 October 2021 16:57
To: @guildford.gov.uk;
Subject: RE: Local Council Tax Support - consultation for 2022/23

Thanks for this, really helpful,

From: @guildford.gov.uk
Sent: 29 October 2021 14:40
To: @surreycc.gov.uk
Subject: RE: Local Council Tax Support - consultation for 2022/23 [UNC]

Hi

Hoping that the following answers your enquiry. I can also confirm that the proposal is to remove the cap for just one more year ie 2022/23.

We removed the cap on help for claimants living in a Band E property for 2021/22. The cap normally restricts the maximum help to a Band D charge. The rationale for this was the anticipation that the pandemic would lead to more requests for support from residents who had previously enjoyed permanent and well-paid employment – enabling them to live in a larger property. We estimated that the cost for existing claimants would be around £50,000. The cost for an increase in applications was unknown.

Reviewing Band E recipients, the overall number claiming working age LCTS has increased by 7 since August 2020. Around two-thirds of the caseload has remained static. Of the 142 cases in August 2021:

- 138 are currently for the whole year
- 2 start part way through the year and currently continue to 31 March 2022
- 2 are for a period that has ended
- 101 are the same claimants as last year
- 27 live in the same properties as last year and are now claiming LCTS
- 14 have moved to a band E Property (these are mainly tenants, half have moved into the borough)

Only 64 of the 142 claims receive 100% help. The overall cost of the removal of the cap is just under £50,000.

Given the continued uncertainty about the coming months, that costs have not escalated, and that we need to continue to support those affected by the pandemic to maintain their own homes, removing the Band E restriction for a further year is a balanced way of providing residents with support.

Regards

Revenues & Benefits Manager (Revenues & Benefits Lead)

From: @surreycc.gov.uk
Sent: 29 October 2021 13:07

Agenda item number: 11
Appendix 4

To: @guildford.gov.uk

Subject: RE: Local Council Tax Support - consultation for 2022/23

Hi

Our response to the proposals is that Surrey County Council welcome GBC's intention to continue to provide financial support for the most vulnerable households and support the proposals, but we would hope to see Band E restriction not extended for a further year.

Can you give me any context and data on the Band E restriction from last year and how many claimants/ £ were affected?

Thanks

From: @surrey.pnn.police.uk
Sent: 19 October 2021 12:07
To: @guildford.gov.uk
Subject: RE: Guildford BC Local Council Tax Support Scheme

Hi,

Thanks for clarifying that for me.

I don't have any further comments on your proposals

All the best

Office of the Police and Crime Commissioner for Surrey

From: @guildford.gov.uk
Sent: 18 October 2021 15:31
To: @surrey.pnn.police.uk
Subject: RE: Guildford BC Local Council Tax Support Scheme

Hi

Yes this is correct

Thank You

Specialist Services – Housing

From: @surrey.pnn.police.uk
Sent: 18 October 2021 15:25
To: @guildford.gov.uk
Subject: RE: Guildford BC Local Council Tax Support Scheme

Hi,

Thanks for answering so quickly. I presume the £50k is the total cost of which my share is about 12%?

Thanks

Office of the Police and Crime Commissioner for Surrey

From: @guildford.gov.uk
Sent: 18 October 2021 15:18
To: @surrey.pnn.police.uk
Subject: RE: Guildford BC Local Council Tax Support Scheme

Hi

Thank you for your email

In answer to your questions

Uprating amounts – you are correct, this is just in line with the uprating of benefits each year and it keeps the scheme in line

Band E – over the financial implication was just under £50k for the 2022/23 year

Agenda item number: 11
Appendix 5

Hope this is okay

Let me know if there is anything else required

Thank You

Daniel Rolfe

Specialist – Revenues & Benefits

From: @surrey.pnn.police.uk

Sent: 18 October 2021 12:23

To: @guildford.gov.uk

Subject: RE: Guildford BC Local Council Tax Support Scheme

Hi,

Hope you are well

Thanks for the letter re the proposed Council Tax support costs changes.

I do have a couple of questions if that's ok

Upating amounts

From what I can see this is just to keep your scheme I line with benefits? If that's the case then looks to be sensible and I have no issue with it

Band E restriction

I did not realise that this had been removed last year. Whilst it may be better to provide more support to people in lower value properties rather than giving it to people in more valuable properties this is a local decision. Given we have already suffered the loss in the tax base as it was introduced last year I cant really object to it now. Perhaps though you can tell me what the rough financial implication was?

Many Thanks

Office of the Police and Crime Commissioner for Surrey

Local Council Tax Support Scheme (LCTSS) Survey 2022

Local Council Tax Support Scheme (LCTSS) Survey 2022

0%

We would like your views on our Local Council Tax Support Scheme

In April 2013 the national system of council tax benefit stopped and every council had to design and manage their own local scheme for council tax support, with reduced Government funding.

We have had to make some difficult decisions about who gets financial support and how we can help those in need.

We have consulted on the scheme every year since 2013 and have made changes to the scheme following your feedback. To find out what the changes are, please visit: [what is local council tax support and how has it changed](#).

To see the proposed revisions for the 2022-23, please go to the [Local Council Tax Support Scheme Consultation page](#).

[Next Page](#)

Survey Responses

We received 1 response as follows

1. Do you agree with updating the amounts used to calculate entitlement within the scheme? Using this year's figures we estimate this will cost an initial £2,500. This prevents claimants losing support as a result of increases in the cost of living.

Answer Choices		Response Percent	Response Total
1	Strongly agree	100.00%	1
2	Agree	0.00%	0
3	Disagree	0.00%	0
4	Strongly disagree	0.00%	0
5	Don't know	0.00%	0
		answered	1
		skipped	0

2. Do you agree, that in response to the pandemic, we should remove the Band D restriction for Band E property claimants for 2022/23? This means that claimants living in a Band E property can get up to 100% of their Council Tax paid. Under our normal rules help is capped at the lower value of a Band D Council Tax. Using this year's figures, we estimate this will cost around £50,000 to continue.

Answer Choices		Response Percent	Response Total
1	Strongly agree	0.00%	0
2	Agree	100.00%	1
3	Disagree	0.00%	0
4	Strongly disagree	0.00%	0
5	Don't know	0.00%	0
		answered	1
		skipped	0

3. Currently a person can receive help with 100% of their council tax, so they don't pay anything. Do you agree that all claimants should have to pay at least a certain fixed percentage of their council tax bill - for example 10%?

Answer Choices		Response Percent	Response Total
1	Strongly agree	0.00%	0
2	Agree	0.00%	0
3	Disagree	100.00%	1
4	Strongly disagree	0.00%	0
5	Don't know	0.00%	0
		answered	1
		skipped	0

4. What do you feel would be an appropriate percentage should a claimant have to pay towards their council tax bill?

Answer Choices		Response Percent	Response Total
1	0%	100.00%	1
2	5%	0.00%	0
3	10%	0.00%	0
4	20% or higher	0.00%	0
5	Don't know	0.00%	0
		answered	1
		skipped	0

5. What impact would this change have on your household?

Answer Choices		Response Percent	Response Total
1	No impact	0.00%	0
2	Low impact	0.00%	0
3	Medium impact	0.00%	0
4	High impact	100.00%	1
5	Not sure	0.00%	0
		answered	1
		skipped	0

6. Do you have any comments or suggestions for other savings or options that could be included in future reviews of our LCTS scheme?

Answer Choices		Response Percent	Response Total
1	Open-Ended Question	100.00%	1
1	30/09/2021 12:01 PM ID: 175564979 no		
		answered	1
		skipped	0

7. What additional information would you like us to make available in future consultations to help you respond?

Answer Choices		Response Percent	Response Total
1	Open-Ended Question	0.00%	0
No answers found.			
		answered	0
		skipped	1

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Council Report

Report of Director of Resources

Author: Claire Morris

Tel: 01483 444800

Email: claire.morris@guildford.gov.uk

Lead Councillor responsible: Tim Anderson

Tel: 07710 328560

Email: tim.anderson@guildford.gov.uk

Date: 7 December 2021

Appointment of External Auditor

Executive Summary

Following the closure of the Audit Commission in 2015, the Council considered options for the appointment of its external auditors in December 2016 and agreed to opt-in to the appointing person arrangements made by Public Sector Audit Appointments (PSAA) for the appointment of external auditors from 2018-19 for a period of five years up to and including the audit of the 2022-23 accounts.

This arrangement will terminate on 31 March 2023. The Council is now invited to consider arrangements for the re-appointment of its external auditor for a 5-year period from 2023-24.

PSAA is now undertaking a procurement for the next appointing period, covering audits for 2023-24 to 2027-28. During Autumn 2021 all local government bodies need to make important decisions about their external audit arrangements from 2023-24. They have options to arrange their own procurement and make the appointment themselves or in conjunction with other bodies, or they can join and take advantage of the national collective scheme administered by PSAA.

This report sets out the proposals for appointing the external auditor to Guildford Borough Council for the accounts for the five year period from 2023-24.

Officers consider that the sector-wide procurement conducted by PSAA will produce better outcomes and will be less burdensome for the Council than a procurement undertaken locally because:

- collective procurement reduces costs for the sector and for individual authorities compared to a multiplicity of smaller local procurements;
- if it does not use the national appointment arrangements, the Council will need to establish its own auditor panel with an independent chair and independent members to oversee a local auditor procurement and ongoing management of an audit contract;
- it is the best opportunity to secure the appointment of a qualified, registered auditor - there are only nine accredited local audit firms, and a local procurement would be drawing from the same limited supply of auditor resources as PSAA's

national procurement; and

- supporting the sector-led body offers the best way of ensuring there is a continuing and sustainable public audit market into the medium and long term.

If the Council wishes to take advantage of the national auditor appointment arrangements, it is required under the local audit regulations to make the decision at full Council. The opt-in period starts on 22 September 2021 and closes on 11 March 2022.

To opt into the national scheme from 2023-24, the Council needs to return completed opt-in documents to PSAA by 11 March 2022.

At its meeting on 18 November, the Corporate Governance and Standards Committee considered this report and endorsed the recommendation below.

Recommendation to Council:

That the Council accepts Public Sector Audit Appointments' invitation to opt in to the sector-led option for the appointment of external auditors to principal local government and police bodies for five financial years from 1 April 2023.

Reason for Recommendation:

To enable the Council to comply with statutory obligations under Section 7 of the Local Audit and Accountability Act 2014.

Is the report (or part of it) exempt from publication? No

1. Purpose of Report

- 1.1 This report sets out the proposals for the appointment of an external auditor for the Council and the options open to the Council. The Council is asked once again to agree to opt in to the appointing person arrangements made by PSAA Ltd in respect of the appointment of our external auditor from 2023-24.

2. Strategic Priorities

- 2.1 The appointment of the external auditor contributes to the achievement of the priority of providing efficient, cost effective and relevant quality public services that give the community value for money.

