

SERVICE DELIVERY EXECUTIVE ADVISORY BOARD

4 November 2021

Councillor Angela Goodwin (Chairman)
* Councillor Ramsey Nagaty (Vice-Chairman)

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| * Councillor Paul Abbey | * Councillor George Potter |
| * Councillor Dennis Booth | * Councillor Jo Randall |
| * Councillor Andrew Gomm | * Councillor Tony Rooth |
| * Councillor Ann McShee | * Councillor Pauline Searle |
| * Councillor Bob McShee | * Councillor Fiona White |

* Present

Councillors Julia McShane, John Redpath and James Steel were also in attendance.

SD40 APOLOGIES FOR ABSENCE AND NOTIFICATION OF SUBSTITUTE MEMBERS

Apologies for absence were received from Councillor Angela Goodwin. There was no notification of a substitute.

SD41 LOCAL CODE OF CONDUCT AND DECLARATION OF DISCLOSABLE PECUNIARY INTERESTS

There were no declarations of disclosable pecuniary or non-pecuniary interests.

SD42 MINUTES

The minutes of the meeting of the Service Delivery Executive Advisory Board (EAB) held on 9 September 2021 were confirmed as a correct record, and would be signed by the Chairman at the earliest opportunity.

SD43 PUBLIC CONVENIENCES REVIEW

The EAB considered a report regarding a review which sought to explore Options 3 and 4 of the approved mandate in respect of public conveniences (PCs). Option 3 consisted of the potential discontinuation of grant funding totalling £14,000 paid by this Council to Ash and Shere Parish Councils towards the operation of their toilet facilities. Option 4 focused on a mixed approach of the closure or passing on to other organisations of a limited number of toilets owned by the Council aligned with a redistribution of work. The Council aimed to achieve a revenue savings target of £65,000 per annum and reduce future capital investments in respect of refurbishments of PCs. The report emphasised that the Council had no legal duty to provide PCs which were a discretionary service.

The Budget Survey 2021, undertaken by SMSR Research, had invited residents to consider Council services in terms of importance, priority and spending. The Survey found that public facilities ranked 9th for all 3 categories, out of the 12 noted services provided by the Council.

In terms of costings, the report outlined all types of current expenditure associated with the PCs which totalled £293,000. The £65,000 savings target would largely result from making one of the toilet cleaner roles redundant and offering redeployment to a new role avoiding redundancy costs. It was envisaged that the closure or passing on of 4 of the highest cost toilet facilities from the long list of 8 PCs included in the report would be required to reduce the current toilet cleaning workload to enable the deletion of one cleaner post and would achieve expenditure savings of £51,000.

The report recommended that, in order to achieve the necessary expenditure savings the Council specified a preference for the closure or passing to another organisation of the PCs at Allen House, Bedford Road, Ripley and Woodbridge Road which would allow the Council to reduce the total workload sufficiently to make one of the toilet cleaner roles redundant. The discontinuation of grant funding to Ash and Shere Parish Councils was also recommended. Following consideration by the Executive in early January, the proposals would be subject to a public consultation commencing in mid January after which, depending upon the results, the final arrangements would be submitted to the Corporate Management Team for approval with a view to implementation by the end of the current financial year in order to realise the savings in the following financial year.

Associated risks, Equality Impact Assessments, external stakeholders, and the next steps and milestones were also addressed in the report.

Ripley, Ash and Send Parish Councils had been consulted in respect of the proposals and the responses from Ripley and Send Parish Councils were appended to the report. Subsequent to the publication of the agenda, a response from Ash Parish Council had also been received. Ash had highlighted that, amongst others, its PCs served many business operatives including Council staff, Post Office employees and delivery drivers in addition to children utilising the recreation ground. The Parish Council was concerned that the discontinuation of the associated grant would place pressure on its budget. The late response from Ash could be shared with the EAB which could submit related comments for consideration. The chairman of the South West Surrey Disability Empowerment Network had also commented in respect of the proposals.

