

COUNCIL – 8th FEBRUARY 2018

RECOMMENDATIONS OF THE EXECUTIVE AND THE LICENSING AND REGULATORY COMMITTEE

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Licensing and
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Committee
16th January
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8/303-6

**ADOPTION OF A SURREY WIDE CRIMINAL CONVICTIONS
POLICY AND THE INTRODUCTION OF SAFEGUARDING
TRAINING FOR LICENSED DRIVERS AND APPLICANTS**

The Committee received a report proposing changes to the Taxi and Private Hire Licensing Policy.

The aim of the changes was to strengthen the policy and in particular the protection of vulnerable children and adults by introducing consistent standards across Surrey.

To this end, the report also proposed that all drivers should be required to complete a course on safeguarding children, to help them in recognising any signs of potential abuse and to know what to do if they have concerns.

The case of a driver in another area of the country was cited. Having taken the safeguarding course he engaged a young teenager in conversation to find out where she was going because he was worried about her travelling alone.

The information volunteered by the young girl made him concerned for her safety, so he did not drop her off but instead handed her into the care of a responsible adult and reported the matter to the Police who subsequently investigated the person she was supposed to be meeting.

The annexes to the report set out the outcomes of the consultation exercise undertaken across the County and it was noted that Reigate and Banstead had the highest response rates.

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Members sought clarity on a number of points, including the following:

- how the online training course would be administered and what controls could be put in place to monitor that tests were being completed by the drivers rather than anyone else;
- whether relevant information obtained through the driver application process was shared with Surrey County Council, which operated the school transport service;
- what checks, comparable to DBS, were undertaken for foreign nationals;
- what exceptional circumstances might apply in the case of applicants with a past conviction for violence; and
- what was the percentage of successful appeals by drivers who had been refused a licence

The Committee commented upon the relatively low percentages in favour of the changes from consultees working in the trade, which was disappointing. It was accepted that drivers may not think it was their responsibility to protect vulnerable people, but they were in a unique position to be able to recognise potential signs of risk and to act accordingly.

The hope was that, over time, the new measures would make drivers aware of the important role they could play in safeguarding.

With this in mind, the Committee expressed its wish to see the safeguarding training extended to cover all operators, managers and call-handlers in the future.

RECOMMENDED that the Surrey Wide Criminal Conviction Policy as set out in Annex 6 be adopted.

RESOLVED:

- (i) That safeguarding training is implemented and made a requirement for all existing and new licensed taxi and private hire drivers.
- (ii) That the Head of Service with responsibility for licensing is authorised to make minor changes and adjustments to the Conviction Policy and amend relevant parts of the Taxi & Private Hire Licensing Policies in consultation with the Chairman of the Licensing & Regulatory Committee.

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BUDGET 2018/19

The Executive Member for Finance, Councillor T. Schofield, introduced the proposed Budget for 2018/19 which included an updated capital programme up to 2023 for recommendation to Full Council.

A consultation exercise had been undertaken on the savings and growth proposals that had been considered by the Executive in November 2017. These proposals had been the subject of review by the Budget Scrutiny Panel and the Overview and Scrutiny Committee and the Portfolio Holder thanked them for their hard work in ensuring that the proposals were sound.

The Executive Member also indicated that the proposed Council Tax increase would mean that the average Council Tax charge would increase by 12 pence per week, which equated to a charge of £220.85 for a band D property per year for all the Council's services. The Executive Member highlighted that this equated to less than £19 per month for the average resident.

The Executive noted that the savings proposed, coupled with the modest tax increase, would allow the Council to maintain and to continue to deliver its services at excellent value for money for the taxpayer. The Executive Member stressed that the alternative option of not increasing Council Tax would result in significant challenges to the Council's financial sustainability.

The Executive Member explained that the savings requirements addressed in the report were driven by the removal of the Revenue Support Grant and changes to business rates retention, as part of the wider national context.

The Chief Finance Officer's statement on the proposed budget, was noted, which pointed out the risks and uncertainties associated with the budget proposals. This included economic factors and the implications of further reductions to government funding levels.

The Executive Member reiterated that the Council provided excellent value for money and was on course to deliver its Five Year Plan to the benefit of all those living and working in the borough. Members acknowledged the quality of services and the commissioning of major regeneration schemes in the area.

Members expressed satisfaction that the budget was balanced in light of challenges such as the withdrawal of all government grant funding. A Member referred to the Chief Financial Officer's report with regards to long term asset liability and noted that the cautious investment strategy taken would mitigate a potential risk with accounting for pension funds.

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RECOMMENDED that:

- (i) a budget of £15.495m including the savings and growth previously reported, a provision for a pay award and an increase in Band D Council Tax of 2.99% (or £6.41) be approved;
- (ii) the updated Capital Programme (shown at Annex 1 of the report presented) be approved;
- (iii) the statement of the Chief Finance Officer (at Annex 2 of the report presented) be noted; and,
- (iv) the Chief Finance Officer be authorised to make any necessary technical adjustments to the budget and Council Tax demand proposed to Council arising from final budget refinements or changes to government grant.