3. Background

- 3.1 The current auditor appointment arrangements cover the period up to and including the audit of the 2022-23 accounts. The Council opted into the 'appointing person' national auditor appointment arrangements established by Public Sector Audit Appointments (PSAA) for the period covering the accounts for 2018-19 to 2022-23.
- 3.2 Under the Local Government Audit & Accountability Act 2014 ("the Act"), the council is required to appoint an auditor to audit its accounts for each financial year. The Council has three options:

- To appoint its own auditor, which requires it to follow the procedure set out in the Act.
 - To act jointly with other authorities to procure an auditor following the procedures in the Act.
 - To opt in to the national auditor appointment scheme administered by a body designated by the Secretary of State as the 'appointing person'. The body currently designated for this role is Public Sector Audit Appointments Limited (PSAA).
- 3.3 In order to opt in to the national scheme, a council must make a decision at a meeting of its Full Council.
- 3.4 The auditor appointed at the end of the procurement process will undertake the statutory audit of accounts and Best Value assessment of the Council in each financial year, in accordance with all relevant codes of practice and guidance. The appointed auditor is also responsible for investigating questions raised by electors and has powers and responsibilities in relation to Public Interest Reports and statutory recommendations.
- 3.5 The auditor must act independently of the Council and the main purpose of the procurement legislation is to ensure that the appointed auditor is sufficiently qualified and independent.
- 3.6 The auditor must be registered to undertake local audits by the Financial Reporting Council (FRC) and employ authorised Key Audit Partners to oversee the work. There is currently a shortage of registered firms and Key Audit Partners.
- 3.7 Auditors are regulated by the FRC, which will be replaced by a new body with wider powers, the Audit, Reporting and Governance Authority (ARGA) during the course of the next audit contract.
- 3.8 Councils therefore have very limited influence over the nature of the audit services they are procuring, the nature and quality of which are determined or overseen by third parties

4. Options

Option1 – Stand Alone Appointment

- 4.1 The Council may elect to appoint its own external auditor under the Act, which would require the Council to:
- Establish an independent auditor panel to make a stand-alone appointment. The auditor panel would need to be set up by the Council itself, and the members of the panel must be wholly, or a majority of independent members as defined by the Act. Independent members for this purpose are independent appointees, excluding current and former elected members (or officers) and their close families and friends. This means that elected members will not have a majority input to assessing bids and choosing which audit firm to award a contract for the Council's external audit.

- Manage the contract for its duration, overseen by the Auditor Panel.
- 4.2 Setting up an auditor panel allows the Council to take maximum advantage of the local appointment regime and have local input to the decision. However, recruitment and servicing of the Auditor Panel, running the bidding exercise and negotiating the contract could increase the Council's costs because they would be more resource-intensive processes to implement for the Council, and without the bulk buying power of the sector-led procurement would be likely to result in a more costly service. It would also be more difficult to manage quality and independence requirements through a local appointment process. The Council is unable to influence the scope of the audit and the regulatory regime inhibits the Council's ability to affect quality.
- 4.3 The biggest risk is whether an authority managing its own procurement will be able to secure competitive bids. Auditors can only be appointed from a short (and currently shrinking) list maintained by the Institute of Chartered Accountants in England and Wales. As such an authority undertaking its own procurement may not get much more choice than the PSAA arrangement currently offers. However, there would be some scope to work with firms active in the local area to register new key audit partners (KAPs). PSAA is promising to work to increase the pool of KAPs and Government is considering how barriers to entry could be reduced. This may mean that the choice of auditor available may be greater in the future.
- 4.4 The great potential gain would be having some control over the Council's auditors. The PSAA route has been promoted as guaranteeing auditor independence. But the independence that matters in this context is that auditors should not be under undue influence to be forgiving in their audit work. It does not have to mean that authorities give up all influence over how auditors work, in particular in relation to the timing and staffing of audits and the determination of fees. With self-appointment, the Council may be able to secure better commitment from the auditors than has been seen in recent years but potentially at a cost. The more authorities that opt out of the PSAA arrangements, the less the capacity there will be for auditors to agree to such commitments.

Option 2 – Joint Auditor Panel

- 4.5 The Act enables the Council to join with other authorities to establish a joint auditor panel. Again, this will need to be constituted of wholly or a majority of independent appointees. Legal advice will be required on the exact constitution of such a panel having regard to the obligations of each Council under the Act and the Council would need to liaise with other local authorities to assess the appetite for such an arrangement.
- 4.6 The costs of setting up the panel, running the bidding exercise and negotiating the contract will be shared across a number of authorities offering a more cost-effective route than Option1 due to there being greater opportunity for negotiating some economies of scale by being able to offer a larger combined contract value to the firms.

- 4.7 However, the decision-making body will be further removed from local input, with potentially no input from elected members where a wholly independent auditor panel is used or possibly only one elected member representing each council, depending on the constitution agreed with the other bodies involved. The choice of auditor could be complicated where individual councils have independence issues. An independence issue occurs where the auditor has recently or is currently carrying out work such as consultancy or advisory work for a council. Where this occurs, some auditors may be prevented from being appointed by the terms of their professional standards. There is a risk that if the joint auditor panel chooses a firm that is conflicted for this Council then the Council may still need to make a separate appointment with all the attendant costs and loss of economies possible through joint procurement.

Option 3 – Sector Led Body (PSAA)

- 4.8 PSAA is specified as the ‘appointing person’ for principal local government under the provisions of the Act and the Local Audit (Appointing Person) Regulations 2015. PSAA let five-year audit services contracts in 2017 for the first appointing period, covering audits of the accounts from 2018-19 to 2022-23. It is now undertaking the work needed to invite eligible bodies to opt in for the next appointing period, from the 2023-24 audit onwards, and to complete a procurement for audit services.
- 4.9 PSAA is a not-for-profit organisation whose costs are around 4% of the scheme with any surplus distributed back to scheme members.
- 4.10 In summary the national opt-in scheme provides the following:
- the appointment of a suitably qualified audit firm to conduct audits for each of the five financial years commencing 1 April 2023;
 - appointing the same auditor to other opted-in bodies that are involved in formal collaboration or joint working initiatives to the extent this is possible with other constraints;
 - managing the procurement process to ensure both quality and price criteria are satisfied. PSAA has sought views from the sector to help inform its detailed procurement strategy;
 - ensuring suitable independence of the auditors from the bodies they audit and managing any potential conflicts as they arise during the appointment period;
 - minimising the scheme management costs and returning any surpluses to scheme members;
 - consulting with authorities on auditor appointments, giving the Council the opportunity to influence which auditor is appointed;
 - consulting with authorities on the scale of audit fees and ensuring these reflect scale, complexity, and audit risk; and
 - ongoing contract and performance management of the contracts once these have been let.

5. Pressures in the current local audit market and delays in issuing opinions

- 5.1 Much has changed in the local audit market since audit contracts were last awarded in 2017. At that time the audit market was relatively stable; there had

been few changes in audit requirements, and local audit fees had been reducing over a long period. Of those bodies eligible, 98% opted into the national scheme and attracted very competitive bids from audit firms. The resulting audit contracts took effect from 1 April 2018.

- 5.2 During 2018 a series of financial crises and failures in the private sector led to questioning about the role of auditors and the focus and value of their work. Four independent reviews were commissioned by Government: Sir John Kingman's review of the FRC, the audit regulator; the Competition and Markets Authority review of the audit market; Sir Donald Brydon's review of the quality and effectiveness of audit; and Sir Tony Redmond's review of local authority financial reporting and external audit. The recommendations are now under consideration by Government, with the clear implication that significant reforms will follow. A new audit regulator (ARGA) is to be established, and arrangements for system leadership in local audit are to be introduced. Further change will follow as other recommendations are implemented.
- 5.3 The Kingman review has led to an urgent drive for the FRC to deliver rapid, measurable improvements in audit quality. This has created a major pressure for audit firms to ensure full compliance with regulatory requirements and expectations in every audit they undertake. By the time firms were conducting 2018-19 local audits during 2019, the measures they were putting in place to respond to a more focused regulator were clearly visible. To deliver the necessary improvements in audit quality, firms were requiring their audit teams to undertake additional work to gain deeper levels of assurance. However, additional work requires more time, posing a threat to the firms' ability to complete all their audits by the target date for publication of audited accounts. Delayed opinions are not the only consequence of the FRC's drive to improve audit quality. Additional audit work must also be paid for. As a result, many more fee variation claims have been needed than in prior years.
- 5.4 This situation has been accentuated by growing auditor recruitment and retention challenges, the complexity of local government financial statements and increasing levels of technical challenges as bodies explore innovative ways of developing new or enhanced income streams to help fund services for local people. These challenges have increased in subsequent audit years, with Covid-19 creating further significant pressure for finance and audit teams.
- 5.5 None of these problems is unique to local government audit. Similar challenges have played out in other sectors, where increased fees and disappointing responses to tender invitations have been experienced during the past two years.

6. The invitation

- 6.1 PSAA is now inviting the Council to opt in for the second appointing period, for 2023-24 to 2027-28, along with all other eligible authorities. Based on the level of opt-ins it will enter into contracts with appropriately qualified audit firms and appoint a suitable firm to be the Council's auditor. Details relating to PSAA's invitation are provided in **Appendix 1** to this report.

- 6.2 The prices submitted by bidders through the procurement will be the key determinant of the value of audit fees paid by opted-in bodies. PSAA will:
- seek to encourage realistic fee levels and to benefit from the economies of scale associated with procuring on behalf of a significant number of bodies;
 - continue to pool scheme costs and charge fees to opted-in bodies in accordance with the published fee scale as amended following consultations with scheme members and other interested parties (pooling means that everyone within the scheme will benefit from the prices secured via a competitive procurement process – a key tenet of the national collective scheme);
 - continue to minimise its own costs, around 4% of scheme costs, and as a not-for-profit company will return any surplus funds to scheme members. In 2019 it returned a total £3.5million to relevant bodies and in 2021 a further £5.6million was returned.
- 6.3 PSAA will seek to encourage market sustainability in its procurement. Firms will be able to bid for a variety of differently sized contracts so that they can match their available resources and risk appetite to the contract for which they bid. They will be required to meet appropriate quality standards and to reflect realistic market prices in their tenders, informed by the scale fees and the supporting information provided about each audit. Where regulatory changes are in train which affect the amount of audit work suppliers must undertake, firms will be informed as to which developments should be priced into their bids.
- 6.4 The scope of a local audit is fixed. It is determined by the Code of Audit Practice (currently published by the National Audit Office), the format of the financial statements (specified by CIPFA/LASAAC¹) and the application of auditing standards regulated by the FRC. These factors apply to all local audits irrespective of whether an eligible body decides to opt into PSAA's national scheme or chooses to make its own separate arrangements. The requirements are mandatory; they shape the work auditors undertake and have a bearing on the actual fees required.
- 6.5 There are currently nine audit providers eligible to audit local authorities and other relevant bodies under local audit legislation. This means that a local procurement exercise would seek tenders from the same firms as the national procurement exercise, subject to the need to manage any local independence issues. Local firms cannot be invited to bid. Local procurements must deliver the same audit scope and requirements as a national procurement, reflecting the auditor's statutory responsibilities.
- 6.6 The national offer provides the appointment of an independent auditor with limited administrative cost to the Council. By joining the scheme, the Council would be acting with other councils to optimise the opportunity to influence the market that a national procurement provides.
- 6.7 The recommended approach is therefore to opt in to the national auditor appointment scheme.

¹ Chartered Institute of Public Finance and Accountancy/Local Authority (Scotland) Accounts Advisory Committee

- 6.8 If the Council wishes to take advantage of the national auditor appointment arrangements, it is required under the local audit regulations to make the decision at full Council. The opt-in period starts on 22 September 2021 and closes on 11 March 2022. To opt into the national scheme from 2023-24, the Council needs to return completed opt-in documents to PSAA by 11 March 2022.