The following points arose from related questions, comments and discussion for forwarding to the Executive:

1. The selection of PCs suggested for closure did not reflect their individual operating costs but sought to enable the reduction of the overall workload to enable the redundancy and redeployment of one staff member. Any alternative scenario would be to change the toilets currently identified for closure.
2. It was confirmed that the PCs in Ash and Shere were owned by the relevant Parish Councils which benefited from a Council grant to operate the facilities whilst the toilets in Ripley were owned by this Council.
3. Spend in respect of PC utilities consisted of water and electricity etc.
4. Although the EAB was reluctant to endorse the closure of any PCs, particularly in the light of the Council's application for city status, it acknowledged that, due to the Council's current financial situation, this was necessary. In addition to the cost of cleaning operatives, it was suggested that proposals for closure should take account of future maintenance and refurbishment costs to give a clear picture in respect of future revenue and capital costs.
5. In terms of the future use of the PC premises suggested for closure, this varied according to the individual circumstances. The toilets at Allen House were subject to Business Rates and therefore the removal of the building would be pursued in the event of closure to avoid that cost. The Bedford Road toilets could be converted to a storage facility for use by the Parking Team whilst it was hoped that Ripley Parish Council would take over the operation of the PCs in that village. The Woodbridge Road toilets were utilised by patrons of the nearby cricket club and café and there was a possibility of transferring the facility to either one or jointly to both of those organisations to continue as a toilet facility, possibly with a modest annual contribution from the Council to keep them available for public use. The same approach could apply to the tennis club in the vicinity of the Onslow Recreation Ground PCs. There were listed free of charge publicly available toilets without any obligation to make a

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purchase in the area at the petrol filling stations and National Trust site in the Woodbridge Road area. It was suggested that these alternative facilities be highlighted in the associated public consultation.

6. The addition of the Farnham Road car park toilets, which were primarily used by commuters, to the possible closure short list was mooted as the facility was in a poor condition and there were alternative facilities nearby at the railway station and in the town centre.
7. It was suggested that the relevant PCs should be refurbished and modernised prior to transferring responsibility for their maintenance in order to render them a more attractive and economical prospect to maintain. Shere Parish Council had expressed concerns regarding the condition of the local PCs in the event of losing the grant from this Council. However, the toilets at Ripley had been recently refurbished and they could be opened only in the event of sizeable public events in the area when there was a demand for them to ease any burden on the Parish Council. The EAB was advised that, as capital expenditure was met from future revenue, investment in PCs that would not remain in the Council's estate would place a future revenue burden on the Council.
8. Concern was expressed in relation to the impact on Ash Parish Council of the cessation of its grant and it was requested that the Parish Council be allowed more time to give further consideration to the proposal and that its views and any subsequent consultation responses were addressed prior to a final decision in this regard. Although it was possible for the Parish Council to raise funds to compensate for the loss of the grant by raising its precept, this would have a negative impact on local Council Taxpayers.
9. Although concerns regarding the health and hygiene aspects of closing PCs and the related impact on the Council's Street Cleansing Team were raised, officers advised that this risk was relatively low as there was alternative provision near to the toilets selected for closure.
10. Engaging with local businesses with toilet facilities to secure their unconditional use by the public was suggested as a benefit to both parties by providing toilets and increasing footfall may enhance trade and sales.
11. There was a possibility of Experience Guildford assuming the operation of the toilets in Tunsgate and it was felt that this should be explored further.
12. There was limited interest by organisations to utilise PCs for advertising and sponsorship purposes.
13. Other than the pop-up urinal in North Street, Bedford Road offered the only 24 hour public toilet facility in Guildford and although the opening hours of an alternative facility could be extended to a 24 hour provision if the Bedford Road PCs were closed, usage figures indicated that there was limited demand after 6:00 pm. A negative factor of extended opening hours was increased operating costs and a greater level of vandalism.
14. Although some councils operated a community toilet scheme, this could place a burden on the local authorities concerned as they would need to administer the scheme and inspect by the toilets to ensure that they met the required standards. Operating such a scheme would place a burden on Council staff. A similar alternative was the sponsored 'Use Our Loos' campaign operated by the British Toilet Association whereby participating businesses' toilet facilities were mapped and made publicly available free of charge without any compulsion to make purchases. The Council's website would list available toilets and link residents to the mapping scheme in the event that this approach was adopted. Signposting to the campaign should be undertaken if it was pursued. The Parish Councils in question could be assisted to submit bids to the Surrey Community Fund for funding.

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SD44 HOUSES IN MULTIPLE OCCUPATION (HMOS) CONTROLS

The Executive Advisory Board (EAB) considered a report which provided information regarding the viability of applying further controls to Houses in Multiple Occupation (HMOs) and reviewed the potential amount, and recovery of, costs incurred by the Council in relation to HMOs.

Due to the level of evidence required to bring forth further HMO controls, the report considered the nature of HMO occupiers and examined HMO spread, density and connection to complaints from the public, including reports of Anti-Social Behaviour (ASB) to both the Council and the Police.

The report was led by data which had been collected and analysed prior to the evaluation of the options available to extend HMO controls and this data had informed discussions in respect of the feasibility of further HMO controls in the Borough. The report discussed legal responsibilities, potential cost gaps and suggested methods to close any potential cost gaps in relation to topics such as waste collection and Council Tax / Business Rates.