7. Equality and Diversity Implications

- 7.1 There are no equality and diversity implications associated with the decision in respect of this matter.

8 Financial Implications

- 8.1 There is a risk that current external audit fee levels could increase when the current contracts end. It is clear that the scope of audit has increased, requiring more audit work. There are also concerns about capacity and sustainability in the local audit market.
- 8.2 Opting into a national scheme provides maximum opportunity to ensure fees are as realistic as possible, while ensuring the quality of audit is maintained, by entering into a large-scale collective procurement arrangement.
- 8.3 If the national scheme is not used, some additional resource may be needed to establish an auditor panel and conduct a local procurement. Until a procurement exercise is completed, it is not possible to state what, if any, additional resource may be required for audit fees from 2023-24.

7. Legal Implications

- 7.1 Regulation 19 of the Local Audit (Appointing Person) Regulations 2015 requires that a decision to opt in must be made by a meeting of the Council. The Council then needs to respond formally to PSAA's invitation in the form specified by PSAA by the close of the opt-in period (11 March 2022). PSAA will commence the formal procurement process in early February 2022. It expects to award contracts in August 2022 and will then consult with authorities on the appointment of auditors so that it can make appointments by the statutory deadline of 31 December 2022.
- 7.2 Section 7 of the Local Audit and Accountability Act 2014 requires a relevant authority to appoint a local auditor to audit its accounts for a financial year not later than 31 December in the preceding year. Section 8 governs the procedure for appointment including that the authority must consult and take account of the advice of its auditor panel on the selection and appointment of a local auditor. Section 8 also provides that where a relevant authority is a local authority operating executive arrangements, the function of appointing a local auditor to audit its accounts is not the responsibility of an executive of the authority under those arrangements.
- 7.3 Section 12 makes provision for the failure to appoint a local auditor: the authority must immediately inform the Secretary of State, who may direct the authority to

appoint the auditor named in the direction or appoint a local auditor on behalf of the authority.

7.4 Section 17 gives the Secretary of State the power to make regulations in relation to an 'appointing person' specified by the Secretary of State. This power has been exercised in the Local Audit (Appointing Person) Regulations 2015 (SI 2015 No. 192) and this gives the Secretary of State the ability to enable a Sector Led Body to become the appointing person.

7.5 The principal risks are that the Council:

- fails to appoint an auditor in accordance with the requirements and timing specified in local audit legislation; or
- does not achieve value for money in the appointment process.

These risks are considered best mitigated by opting into the sector-led approach through PSAA.

7.6 The PSAA option is compliant with the Public Contract Regulations 2015 and ensure we meet our best value duties.

8. Human Resource Implications

8.1 There are no human resource implications associated with the decision in respect of this matter.

9. Summary of Options

9.1 Option 1: To make a stand-alone appointment;
Option 2: To set up a joint Auditor Panel / local joint procurement arrangements; and
Option 3: To opt-in to a sector led body (recommended)

9.2 Officers recommend Option 3 as the Council's preferred option.

10. Conclusion

10.1 Officer consider that the sector-wide procurement conducted by PSAA will produce better outcomes and will be less burdensome for the Council than a procurement undertaken locally because:

- collective procurement reduces costs for the sector and for individual authorities compared to a multiplicity of smaller local procurements;
- if it does not use the national appointment arrangements, the Council will need to establish its own auditor panel with an independent chair and independent members to oversee a local auditor procurement and ongoing management of an audit contract;
- it is the best opportunity to secure the appointment of a qualified, registered auditor - there are only nine accredited local audit firms, and a local procurement would be drawing from the same limited supply of auditor resources as PSAA's national procurement; and

- supporting the sector-led body offers the best way of to ensuring there is a continuing and sustainable public audit market into the medium and long term.

10.2 If the Council wishes to take advantage of the national auditor appointment arrangements, it is required under the local audit regulations to make the decision at full Council. The opt-in period starts on 22 September 2021 and closes on 11 March 2022. To opt into the national scheme from 2023-24, the Council needs to return completed opt-in documents to PSAA by 11 March 2022.

11. Background Papers

None

12. Appendices

Appendix 1: PSAA Invitation letter

22 September 2021

To: Mr Whiteman, Chief Executive
Guildford Borough Council

Copied to: Mrs Morris, S151 Officer
Mr Manning, Chair of Audit Committee or equivalent

Dear Mr Whiteman,

Invitation to opt into the national scheme for auditor appointments from April 2023

I want to ensure that you are aware the external auditor for the audit of your accounts for 2023/24 has to be appointed before the end of December 2022. That may seem a long way away but, as your organisation has a choice about how to make that appointment, your decision-making process needs to begin soon.

We are pleased that the Secretary of State has confirmed PSAA in the role of the appointing person for eligible principal bodies for the period commencing April 2023. Joining PSAA's national scheme for auditor appointments is one of the choices available to your organisation.

In June 2021 we issued a draft prospectus and invited your views and comments on our early thinking on the development of the national scheme for the next period. Feedback from the sector has been extremely helpful and has enabled us to refine our proposals which are now set out in the [scheme prospectus](#) and our [procurement strategy](#). Both documents can be downloaded from our website which also contains a range of useful information that you may find helpful.

The national scheme timetable for appointing auditors from 2023/24 means we now need to issue a formal invitation to you to opt into these arrangements. In order to meet the requirements of the relevant regulations, we also attach a form of acceptance of our invitation which you must use if your organisation decides to join the national scheme. We have specified the five consecutive financial years beginning 1 April 2023 as the compulsory appointing period for the purposes of the regulations which govern the national scheme.

Given the very challenging local audit market, we believe that eligible bodies will be best served by opting to join the scheme and have attached a short summary of why we believe that is the best solution both for individual bodies and the sector as a whole.

I would like to highlight three matters to you:

1. if you opt to join the national scheme, we need to receive your formal acceptance of this invitation by Friday 11 March 2022;

2. the relevant regulations require that, except for a body that is a corporation sole (e.g. a police and crime commissioner), the decision to accept our invitation and to opt in must be made by the members of the authority meeting as a whole e.g. Full Council or equivalent. We appreciate this will need to be built into your decision-making timetable. We have deliberately set a generous timescale for bodies to make opt in decisions (24 weeks compared to the statutory minimum of 8 weeks) to ensure that all eligible bodies have sufficient time to comply with this requirement; and
3. if you decide not to accept the invitation to opt in by the closing date, you may subsequently make a request to opt in, but only after 1 April 2023. We are required to consider such requests and agree to them unless there are reasonable grounds for their refusal. PSAA must consider a request as the appointing person in accordance with the Regulations. The Regulations allow us to recover our reasonable costs for making arrangements to appoint a local auditor in these circumstances, for example if we need to embark on a further procurement or enter into further discussions with our contracted firms.

If you have any other questions not covered by our information, do not hesitate to contact us by email at ap2@psaa.co.uk. We also publish answers to [frequently asked questions](#) on our website.

If you would like to discuss a particular issue with us, please send an email also to ap2@psaa.co.uk, and we will respond to you.

Yours sincerely
Tony Crawley
Chief Executive

Encl: Summary of the national scheme

Why accepting the national scheme opt-in invitation is the best solution

Public Sector Audit Appointments Limited (PSAA)

We are a not-for-profit, independent company limited by guarantee incorporated by the Local Government Association in August 2014.

We have the support of the LGA, which in 2014 worked to secure the option for principal local government and police bodies to appoint auditors through a dedicated sector-led national body.

We have the support of Government; MHCLG's Spring statement confirmed our appointment because of our "strong technical expertise and the proactive work they have done to help to identify improvements that can be made to the process".

We are an active member of the new Local Audit Liaison Committee, chaired by MHCLG and attended by key local audit stakeholders, enabling us to feed in body and audit perspectives to decisions about changes to the local audit framework, and the need to address timeliness through actions across the system.

We conduct research to raise awareness of local audit issues, and work with MHCLG and other stakeholders to enable changes arising from Sir Tony Redmond's review, such as more flexible fee setting and a timelier basis to set scale fees.

We have established an advisory panel, which meets three times per year. Its membership is drawn from relevant representative groups of local government and police bodies, to act as a sounding board for our scheme and to enable us to hear your views on the design and operation of the scheme.

The national scheme for appointing local auditors

In July 2016, the Secretary of State specified PSAA as an appointing person for principal local government and police bodies for audits from 2018/19, under the provisions of the Local Audit and Accountability Act 2014 and the Local Audit (Appointing Person) Regulations 2015. Acting in accordance with this role PSAA is responsible for appointing an auditor and setting scales of fees for relevant principal authorities that have chosen to opt into its national scheme. 98% of eligible bodies made the choice to opt-in for the five-year period commencing in April 2018.

We will appoint an auditor for all opted-in bodies for each of the five financial years beginning from 1 April 2023.

We aim for all opted-in bodies to receive an audit service of the required quality at a realistic market price and to support the drive towards a long term competitive and more sustainable market for local audit. The focus of our quality assessment will include resourcing capacity and capability including sector knowledge, and client relationship management and communication.

What the appointing person scheme from 2023 will offer

We believe that a sector-led, collaborative, national scheme stands out as the best option for all eligible bodies, offering the best value for money and assuring the independence of the auditor appointment.

The national scheme from 2023 will build on the range of benefits already available for members:

- transparent and independent auditor appointment via a third party;
- the best opportunity to secure the appointment of a qualified, registered auditor;
- appointment, if possible, of the same auditors to bodies involved in significant collaboration/joint working initiatives, if the parties believe that it will enhance efficiency;
- on-going management of any independence issues which may arise;
- access to a specialist PSAA team with significant experience of working within the context of the relevant regulations to appoint auditors, managing contracts with audit firms, and setting and determining audit fees;
- a value for money offer based on minimising PSAA costs and distribution of any surpluses to scheme members - in 2019 we returned a total £3.5million to relevant bodies and more recently we announced a further distribution of £5.6m in August 2021;
- collective efficiency savings for the sector through undertaking one major procurement as opposed to a multiplicity of smaller procurements;
- avoids the necessity for local bodies to establish an auditor panel and undertake an auditor procurement, enabling time and resources to be deployed on other pressing priorities;
- updates from PSAA to Section 151 officers and Audit Committee Chairs on a range of local audit related matters to inform and support effective auditor-audited body relationships; and
- concerted efforts to work with other stakeholders to develop a more sustainable local audit market.

We are committed to keep developing our scheme, taking into account feedback from scheme members, suppliers and other stakeholders, and learning from the collective post-2018 experience. This work is ongoing, and we have taken a number of initiatives to improve the operation of the scheme for the benefit of all parties.

Importantly we have listened to your feedback to our recent consultation, and our response is reflected in [the scheme prospectus](#).

Opting in

The closing date for opting in is 11 March 2022. We have allowed more than the minimum eight-week notice period required, because the formal approval process for most eligible bodies is a decision made by the members of the authority meeting as a whole [Full Council or equivalent], except police and crime commissioners who are able to make their own decision.

We will confirm receipt of all opt-in notices. A full list of eligible bodies that opt in will be published on our website. Once we have received an opt-in notice, we will write to you to request information on any joint working arrangements relevant to your auditor appointment, and any potential independence matters which may need to be taken into consideration when appointing your auditor.

Local Government Reorganisation

We are aware that reorganisations in the local government areas of Cumbria, Somerset, and North Yorkshire were announced in July 2021. Subject to parliamentary approval shadow elections will take place in May 2022 for the new Councils to become established from 1 April 2023. Newly established local government bodies have the right to opt into PSAA's scheme under Regulation 10 of the Appointing Person Regulations 2015. These Regulations also set out that a local government body that ceases to exist is automatically removed from the scheme.

If for any reason there is any uncertainty that reorganisations will take place or meet the current timetable, we would suggest that the current eligible bodies confirm their acceptance to opt in to avoid the requirement to have to make local arrangements should the reorganisation be delayed.

Next Steps

We expect to formally commence the procurement of audit services in early February 2022. At that time our procurement documentation will be available for opted-in bodies to view through our e-tendering platform.

Our recent webinars to support our consultation proved to be popular, and we will be running a series of webinars covering specific areas of our work and our progress to prepare for the second appointing period. Details can be found on [our website](#) and in [the scheme prospectus](#).

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Council Report

Ward(s) affected: n/a

Report of Director of Strategic Services

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Date: 7 December 2021

Review of Numerical Allocation of Seats on Committees to Political Groups: 2021-22

Executive Summary

At its Selection Meeting on 19 May 2021, the Council agreed a numerical allocation of seats on committees to the political groups on the Council for the 2021-22 municipal year (see **Appendix 1**).

On 3 November 2021, the proper officer (Democratic Services and Elections Manager) received notice in writing from Councillor Jan Harwood and the Leader of the Conservative group on the Council that, with immediate effect, Councillor Harwood wished to be treated as a member of the Conservative group.

Therefore, the political balance on the Council is now:

Guildford Liberal Democrats: 16
Residents for Guildford and Villages: 16
Conservatives: 10
Guildford Greenbelt Group: 4
Labour: 2

Under Council Procedure Rule 23, whenever there is a change in the political constitution of the Council, the Council must, as soon as reasonably practicable, review the allocation of seats on committees to political groups.

Prior to 3 November, Councillor Harwood occupied seats allocated to the Liberal Democrat Group on the following Committees:

- (a) the Guildford Joint Committee (of which he was elected chairman by the Council on 19 May),
- (b) the Employment Committee (of which he was elected vice-chairman by the Council on 19 May), and
- (c) the Joint Appointments Committee.

This report sets out, in **Appendix 2**, the notional calculation of the numerical allocation of seats on committees based on the percentage of seats to which each political group would be entitled when applying the normal rounding up/down rules.

The notional calculation invariably requires refinement in terms of adjustments to meet the required number of members on committees etc. To that end, **Appendix 3** sets out a proposed calculation of numerical allocation of seats on committees to political groups, for approval by the Council. Following approval, the relevant political groups will be invited to

appoint councillors to any vacant seats, or make any other adjustments, as appropriate.

The report also sets out the Constitutional position regarding Councillor Harwood's election as chairman and vice-chairman of the Guildford Joint Committee and Employment Committee respectively.

Recommendation to Council:

The Council is invited to approve a revised calculation of the numerical allocation of seats on committees to each political group on the Council, for the remainder of the 2021-22 Municipal Year.

Reason for Recommendation:

To enable the Council to comply with Council Procedure Rule 23 in respect of the appointment of committees and with its obligations under the Local Government and Housing Act 1989 in respect of the political proportionality on its committees.

1. Purpose of report

- 1.1 The Council is asked to review the numerical allocation of seats on committees to political groups following receipt of written notice from Councillor Jan Harwood and the Leader of the Conservative group that, with immediate effect, Councillor Harwood wished to be treated as a member of the Conservative group.

2. Background

- 2.1 Under Council Procedure Rule 23, the Council is required to review the allocation of seats on committees to political groups at its annual Selection meeting and as soon as reasonably practicable following any change in the political constitution of the Council or as otherwise required by statute. Wherever such a review is required, the Democratic Services and Elections Manager will submit a report to the Council showing what allocation of seats would best meet, as far as reasonably practicable, the requirements for political balance.

3. Main Considerations

Requirement for political balance and numerical allocation of seats on committees

- 3.1 Section 15 of the Local Government and Housing Act 1989 sets out how committees must be constituted when the Council is divided into one or more political groups. The Council must give effect, *as far as reasonably practicable*, to the following four principles in constituting its committees or sub-committees:
- (a) that not all of the seats on any committee are allocated to the same political group;
 - (b) that if a political group has a majority on the Council, it must have a majority of seats on all committees;
 - (c) that, subject to (a) and (b) above, the number of seats allocated to a political group across all the committees must reflect their proportion of the authority's membership; and
 - (d) that, subject to (a) to (c) above, the number of seats allocated to a political group on each committee is as far as possible in proportion to the group's membership of the authority.

- 3.2 The Local Government (Committees and Political Groups) Regulations 1990 (as amended) make provision for securing the political balance on councils and their committees and for determining the voting rights of members of certain committees.
- 3.3 Details of the current numerical allocation of seats on the committees to the political groups, which were approved by the Council at its Selection Meeting on 19 May 2021, are shown in **Appendix 1** to this report.
- 3.4 In light of Councillor Harwood’s resignation from the Liberal Democrat group and his wish to be regarded as a member of the Conservative group, the political complexion of the Council is now as follows:

Guildford Liberal Democrats:	16
Residents for Guildford and Villages:	16
Conservatives:	10
Guildford Greenbelt Group:	4
Labour:	2

- 3.5 The first stage of the review is to make a *notional* calculation of the numerical allocation of seats based on the percentage of seats to which each political group would be entitled when applying the normal rounding up/down rules. This notional calculation is set out in **Appendix 2**. The notional calculation now includes the Joint Appointments Committee (JAC), which was established by Guildford and Waverley Borough Councils in the summer. Since Councillor Harwood became a member of the Conservative group, the Conservative group has indicated that it now wishes to resume its allocated seat on the JAC, and that Councillor Harwood will be the Conservative member on it.
- 3.6 The **notional calculation** shows that the following adjustments are necessary:

- To increase the allocation of seats on the Corporate Governance and Standards Committee by one
- To increase the allocation of seats on the Guildford Joint Committee by one
- To increase the allocation of seats to the Conservative group by two as that group is now entitled to nineteen seats overall
- To increase the allocation of seats to the Guildford Liberal Democrat group by one as that group is entitled to thirty seats overall
- To increase the allocation of seats to the Residents for Guildford and Villages group by one as that group is also entitled to thirty seats overall
- To reduce the allocation of seats to the Labour group by one as that group is only entitled to four seats overall

Councillors will note, however, that applying the notional calculations and the above adjustments would mean that there is an excess of notional entitlement to actual total number of seats on all the committees:

Total number of seats on all committees: 89

Notional entitlement to seats on committees to the political groups:

Guildford Liberal Democrats:	30
Residents for Guildford and Villages:	30
Conservatives:	19
Guildford Greenbelt Group:	7
Labour:	4
Total:	90

3.7 Taking all this into account, the second stage of the review is to agree a numerical allocation of seats to political groups on committees that meets, as far as reasonably practicable, the requirements for political balance for the remainder of the 2021-22 municipal year. Options for addressing the adjustments referred to in paragraph 3.6 above are set out in the table below:

	Adjustment to notional allocation	Options
1	To increase the allocation of seats on the Corporate Governance and Standards Committee by one.	To allocate the 7 th seat on the Committee to the Labour group. This would reflect the current allocation on this Committee.
2	To increase the allocation of seats on the Guildford Joint Committee by one.	As no group has a strict entitlement to an additional seat, the allocation of the 10 th seat on the Guildford Joint Committee will need to be agreed amongst the affected groups (but see 4 below).
3	To increase the allocation of seats to the Conservative group by two as that group is now entitled to nineteen seats overall (NB. Under the notional calculation, the Conservative group is entitled to a total of 18.54 seats)	To allocate an additional seat to the Conservative group on the Licensing Committee and reduce the Liberal Democrat allocation on that committee by one. This would leave the total number of seats allocated to the Conservative group at 18.
4	To increase the allocation of seats to the Guildford Liberal Democrat group by one as that group is entitled to thirty seats overall (NB. Under the notional calculation, the Liberal Democrat group is entitled to a total of 29.66 seats)	If the 10 th seat on the Guildford Joint Committee were allocated to the Liberal Democrat group, their total allocation would be brought up to 30. This would reflect the current allocation on this Committee.
5	To increase the allocation of seats to the Residents for Guildford and Villages group by one as that group is also entitled to thirty seats overall (NB. Under the notional calculation, the Residents for Guildford and Villages group is entitled to a total of 29.66 seats)	To allocate an additional seat on the Service Delivery EAB to the Residents for Guildford and Villages group, bringing their total allocation up to 30. This would reflect the current allocation on this EAB.
6	To reduce the allocation of seats to the Labour group by one as that group is only entitled to four seats overall	To allocate one seat to the Labour group on each of the following committees: <ul style="list-style-type: none"> • Corporate Governance & Standards • Strategy & Resources EAB • Overview & Scrutiny • Planning <p>This would reflect their current allocation.</p>

Following consultation with political group leaders, a proposal for consideration that addresses, as far as practicable, the required adjustments referred to above, is set out in

Appendix 3. Councillors will note that this proposal makes no changes to the current allocation of seats to the Residents for Guildford and Villages group, the Guildford Greenbelt Group, and the Labour group.

Guildford Joint Committee Chairman

3.8 Standing Order 2.3 of the Guildford Joint Committee provides that:

“The Chairman and Vice-Chairman shall, unless he or she resigns the office or ceases to be a member of the Guildford Joint Committee, continue in office until a successor is appointed. If a Chairman or Vice-Chairman does not complete a full term of office, a further member from the same council shall be appointed through the relevant authority’s usual procedures for the remainder of that term”.

3.9 As the Conservative group has indicated that it will allocate one of its seats on the Guildford Joint Committee to Councillor Harwood, who would therefore remain as a member of the Joint Committee, he will also remain as the chairman of the Joint Committee for the remainder of the 2021-22 municipal year.

Employment Committee Vice-Chairman

3.10 Council Procedure Rule 29 (b) provides that:

“If, during the course of a municipal year, a councillor

- (i) resigns from the office of chairman or vice-chairman of a committee or sub-committee, or*
- (ii) is no longer appointed as a member of the committee or sub-committee to which he or she was elected chairman or vice-chairman, or*
- (iii) resigns as a councillor, or*
- (iv) becomes disqualified,*

the election of his or her successor for the remainder of that municipal year shall be conducted by the Committee at its next meeting”.

3.11 As the Conservative group has indicated that it will not be allocating its seat on the Employment Committee to Councillor Harwood, he ceases to be vice-chairman of that Committee. Therefore, the Committee, at its next meeting, will elect another vice-chairman for the remainder of the 2021-22 municipal year.

3.12 At the Council meeting, the Leader of the Council will propose a motion setting out for debate a draft calculation of the numerical allocation of seats on committees for the remainder of the 2021-22 Municipal Year. This will be set out on the Order Paper and it will, of course, be open to councillors to propose amendments to that motion.