The report detailed several areas of risk to the Council and significant challenges to both resourcing of Place Services and Environment & Regulatory Services and in addition, to the effectiveness of either an Article 4 Direction (requiring planning permission for the change of use of a flat or house to an HMO where 3 or more unrelated people would occupy the dwelling) and / or additional licensing controls would have if implemented. The spread and density of existing HMOs could not be controlled by an Article 4 Direction.

The data analysed in the report did not support the theory that HMO density was causal to ASB.

The data indicated that reports to the Council or Police relating to HMOs were not sufficiently significant or frequent to warrant extending additional controls to the HMO marketplace and the evidence suggested that application to the Secretary of State to either enact Article 4 or to extend HMO licensing in Guildford, to include areas of additional licensing schemes, would not be successful.

The report contained recommendations to the Executive that an Article 4 Direction and additional HMO licensing should not be pursued as these measures were not supported by current data. It was further recommended that the Council may wish to consider encouraging a change in national legislation to require private domestic landlords to pay business rates and that landlords be free to choose between the private and public sector to comply with their legal duty to have accumulations of commercial waste removed from HMO properties.

The reason for the recommendation was that an HMO review report considered by the Overview and Scrutiny Committee on 29 June 2021 had prompted further review by the EAB of the options available to the Council to control the spread and density of HMOs and to evaluate potential cost gaps of HMOs to the Council. In addition, to identify if the Council could successfully implement further controls by analysing the relationship between the current HMO spread and density with links to ASB and complaints to the Council and HMOs.

The following points arose from related questions, comments and discussion for drawing to the attention of the Executive:

1. There was some doubt as to whether the EAB had fully addressed the questions in respect of HMOs that the Overview and Scrutiny Committee had forwarded to it for attention. However, considerations in this regard were hampered by a lack of

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information and the limited ability to acquire such information utilising the available resources.

2. Without a clear evidence base of mismanagement of HMOs demonstrating a serious and significantly detrimental impact on local communities and related amenities, it would not be possible to successfully obtain approval for an Article 4 Direction from the Government or pursue additional licensing in relation to smaller HMOs. The tests relating an Article 4 Direction could include elements such as issues relating to parking and school places. It was unlikely that such issues alone would merit additional controls and therefore evidence of significant ASB, noise and other forms of nuisance would be required. Reports of nuisance received in respect of licensed HMOs over the past decade had been comparatively low and therefore it was envisaged that issues connected with unlicensable smaller HMOs were equally low.
3. It was suggested that spread and concentration of HMOs, and the associated negative impact on the quality of life of nearby residents, were monitored in the light of the experiences of other councils with similar issues.
4. Whilst Council Tax exemption was an indicator of an unlicensable HMO housing students, this factor was difficult to confirm.
5. There was concern amongst councillors that some local residents were of the view that they were surrounded by HMOs leading to a reduction in local property values, a reduction in the availability of family homes and a wish by families to relocate to other areas.
6. It was felt that students may be best housed in student accommodation therefore lessening the need for HMOs which reduced the number of homes available for family use with an associated impact on the property market.
7. Parking was an issue associated with HMOs, particularly in the Park Barn area of Guildford. However, planning parking improvements would be challenging to achieve.
8. In addition to noise and other nuisances, issues with landlords and tenancy disputes were monitored as possible indications of problems associated with HMOs.
9. Councillors were assured that the Council worked closely with the University of Surrey to monitor any issues associated with HMOs within the University's ownership and there was some potential for closer working in this area. It was felt that the collection of related data should include partners such as the University.
10. It was suggested that the Council should publicise the methods by which residents should submit complaints associated with HMOs in order to capture related issues.
11. The need to be proactive in gathering relevant data to ensure informed decisions was highlighted. In this connection, attention was drawn to the need for resources to undertake information gathering such as street surveys and questionnaires

In conclusion, it was agreed that an update report, focusing on alternative means of data collection and associated results, would be submitted to the EAB in approximately twelve months' time when it was anticipated that the impact of Covid-19 would have lessened and the property market may have stabilised. On-line reporting forms and other relevant documentation could be forwarded to the EAB.

SD45 EXECUTIVE FORWARD PLAN

The Executive Forward Plan was noted without comment.

SD46 EAB WORK PROGRAMME

Unscheduled items relating to Sutherland Memorial Park and the Housing Strategy were highlighted as topics that should be programmed for future consideration.

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The meeting finished at 9.14 pm

Signed

Date

Chairman