4. Legal implications

4.1 As the Council’s membership is divided into political groups, it is required by sections 15 and 16 of the Local Government and Housing Act 1989 and related regulations, to ensure that appointments to fill seats on committees are allocated in the same proportion as that in which the Council as a whole is divided, and to give effect, *as far as reasonably practicable*, to the four principles referred to in paragraph 3.1 above.

4.2 There is also a duty to review annually the allocation of seats on committees to political groups or following any change in the political constitution of the Council.

5. Financial Implications

5.1 There are no financial implications arising from this report.

6. Human resource Implications

6.1 There are no human resource implications arising from this report.

7. Background Papers

None

8. Appendices

Appendix 1: Current numerical allocation of seats on committees to political groups for 2021-22 as agreed by Council on 19 May 2021

Appendix 2: Notional Calculation of the Numerical Allocation of Seats on Committees to political groups for the remainder of 2021-22

Appendix 3: Draft Calculation of the Numerical Allocation of Seats on Committees to political groups for the remainder of 2021-22

CURRENT Numerical Allocation of Seats to Political Groups on Committees 2021-22 (as agreed by Council on 19 May 2021)

Committee	Guildford Liberal Democrats	Residents for Guildford & Villages	Conservatives	Guildford Greenbelt Group	Labour
Total no. of seats on the Council	17	16	9	4	2
% of no. of seats on the Council	35.42%	33.33%	18.75%	8.33%	4.17%
Total number of seats on committees (Total: 86)	30	29	16	7	4
Corporate Governance & Standards Committee (7 seats)	2	2	1	1	1
Employment Committee (3 seats)	1	1	1	0	0
Service Delivery EAB (12 seats)	4	5	2	1	0
Strategy and Resources EAB (12 seats)	4	4	2	1	1
Guildford Joint Committee (10 seats)	4	3	2	1	0
Licensing Committee (15 seats)	6	5	3	1	0
Overview & Scrutiny Committee (12 seats)	4	4	2	1	1
Planning Committee (15 seats)	5	5	3	1	1
Total no. of seats on committees	30	29	16	7	4

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NOTIONAL Calculation of the Numerical Allocation of Seats to Political Groups on Committees 2021-22

Committee	Guildford Liberal Democrats	Residents for Guildford & Villages	Conservatives	Guildford Greenbelt Group	Labour	Adjustment required
Total no. of seats on the Council	16	16	10	4	2	
% of no. of seats on the Council	33.33%	33.33%	20.83%	8.33%	4.17%	
Notional number of seats on committees (Total: 89)	30 29.66	30 29.66	19 18.54	7 7.41	4 3.71	
Corporate Governance & Standards Committee (7 seats)	2 2.33	2 2.33	1 1.46	1 0.58	0 0.29	+1
Employment Committee (3 seats)	1	1	1 0.62	0 0.25	0 0.13	
Service Delivery EAB (12 seats)	4	4	2 2.49	1	1 0.5	
Strategy and Resources EAB (12 seats)	4	4	2 2.49	1	1 0.5	
Guildford Joint Committee (10 seats)	3 3.33	3 3.33	2 2.08	1 0.83	0 0.42	+1
Licensing Committee (15 seats)	5	5	3 3.12	1 1.25	1 0.63	
Overview & Scrutiny Committee (12 seats)	4	4	2 2.49	1	1 0.5	
Planning Committee (15 seats)	5	5	3 3.12	1 1.25	1 0.63	
Joint Appointments Committee (3 seats)	1	1	1 0.62	0 0.25	0 0.13	
Total no. of seats on committees	29	29	17	7	5	+2

PROPOSED Calculation of the Numerical Allocation of Seats to Political Groups on Committees 2021-22

Committee	Guildford Liberal Democrats	Residents for Guildford & Villages	Conservatives	Guildford Greenbelt Group	Labour
Total no. of seats on the Council	16	16	10	4	2
% of no. of seats on the Council	33.33%	33.33%	20.83%	8.33%	4.17%
Notional number of seats on committees (Total: 89)	30	30	19	7	4
Corporate Governance & Standards Committee (7 seats)	2	2	1	1	1
Employment Committee (3 seats)	1	1	1	0	0
Service Delivery EAB (12 seats)	4	5	2	1	0
Strategy and Resources EAB (12 seats)	4	4	2	1	1
Guildford Joint Committee (10 seats)	4	3	2	1	0
Licensing Committee (15 seats)	5	5	4	1	0
Overview & Scrutiny Committee (12 seats)	4	4	2	1	1
Planning Committee (15 seats)	5	5	3	1	1
Joint Appointments Committee (3 seats)	1	1	1	0	0
Total no. of seats on committees	30	30	18	7	4

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Council report

Ward(s) affected: All

Report of Director of Strategic Services

Author: John Armstrong, Democratic Services and Elections Manager

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Lead Councillor responsible: Joss Bigmore

Tel: 07974 979369

Email: joss.bigmore@guildford.gov.uk

Date: 7 December 2021

Selection of Mayor and Deputy Mayor: 2022-23

Executive Summary

At this meeting, the Council will be asked to consider nominations for the Mayoralty and Deputy Mayoralty of the Borough for the municipal year 2022-23.

The constitutional changes adopted by the Council in April 2014 as part of the review of the Civic Function in respect of the Mayoralty provide that the Council normally elects the Deputy Mayor appointed at the annual meeting of the Council as Mayor at the next succeeding annual meeting. The Council is therefore requested to consider formally the nomination of the current Deputy Mayor, Councillor Dennis Booth for the Mayoralty of the Borough for 2022-23.

Group leaders were asked to submit nominations for the Deputy Mayoralty for 2022-23 by no later than 19 November 2021. The following nomination has been received:

- Councillor Masuk Miah

The Council is therefore requested to consider formally the nominations received.

This report was also be considered by the Executive on 23 November 2021. The Executive endorsed the recommendations below.

Recommendation to Council:

- (1) That the Deputy Mayor, Councillor Dennis Booth be nominated for the Mayoralty of the Borough for the municipal year 2022-23.
- (2) That Councillor Masuk Miah be nominated for the Deputy Mayoralty of the Borough for the 2022-23 municipal year.

Reason for Recommendation:

To make early preparations for the selection of the Mayor and Deputy Mayor for the municipal year 2022-23.

Is the report (or part of it) exempt from publication? No

1 Purpose of Report

- 1.1 To ask the Council to consider nominations received for election of Mayor and appointment of Deputy Mayor for the municipal year 2022-23.

2 Strategic Priorities

- 2.1 Ensuring that the process for selection of Mayor and Deputy Mayor is undertaken publicly is consistent with the Council's desire to be open and accountable to its residents.

3. Background

Selection of Mayor: 2022-23

- 3.1 The constitutional changes adopted by the Council as part of the review of the Civic Function in April 2014 in respect of the Mayoralty provide that the Council normally elects the Deputy Mayor appointed at the annual meeting of the Council as Mayor at the next succeeding annual meeting. The Council is therefore requested to consider formally the nomination of The Deputy Mayor, Councillor Dennis Booth for the Mayoralty of the Borough for 2022-23.

Selection of Deputy Mayor: 2022-23

- 3.2 Group leaders were asked to submit nominations in respect of the appointment of Deputy Mayor for 2022-23. At the time the agenda for this meeting was published, the only nomination received was:

Councillor Masuk Miah

The Council is also requested to consider formally this nomination.

- 3.3 The Council will be asked to consider this matter at its meeting on 7 December 2021 to enable early preparations to be made for the formal election of the Mayor and appointment of Deputy Mayor for 2022-23 at the Council's annual meeting on 11 May 2021. This gives them time to make the necessary adjustments to their personal and professional lives in order to prepare for their forthcoming mayoral/deputy mayoral years and will provide plenty of time to enable appropriate training or refresher training to be given to the respective nominees.

- 3.4 At its meeting on 23 November 2021, the Executive considered this report and endorsed the above nominations.

4. Financial Implications

- 4.1 The costs associated with the selection of a Mayor and Deputy Mayor will be met from within existing budgets.

5. Legal Implications

- 5.1 The Council is required annually to elect a Mayor and appoint a Deputy Mayor in accordance with Sections 3 and 5 respectively of the Local Government Act 1972. The

Local Government Act 2000 also provides that the Council's chairman or vice-chairman (the Mayor and Deputy Mayor) cannot serve on the Executive at the same time.

6. Human Resources Implications

6.1 There are no human resource implications arising from this report.

7. Background Papers

None

8. Appendices

None

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EXECUTIVE

24 August 2021

- * Councillor Joss Bigmore (Chairman)
- * Councillor Jan Harwood (Vice-Chair)

Councillor Tim Anderson
* Councillor Tom Hunt
* Councillor Julia McShane

Councillor John Redpath
* Councillor John Rigg
* Councillor James Steel

*Present

EX8 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Tim Anderson and John Redpath.

Councillors Chris Blow, Ramsey Nagaty, Will Salmon and Paul Spooner were also in attendance.

EX9 LOCAL CODE OF CONDUCT - DISCLOSABLE PECUNIARY INTEREST

There were no declarations of interest.

EX10 MINUTES

The minutes of the meeting of the Executive held on 20 July 2021 were agreed as a correct record. The Chairman signed the minutes.

EX11 LEADER'S ANNOUNCEMENTS

The Leader urged residents to get vaccinated and regularly tested as unfortunately, the number of Covid cases were still rising across the borough. It was noted that those who had been 'double-jabbed' no longer had to self-isolate after coming into contact with someone who had received a positive test.

It was announced that the Council was working with the Ministry of Defence and local housing providers to provide housing for refugees from Afghanistan. There had been a great response from private landlords and the work would progress once more guidance was received from Central Government.

The Council's application to the Defence Employer Recognition Scheme for Silver Status award submitted earlier in the year as a part of a commitment to the Armed Forces Covenant had been successful. The Leader expressed gratitude to those officers and councillors involved.

Car-free Day would be held on Sunday 26 September and provide local people with an opportunity to put pedestrians first, consider the climate change emergency and choose sustainable transport options.

There would be a number of Heritage Open days during September and the Farmer's Market would take place on 7 September with over 50 local producers selling a wide range of food and handmade crafts on the High Street.

Council tenants had until 15 September to re-register for the housing list. More details were available on the Council's website.

Finally, the 'Hive' community hub had helped 120 local residents to access food and support last month. Opening hours were Monday to Friday from 10am to 3pm for collection or donations. Items always required were fresh food, dairy and bakery products and other essentials.

EX12 AMENDMENTS TO PRIVACY & DATA PROTECTION POLICY

It had become necessary to update the Council's Privacy & Data Protection Policy so as to promote Payment Card Industry Data Security Standards (PCI-DSS) compliance, to reflect new protocols around ICT usage and security and a number of other minor changes. Should the Council fail to update the Policy and to implement the new changes it would have been open to potential breaches of data protection and possible reputational damage.

Consequently, the Executive,

RESOLVED:

That the amendments to the Council's existing Privacy and Data Protection Policy, as set out in Appendix 1 to the report submitted to the Executive, be approved.

Reason:

To ensure compliance with Payment Card Industry Data Security Standards (PCI DSS), thereby reducing risk of financial and/or reputational damage.

EX13 HIGHWAY AND TRANSPORT SCHEMES CRITICAL LOCAL PLAN DELIVERY

The Executive noted that the report had been submitted to the meeting held on 20 July and at that point in time referred to the Strategy and Resource Executive Advisory Board on 9 August at the request of the Lead Councillor for Regeneration. The EAB was in support of the priorities and the recommendations and the comments arising from the meeting were set out in paragraph 12 of the report. The Lead Councillor's response to those comments was set out in the Supplementary Information Sheet. The Vice Chairman of the Board, Councillor Salmon, was in attendance and was invited to address the meeting to provide a run through of the findings of the Board.

The Lead Councillor for Regeneration explained that the schemes listed in the report were of equal importance to the Council but had been prioritised because of a positive impact on housing delivery and in response to a request from Surrey County Council to agree priorities so that limited county funding could be focused. It was acknowledged that infrastructure interventions required a holistic approach to highways and transport. This required a plan to address the existing problems, accommodate any future growth and to recognise changes in society, travel patterns, congestion, pollution and health. It was not considered necessary to include an additional priority to the list with regard to cycling infrastructure improvements as this would be included in any planning consent and there were modal shift commitments within wider transport policy.

The Lead Councillor reflected that even with the Council's best efforts the pace of progress relating to those strategic sites in the Local Plan was ultimately dependent upon the owners of those sites. In addition, funding opportunities from Government sources to deliver infrastructure projects were currently scarce and potentially housing delivery would not be matched with the required infrastructure. A forthcoming review of the Local Plan would provide the opportunity to revisit those issues.

RESOLVED:

That the priority list of highway and transport schemes likely to be critical to Local Plan delivery as described in the report submitted to the Executive, be approved.

Reason:

The approval of the five priority schemes would enable officers to set up regular discussions with Surrey County Council (SCC) and Highways England (HE) on transport infrastructure priorities so that progress can be made in terms of the delivery of the schemes as well as modelling the impact of the schemes in any future transport review likely to be undertaken by SCC. If SCC and HE agree to these priorities it will also assist in terms of lobbying central Government for funding towards these schemes as well as assuring that S106 contributions are made, when appropriate, as planning applications come forward, or that the Council can justify imposing a Grampian condition restricting the amount of development that can come forward in the absence of a particular scheme.

EX14 CAPITAL AND INVESTMENT OUTTURN REPORT 2020-21

The Executive considered the annual outturn report included capital expenditure, non-treasury investments and treasury management performance for 2020-21. The Leader introduced the report.

Performance was well in excess of budget expectations. It was noted that expenditure on the General Fund capital programme was £29.4 million against the original budget of £171.5 million, and revised budget of £28.8 million. The budget for Minimum Revenue Provision (MRP) was £1.64 million and the outturn was £1.29 million. There was slippage in the capital programme which resulted in a lower Capital Financing Requirement than estimated. There was a need to ensure accurate profiling whilst it was noted that slippage in the capital programme in 2019-20 was also due to Covid. Three capital items were recommended for removal from the programme as the original proposals were no longer relevant having been either surpassed or merged within other evolving projects. The property portfolio continued to perform well. It was noted that the Council's assets were currently subject to review alongside the collaboration initiative with Waverley Borough Council in order to better serve the needs of the community. The Council's investment property portfolio had increased by £5 million and stood at £155 million at the end of the year. Rental income was £8.1 million, and income return 5.8% against the benchmark of 4.6%. Interest paid on debt was lower than budget, due to less long-term borrowing taken out on the general fund because of slippage in the capital programme providing a more positive budget outlook. The Council had complied with prudential indicators and treasury management policy statement and practices for the period. The report been considered by the Corporate Governance and Standards Committee at its meeting on 29 July 2021 and the comments arising were set out in the report. The Leader considered that investments for the period had been restrained demonstrating caution and prudence during a challenging period and commended officers for careful budgetary management.

RESOLVED:

That the removal of the following schemes from the General Fund Capital Programme be approved:

- (1) Guildford Gyrotory and Approaches
- (2) Stoke Park office accommodation
- (3) Stoke Park – Home Farm redevelopment

Recommendation to Council (5 October 2021):

- (1) That the Treasury Management Annual Report for 2020-21 be noted.

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- (2) That the actual prudential indicators reported for 2020-21, as detailed in Appendix 1 to the report submitted to the Executive, be approved.

Reason:

To comply with the Council's treasury management policy statement, the Chartered Institute of Public Finance and Accountancy (CIPFA) Code of Practice on treasury management and the CIPFA Prudential Code for Capital Finance in Local Authorities.

EX15 HOUSING REVENUE ACCOUNT FINAL ACCOUNTS 2020-21

The Housing Revenue Account (HRA) recorded all the income and expenditure associated with the provision and management of Council owned residential dwellings in the Borough as required by the Local Government and Housing Act 1989, the requirement to publish final accounts was set out in the Accounts and Audit Regulations 2003. The Executive considered a report setting out the actual level of revenue spending on day-to-day services provided to tenants recorded in the HRA in 2020-21 with a recommendation to transfer a contribution to the reserve. The Lead Councillor for Community introduced the report.

The HRA recorded a healthy operating surplus for 2020-21 of £345,000 less than the budgeted surplus of £10.999 million. The surplus was slightly lower than expected to the level of maintenance and repairs requirements notably in void properties which was being addressed. Rental collection rates had remained high and arrears low for the period despite the challenges of the Covid pandemic. It was noted that support for tenants was in place should there be financial difficulties for individuals facing arrears.

The outturn allowed a contribution of £2.5million to the reserve for future capital and a contribution of £8.15 million to the New Build reserve. The HRA working balance at year-end remained at £2.5 million which was described as healthy balance to invest in new builds and existing stock. Developing the new build sites was a corporate priority for the Council and the lead councillor confirmed that progress on Council-led projects would be brought to the Executive in the coming months.

The Executive noted that lead times on housing delivery were lengthy and the Council was committed to quality and high standards.

The report had been considered by the Corporate Governance and Standards Committee at its meeting on 29 July 2021.

RESOLVED:

That the final outturn position on the Housing Revenue Account be noted and that the decision taken under delegated authority to transfer £2.5 million to the reserve for future capital, and £8.15 million to the new build reserve from the revenue surplus of £10.65 million in 2020-21, be endorsed.

Reason:

To allow the Statutory Statement of Accounts to be finalised and subject to external audit prior to approval by the Council.

EX16 REVENUE OUTTURN REPORT 2020-21

The Executive considered a report that set out the current situation of the General Fund (GF) Revenue Account which reflected the Council's continued efforts to deal with the Covid pandemic. The report set out the major reasons for the variances and requested the Executive

noted the report and approve the transfer of relevant reserves. The Leader introduced the report.

Originally, the costs of Covid had been assessed by the Council would be between £10 and £15 million, whilst the actual overspend had been £6.3 million. However, although lower than anticipated the overspend on the GF Revenue account illustrated the severity of the impact that the Covid pandemic had on the Council's finances. The underspend on the capital account and extension of Government support packages had provided a buffer, but it was expected that the effects of the pandemic would continue to be observed on the Council's finances into next year.

The effect on a variety of service areas was noted including a parking income severely impacted by the Covid restrictions with a reduction in income of £2.2 million across on-street and off-street provision. Refuse collection costs had increased as it had become necessary to employ agency staff to cover, alongside an increase in the amounts collected over the period. Heritage, leisure and tourism were highlighted as areas that had seen a significant income loss and consequently supported financially by the Council's reserves. The gross financial impact for the Council was £18 million compensated to some extent by Government and County Council support arriving at a net impact of £6.3 million. Aside from earmarked funds, there was just £3.5 million remaining in the Council's reserves that could be used to support future budgets.

There was an overall deficit on the Collection fund of £62.394 million. This was because the Council had granted a significant amount of rate relief to business rate payers during the year under the various Covid rate relief schemes from government. The Government had compensated the Council for the loss of income to the collection fund through a Section 31 grant which would be transferred to offset the deficit and would appear in the GF report for 2021-22.

This report was considered by the Corporate Governance and Standards Committee at its meeting on 29 July 2021. The Committee commended the report to the Executive and stressed financial prudence going forward.

The Leader once again commended the work of officers across what was described as a turbulent year financially for the Council.

RESOLVED:

That the Council's final revenue outturn position for 2020-21 be noted and that the decisions taken under delegated authority to transfer the amounts set out in Section 5 of the report to or from the relevant reserves be endorsed.

Reasons:

- 1) To note the final outturn position and delegated decisions taken by the Chief Financial Officer which will be included within the statutory accounts.
- 2) To facilitate the ongoing financial management of the Council.

EX17 G LIVE CONTRACT EXTENSION

The Executive considered a report submitted under special urgency arrangements. The Leader thanked the Chairman of the Overview and Scrutiny Committee for agreeing the report could be presented under urgency provisions. The Lead Councillor for Environment introduced the report.

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The Council had entered into a 10-year G Live Operator Agreement with HQ Theatres Guildford Limited and QDOS Entertainment PLC (HQT) which dealt with the operation and management of G Live on 12 August 2011. The arrangement included an annual management fee to be paid by the Council whilst receiving 20% of operational surplus. There had been an operational surplus in favour of the Council for the two years prior to the pandemic. The contract was due to expire on 30 September 2021.

The Covid pandemic had caused the open procurement process for a new agreement to be suspended in March 2020. The ongoing pandemic and its effect had made it impossible to operate a procurement process which would have secured a suitable replacement offer for the ongoing operation of the venue. There was no automatic provision within the existing contract to extend the agreement unless there were special circumstances. HQT had successfully operated the venue since it opened with a steady increase in business attracting well-known performers to the venue. Income and attendances had improved each year. It was possible to extend the existing contract on the same terms and conditions under Regulation 72(1)(c) of the Public Contracts Regulations 2015, which allowed for a proportional extension of the current contract subject to meeting specific criteria. There is not a practical alternative to extending the existing contract.

HQT had offered an improved management fee which was permissible under the regulations in exchange for a three-year extension to the existing contract. The share of the operational surplus would be retained. There would be a reduction in the management fee of 15% to decrease the base cost by £53,595 per annum.

The Executive agreed that the contract was favourable to the Council under the current market circumstances, and

RESOLVED:

- (1) To extend the G Live Contract with HQ Theatres from 1 October 2021 for 3 years until 30 September 2024
- (2) To grant a Lease to HQ Theatres for a term of 3 years from 1 October 2021 until 30 September 2024
- (3) To make provision for the Lease and Contract to be co-terminus.

Reason:

A contract extension was the only viable option at this point due to the impact of the pandemic. A three-year extension offered the best extension period for the Council to meet its medium-term objectives in relation to the financial savings strategy.

Note: By reason of the special circumstances described below, the Chairman considered that this item should be dealt with at this meeting as a matter of urgency pursuant to Section 100B 4 (b) of the Local Government Act 1972.

Special Circumstances: The current G Live management contract would expire on 30 September 2021 and the Council would need to publish an OJEU notice in advance of entering into the extension, which meant that the decision to extend the contract needed to be taken before 31 August 2021.

The meeting finished at 8.02 pm

EXECUTIVE

21 September 2021

- * Councillor Joss Bigmore (Chairman)
- * Councillor Jan Harwood (Vice-Chair)

- | | |
|----------------------------|---------------------------|
| Councillor Tim Anderson | * Councillor John Redpath |
| * Councillor Tom Hunt | * Councillor John Rigg |
| * Councillor Julia McShane | * Councillor James Steel |

*Present

Councillors Angela Gunning, Ramsey Nagaty, George Potter, Deborah Seabrook and Paul Spooner were also in attendance.

EX18 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Tim Anderson.

EX19 LOCAL CODE OF CONDUCT - DISCLOSABLE PECUNIARY INTEREST

There were no declarations of interest.

EX20 LEADER'S ANNOUNCEMENTS

The Leader observed that last weekend had seen the annual Heritage Open Days take place across the borough. Although final visitor numbers were yet to be confirmed the weather and variety of open venues had seen great success. The Leader thanked the Council's new Events Team, all of the volunteers and the venues themselves.

Car Free Day would take place in Guildford on Sunday 26 September. There would be a range of events, live music, stalls and activities going on in the town centre from 10am until 4:30pm to promote sustainable travel and tackling climate change.

Social media videos would be posted on the website setting out for residents what key areas the Council was working on in response to residents' feedback. The first video would look at the new Customer Service Centre. The Leader was pleased to note that over 10,000 Guildford households had signed up to the new 'MyGuildford' accounts that provided a personalised approach to finding out about the Council's services quickly and efficiently.

The new Coronavirus Vaccination Centre had opened at the Artington Park and Ride on the Old Portsmouth Road. It was open from Monday to Saturday. A symptom-free testing unit would also be opening in the rotunda on Friary Street from Wednesday with opening hours of 8am to 5pm.

Finally, Pride in Surrey would be holding its annual event on Sunday and the parade would leave the Burys Field, Godalming at 10:30am.

EX21 APPROVAL OF THE LAND DISPOSALS POLICY AND GUIDANCE DOCUMENT

The report before the Executive was introduced by the Leader in the absence of the Lead Councillor for Resources.

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It was explained that local authorities had the freedom to dispose of their land in any manner that they wish subject to certain provisions set out in legislation. The Council owned a range of properties for operational, strategic, and investment purposes. Periodically, reviews of all of the Council's properties were undertaken to ascertain whether they remained relevant to the Council's purposes. Additionally, the Council also received unsolicited applications from existing occupiers of properties and from unrelated third parties enquiring as to the availability of Council land and assets. Consequently, this would lead to decisions as to whether the Council should retain or dispose of certain land or property.

The Local Government & Social Care Ombudsman (LG&SCO) considered it good practice for local authorities to have in place a comprehensive set of guidelines outlining their own approach to land disposals and a draft policy was presented with the report for consideration by the Executive.

It was noted that the policy was an internal document, and if approved would be subject to regular review by the Head of Asset Management (Climate Change Lead) with the aim of seeking continual improvement in the standard of asset disposal across all Council services. Any amendments or updates to the policy would be considered and discussed with the Lead Legal Specialist and, where relevant, the Head of Housing.

Adoption of the policy would ensure the Council's compliance with all statutory obligations.

RESOLVED:

That the Land and Property Disposal Policy and Guidance Document ('the Policy') shown in Appendix 1 to the report submitted to the Executive be approved.

Reason(s):

To adopt a formal policy in respect of the mechanism of land disposal in order to ensure that relevant legislation is complied with and enable the Council to ensure its land disposal procedures are transparent, whilst making the best use of its resources and achieving best value, therefore underpinning the Council's strategic framework and the delivery of the corporate plan.

EX22 COLLECTION OF COUNCIL TAX ARREARS GOOD PRACTICE CITIZENS ADVICE BUREAU (CAB) PROTOCOL

In the absence of the Lead Councillor for Resources, the Leader introduced the report. The Leader took this report in advance of the Debt Recovery Policy report as he considered it a more logical sequence for discussion.

The Council Tax Protocol was initially developed in 2017 by the Citizens Advice Bureau (CAB) in partnership with the Local Government Association (LGA) and offered practical steps aimed at preventing people from getting into debt and outlined how to ensure enforcement agents acted within the law. By July 2021 the protocol had been adopted by 63 local authorities in England and 251 had not. At a meeting of full Council held on 28 July 2020, it was agreed that the Director of Resources would review the CAB and Local Government Association's LGA "Revised Collection of Council Tax Arrears Good Practice Protocol" and report back to the relevant Executive Advisory Board (EAB) in regard to how the Council's approach differed from the protocol and if those differences should be reconciled by adoption of the protocol by this council. The Council already met the overarching aims of the protocol in regard to partnership working and fairness in the billing process, alongside information of where to get support and advice. Enforcement was the very last option open to the Council, vulnerability and hardship had been taken into account. The full differences between the CAB protocol and the Council's current approach were set out in the report. It was noted that there would be a cost incurred to

meet all of the CAB requirements within the protocol but the benefits of doing so not demonstrably clear.

A means by which the Council could move closer towards meeting all requirements in the CAB protocol would be to adopt a debt policy which would be considered as the next agenda item.

The Service Delivery EAB considered the existing arrangements to be comprehensive and robust but recommended that the matter be revisited as collaboration with Waverley Borough Council progressed. It was considered a review in one year's time would be appropriate. It was noted that, to date, Waverley had not adopted the protocol either. The Vice Chairman of the Service Delivery EAB was in attendance and provided a verbal report of the recommendations made to the Executive.

The Executive commended the service for the support it provided to the borough's more financially vulnerable residents, and

RESOLVED:

To not adopt the CAB Protocol now; but that officers revisit the issues (including cost of compliance) when looking at future working with Waverley to ensure consistency and best practice moving forward.

Reasons:

Having reviewed the protocol the benefits do not currently outweigh the cost of compliance, given that the Council already meets the overarching aims of the protocol and service levels are acknowledged as good. However, reviewing the issues when looking at future working with Waverley will ensure consistency and best practice moving forward.

EX23 POLICY ON DEBT RECOVERY

In the absence of the Lead Councillor for Resources the Leader introduced the report.

The Executive heard that the report was a result of some research by officers in the Council to ensure that residents were being treated fairly and appropriately if they had multiple debts. The Homeless Reduction Act 2017 was a driver for considering the idea of a policy. The Act placed a duty on the council to ensure that advisory services are designed to meet the needs of groups that are at increased risk of becoming homeless. In addition, there had been concerns at officer level that residents with Council Tax arrears could also have difficulties with Council rents and that there should be a joined up approach. The research found no evidence of a problem but concluded that a policy would provide certain benefits such as a consistent approach across the Council for residents with multiple debts, clarity of that approach and a tool to help in the debt collection process.

The draft policy had been considered by the Service Delivery Executive Advisory Board (EAB) and all recommendations from that process were included in the draft before the Executive. A simple, accessible version of the policy would be posted to the Council's website for the assistance of residents. The Vice Chairman of the EAB, Councillor Ramsey Nagaty was in attendance and supported the recommendations to the Executive as set out in the report.

It was noted that Waverley Borough Council did not have a Debt Recovery Policy and it was suggested that this be might considered as a topic during collaboration discussions.

The Executive,

RESOLVED: That the Corporate Debt Recovery Policy, as set out in Appendix 1 to the report submitted by the Executive, be adopted.

Reason:

Adopting a short, clear policy setting out both Council and Debtor responsibilities could deliver the following benefits:

- A consistent approach across the Council, and a way forward for any customers with multiple debts
- Clarity for customers
- A tool to help in the debt collection process

EX24 COUNCILLOR EMAIL SIGNATURE GUIDANCE

The Leader of the Council introduced the report.

Following a councillor misconduct complaint which had been referred for investigation, the investigator identified an issue that needed to be addressed by the Council. The issue was the apparent confusion around the email signatures used by some councillors who tended to list various non-Council roles in their signature, resulting in confusion in respect of the capacity in which a councillor was communicating with a correspondent. The matter had been referred to the Corporate Governance Task Group for consideration.

The guidance arising from the Task Group review was set out in Appendix 1 of the report along with an amendment to allow political affiliation as set out in the Supplementary Information Sheet. Included in the guidance was an instruction that councillors should not use a personal email address for council business for reasons of data security and any Freedom of Information requests. Email etiquette conduct was also included in the guidance advising members on the use of capital letters and 'reply to all' responses.

The Task Group also recommended that it should be a requirement in the Councillors' Code of Conduct that councillors comply with the guidance.

Having considered the report, the Executive

RESOLVED:

That, subject to the amendments set out in the Supplementary Information Sheet, the Councillor Email Signature Guidance, as set out in Appendix 1 to the report submitted to the Executive, be approved.

The Executive further

RECOMMEND to Council (5 October 2021):

That the Council be requested to agree the following amendment to paragraph 9 of the Councillors' Code of Conduct:

"9. In addition to compliance with this Code of Conduct, you are also expected to comply with:

- (i) the relevant requirements of the Protocol on Councillor/Officer Relations, the Social Media Guidance for Councillors, **the Councillor Email Signature Guidance**, and the Probity In Planning – Councillors' Handbook, and
- (ii) any reasonable request by the Council that you complete a related party transaction disclosure."

Reason:

To ensure clarity for the recipients of emails sent by ward councillors in which capacity they are writing.

EX25 WEYSIDE URBAN VILLAGE DEVELOPMENT

The Leader reminded the meeting that all of the appendices attached to the report before the Executive were designated as exempt by the Monitoring Officer. Consequently, if the exempt material were to be discussed the press and public would need to be excluded from the meeting.

The Lead Councillor for Regeneration introduced the report as the latest update on the 41-hectare brownfield regeneration scheme that the Council anticipated could deliver approximately 1,500 homes across a range of tenures as well as 2,000 square metres of community space and 6,500 square metres of employment space. The Council owned 44% of the site. At the full Council meeting on 10 February 2021, a total capital budget of £334.947 million had been approved to enable the infrastructure phase of the project to proceed. The updated cost was £328m.

The Executive was asked to endorse the current financial position of the project at the planning application gateway stage and to agree to transfer £67.185m from the provisional capital programme budget to the approved capital programme budget for payments which the Council was obliged to make for costs necessary under the Thames Water Agreement and to meet the milestones set within the Homes England HIF agreement and design cost necessary to prepare the planning application for the SCC waste transfer facility. The Council had been awarded £52m in grants from Homes England Housing Infrastructure Fund and £7.5m from the M3 Local Enterprise Partnership with a further £500,000 awarded for the relocation of community facilities.

On 15 December 2020 a hybrid planning application had been submitted to the Council seeking outline consent. The 'hybrid' application was so called as part of the application sought outline permission for housing, employment and community space etc. whilst full permission was sought for access roads and associated utilities etc. Heads of terms with Surrey County Council was in the process of being agreed and once agreed the new waste facility could proceed. The budgeted costs were set out in the report.

The Executive agreed 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 the exempt Appendices referred to in agenda item 9 on the grounds that they involved the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the 1972 Act.

The meeting discussed the restricted material and returned to public session for the vote on the recommendations.

The Executive

RESOLVED:

- (1) That the current financial position of WUV at the planning committee meeting gateway be endorsed.
- (2) That the Director of Strategic Services, in consultation with the Leader of the Council and the Lead Councillor for Regeneration, be authorised to finalise heads of terms in accordance with those attached to the report and thereafter to negotiate, sign and complete the legal agreement with Surrey County Council in accordance with the finalised

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heads of terms and to proceed with implementation of the relocation of the Waste Transfer Facility accordingly.

- (3) That the Director of Strategic Services, in consultation with the Lead Councillor for Regeneration, be authorised to enter into such other contracts and legal agreements connected with the Weyfield Urban Village (WUV) project as may be necessary at reasonable costs within the approved budget.
- (4) That the commencement of infrastructure procurement following receipt of a satisfactory planning consent pursuant to Hybrid planning application submitted on 15 December 2020 (Reference No 20/P/02155) be endorsed.
- (5) That the transfer of £67.185m from the provisional capital programme to the approved capital programme for payments which the Council is obliged to make to Thames Water under the TW Agreement for 2021/22 and 2022/23, for costs necessary to meet the milestones set within the Homes England HIF agreement and design cost necessary to prepare the planning application for the SCC waste transfer facility be approved.

Reasons:

- a) It was agreed that the project team would report the financial position of WUV at the planning committee meeting gateway.
- b) To ensure that there is sufficient funding in the approved programme to cover the phase 1 Infrastructure costs, SCC waste transfer design cost and the payments which the Council is obliged to make to TWUL under the TW Agreement for 2021/22 and 2022/23.
- c) To inform the Executive of the Commencement of Infrastructure Procurement following receipt of a satisfactory planning consent.

The meeting finished at 8.15 pm

EXECUTIVE

26 October 2021

* Councillor Joss Bigmore (Chairman)
Councillor Jan Harwood (Vice-Chair)

* Councillor Tim Anderson
* Councillor Tom Hunt
* Councillor Julia McShane

* Councillor John Redpath
* Councillor John Rigg
* Councillor James Steel

*Present

Councillors Ruth Brothwell, Angela Goodwin, Ramsey Nagaty, George Potter, Tony Rooth, Fiona White and Catherine Young were also in attendance.

EX26 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Jan Harwood.

EX27 LOCAL CODE OF CONDUCT - DISCLOSABLE PECUNIARY INTERESTS

There were no disclosures of interest.

EX28 MINUTES

The minutes of the meetings held on 24 August 2021 and 21 September 2021 were confirmed as correct a correct record. The Chairman signed the minutes.

EX29 LEADER'S ANNOUNCEMENTS

There had been a return to the discussion of Covid restrictions in the press whilst the numbers of those requiring hospitalisation were rising. The Leader urged those who had not yet received full vaccination for Covid and flu to do so to protect others and to support the NHS.

The new waste collection calendar would shortly be delivered to each household in the borough. The calendar would set out delivery dates and guidance on sorting rubbish and what to correctly place in each bin.

Crowdfund Guildford would help support community-led ideas that would make Guildford more vibrant, resilient, and connected. An online launch event would be held on 10 November. Registration and more details could be found at www.guildford.gov.uk/crowdfundGuildford

In recognition of Remembrance Day and 100 years of the symbol of the poppy in remembrance, a special exhibition of the 'Infantry Collection' would run at Guildford House Gallery from 6 to 14 November. The curators had welcomed contributions from volunteers and stories submitted by the public. Opening times for the exhibition were 10:30am to 3:30pm.

EX30 UPDATE TO FOI PUBLICATION SCHEME

The Executive considered a report seeking the approval of an updated version of the Council's Freedom of Information Publication Scheme. The Freedom of Information Act 2000 awarded a general right of access to all types of recorded information held by public authorities. Section 19 of the Act required every public authority to produce a publication scheme setting out the information made routinely available to the public. The Council's Publication Scheme needed to

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be updated from time to time to reflect organisational and legislative changes and the most recent guidance available from the Information Commissioner's Office.

The Leader of the Council introduced the report. The Executive unanimously supported the update and consequently,

RESOLVED that the revised Publication Scheme, as set out in Appendix 1 to the report submitted to the Executive, be approved.

Reason:

For an improved up to date, more comprehensive and more user-friendly Publication Scheme in line with the Information Commissioner's recommendations and with other local authorities

EX31 LICENSING OF SEX ESTABLISHMENTS: STATEMENT OF LICENSING POLICY 2022-2025

Under the Policing and Crime Act 2009 local authorities became able to adopt a policy and standard conditions relating to sexual entertainment venues, sex shops and sex cinemas. There were no such venues in the Borough but it was good practice for the Council to hold an up to date policy should the situation change. The Executive had last agreed and adopted a policy with standard conditions on 30 October 2018. That policy was due to expire and an updated policy, reflecting best practice but with no policy changes was presented to the Executive for approval. The revised policy had been subject to public consultation and was recommended to the Executive by the Licensing Committee on 29 September 2021.

The Lead Councillor for Environment introduced the report. The Executive considered the updated policy and consequently,

RESOLVED, that the draft Licensing of Sex Establishments Statement of Licensing Policy 2022-2025, as set out in Appendix 1 to the report be approved.

Reason:

Adopting an updated Licensing of Sex Establishments Policy would provide guidance to applicants and a framework to enable the Council to make consistent and transparent decisions when determining applications for sex establishments.

EX32 CORPORATE PLAN 2021-2025

The Council's draft Corporate Plan set out the strategic framework and priorities for the next four years. The priorities and associated projects were fundamental to ensuring that the Council managed its business and resources effectively and that the Council's activities continued to be aligned to the issues that mattered most to local people.

The Leader of the Council introduced the report. It was explained that a new plan had been under development since 2019 prioritising four key themes; Climate Change and Environment, Housing and Community, Economy and Regeneration, and Improved Council. Consultation with all councillors had been undertaken through a workshop process in November 2019 and the outcomes put out to public consultation in early 2020. The results of the public consultation were set out in the report. The onset of the Coronavirus pandemic put the process on hold and when recommenced one year later it was felt that a new public consultation should be undertaken to reflect any shift in the public's priorities during such an unprecedented period. The results of the second public consultation were also set out in the report. Following the incorporation of the public priorities the revised Plan was presented to the Council's Joint Executive Advisory Board (JEAB) in March 2021 for further consultation with councillors. The

JEAB's comments were set out in the report. The resulting document embracing all consultation was the version presented to the Executive for endorsement. The Chairman of the JEAB was not in attendance, the Vice Chairman had no further comments to those set out in the report.

A 'printer-light' version without extensive colours photographs would be available to download from the Council's website. It was noted that it was important to ensure that the document was accessible to all. Subject to the Leader of the Council consulting with the lead Councillor for Climate Change, it was proposed that the version of the Corporate Plan to be submitted to the Council for adoption would include some minor modifications with regard to environmental matters and specifically biodiversity. The Executive

RECOMMEND (to Council: 1 November 2021):

That the proposed new Corporate Plan 2021-2025, as set out in Appendix 1 to the report submitted to the Executive, with some minor modifications, be adopted.

Reason:

The proposed new Corporate Plan had been prepared to set out the Council's priorities for the period up to 2025.

EX33 CITY STATUS

As part of the Queen's Platinum Jubilee celebrations, there was a civic honours competition for city status. Any local authority that considered that its town ought to be granted city status was able to enter. The Executive considered a report that sought approval for Guildford to submit a bid. In the past there had been three previous bids for city status that had been unsuccessful.

The Leader of the Council introduced the report and explained that city status would support local businesses and tourism and attract investment which were corporate priorities. It was noted that the county of Surrey had no cities within its borders and that Guildford, considered to be the 'County Town' had significant and worthy merit to be awarded the status including a rich history and cultural heritage, successful cutting-edge technologies and businesses and excellent educational opportunities including a world-class university. A 'Back the Bid' campaign had been launched to canvass support in the local community and an updated list of supporters was included on the Supplementary Information Sheet. There was wide-ranging support from a variety of individuals and institutions and cross-party support from within the Council itself.

The Leader observed that those not in support of the bid had expressed concerns about the cost of the bid, potential urban growth, and a change of character for the town. It was confirmed that costs had been sourced from existing budgets and that the Government had specifically requested 'slimline' bids in reflection of the financial challenges faced by local authorities. The Leader believed that the small investment made to submit a bid would be an investment in the longer term. There had been voluntary support from other organisations who were supportive of the bid such as the University of Surrey. It was observed that economic growth was inevitable for the future irrespective if Guildford were a city or a town in terms of status. The Leader observed that should the outcome of the bid be unsuccessful the process of gathering support had been a positive experience for all involved and he would share some of those sentiments about Guildford that he had received.

The significant advantages with regard to future investment potential should city status be awarded were acknowledged. Accordingly, the Executive

RESOLVED: That the Director of Strategic Services, in consultation with the Leader of the Council, be authorised to submit a bid for city status for the borough of Guildford as part of the Queen's Platinum Jubilee celebrations.

Agenda item number: 17

Reason:

To authorise the submission of a bid for city status.

EX34 REGULATION 19 CONSULTATION ON LOCAL PLAN: DEVELOPMENT MANAGEMENT POLICIES

Item 9 was withdrawn from the agenda for this meeting due to the need for additional time to enable Executive Members to give full consideration to the feedback given by members of the Joint Executive Advisory Board at their meeting on 20 September 2021. The item would be considered at the next earliest opportunity.

EX35 LOCAL DEVELOPMENT SCHEME 2021

As item 10 was linked to item 9, it too was withdrawn from the agenda for this meeting.

EX36 EXCLUSION OF THE PUBLIC

The Executive

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 12 on the grounds that it involved the likely disclosure of exempt information as defined in paragraphs 3 and 5 of Part 1 of Schedule 12A to the 1972 Act.

EX37 NORTH STREET DEVELOPMENT SITE, GUILDFORD

The Executive considered a report that updated on the progress of the Council's interests in the site, explained the proposed changes to the developer's proposals for the redevelopment of the site and discussed how those various proposals were set out, including engagement with relevant stakeholders and interested groups. The Lead Councillor for Regeneration introduced the report.

The Executive was content with progress and consequently,

RESOLVED:

- (1) To agree the Heads of Terms, which included:
 - The sale of the majority of the Council's interest in the Site.
 - The grant of a long leasehold of the area to the south of the refurbished bus station for the creation of new public realm.
 - Provision of a refurbished bus facility.
 - Pedestrianisation of North Street.
 - Leapale Road widening.
 - New North Street / Leapale Road junction.

- (2) To undertake further work to establish a clear understanding of the scope, extent and estimated costs of any public works and services included in the proposed development and, subject to obtaining this information, to consider options for procuring the delivery of any public works and services to ensure compliance with the Find a Tender rules and the Council's procurement policies.

- (3) To authorise the Strategic Services Director, in consultation with the Lead Councillor for Regeneration, to agree any minor variations to the heads of terms to address any specific points arising during the course of contractual negotiations with the Purchaser.
- (4) To authorise the Strategic Services Director, in consultation with the Lead Councillor for Regeneration and the Director of Resources, to negotiate and enter into all associated property/contractual documentation required in order to facilitate the sale of the Council's interests in the Site, subject to receiving final valuation advice from the Council's external advisors confirming that the transaction amounts to the best consideration reasonably obtainable.
- (5) To authorise the Strategic Services Director, in consultation with the Lead Councillor for Regeneration, to establish a working group consisting of stakeholders, councillors and officers to make recommendations to the Executive in respect of the design of the refurbished bus interchange (including the associated access and public realm improvements) and the proposed pedestrianisation of North Street.
- (6) To authorise the Strategic Services Director, in consultation with the Lead Councillor for Regeneration to develop and take forward a plan for engagement with market traders, taxi operators and any other parties that are impacted by the development.
- (7) To note the Council's public sector equality duties under section 149(1) of the Equality Act 2010.

Reason:

To progress the proposals for redeveloping the site.

The meeting finished at 8.00 pm

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