Reasons for decision:

The Council was required to set a budget by 11th March each year.

Alternative options:

To amend or reject any or all of the budget proposals.

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COUNCIL TAX SETTING 2018/19

A report was submitted on the level of Council Tax for 2018/19. It set out relevant statutory powers, issues (the proposed Council Tax increase and current information relating to precepting authorities), legal, financial and equalities implications, risk management considerations, consultation undertaken and policy framework factors.

The Executive Member for Finance, Councillor T. Schofield, informed the Executive that the proposed Council Tax would be the subject of a recommendation to the February Council meeting. That meeting would receive confirmation of the final precept levels from the County Council and the Police together with any necessary adjustments required.

It was noted that when the report was produced a 5.99% increase was assumed for the County Council and £12 for the Police Authority. Any changes to these would form part of the update to the February Council meeting.

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RECOMMENDED that:

- (i) It be noted that on 14 December 2017 the Council calculated:
- (a) the Council Tax base 2018/19 for the whole Council as 59,781 [Item T in the formula in Section 31B(3) of the Local Government Finance Act 1992, as amended (the “Act”)] and,
 - (b) for dwellings in those parts of its area to which a Parish precept relates:

Horley Town Council	9,522
Salfords & Sidlow Parish Council	1,386
- (ii) Calculate that the Council Tax requirements for the Council’s own purposes for 2018/19 (excluding Parish precepts) is £13,202,695
- (iii) That the following amounts be calculated for the year 2018/19 in accordance with Sections 31 to 36 of the Act:
- (a) £70,461,931– being the amounts which the Council estimates for the items set out in Section 32(2) of the Act taking into account all precepts issued to it by Parish Councils
 - (b) £56,876,638– being the aggregate of the amounts which the Council estimates for the items set out in Section 32(3) of the Act.
 - (c) £13,585,293 – being the amount which the aggregate at (iii)(a) above exceeds the aggregate at (iii)(b) above, calculated by the Council in accordance with Section 32(4) of the Act as its Council Tax requirement for the year (item R in the formula in Section 32(4) of the Act).
 - (d) £227.25– being the amount at (iii)(c) above (Item R), all divided by Item T ((i)(a) above), calculated by the Council, in accordance with Section 33(1) of the Act, as the basic amount of its Council Tax for the year (including Parish precepts).

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- (e) **£382,598 - being the aggregate amount of all special items (Parish precepts) referred to in Section 34(1) of the Act (as per the Appendix attached to the report presented).**
- (f) **£220.85 - being the amount at (iii)(d) above less the result given by dividing the amount at (iii)(e) above by item T ((i)(a) above), calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no Parish precept relates.**
- (g) **Horley Town Council- £257.75**
Salfords & Sidlow Parish Council -£243.40
Being the amounts given by adding to the amount at 3(iii)(f) above the amounts of the special items relating to dwellings in those parts of the Council's area mentioned above divided in each case by the amount at (i)(b) above, calculated by the Council, in accordance with Section 34(3) of the Act, as the basic amounts of its Council Tax for the year for dwellings in those parts of its area to which one or more special items relate.
- (iv) **It be noted that the figures in the Appendix attached to the report presented being the amounts given by multiplying the amounts at (iii)(f) and (iii)(g) above by the number which, in the proportions set out in Section 5(1) of the Act, was applicable to dwellings listed in a particular valuation band divided by the number which in that proportion was applicable to dwellings listed in valuation band D, calculated by the Council, in accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year in respect of dwellings listed in different valuation bands.**

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- (v) **It be noted that for the year 2018/19 Surrey County Council and Surrey Police have stated amounts in precepts issued to the Council, in accordance with Section 40 of the Act, for each of the categories of dwellings shown in Appendix 2 of the report presented.**
 - (vi) **Having calculated the aggregate in each case of the amounts (i) to (v), above, the Council, in accordance with Section 30(2) of the Act, hereby sets the amounts of Council Tax for the year 2018/19 for each of the categories of dwellings shown in Appendix 3 of the report presented.**
 - (vii) **the Chief Finance Officer be authorised to make any amendments to the Council Tax demands as might prove necessary as the result of changes to the estimated demands issued by preceptors on the Council's Collection Fund.**

Reasons for decision:

To provide the information to fulfil the requirement of the Local Government Finance Act 1992 which sets out the requirement for local authorities to set a budget for the next financial year.

Alternative options:

There was no Council Tax Freeze Grant available for 2018/19. The budget was based on a recommended Council Tax rise of £6.41 (or 2.99%) in 2018/19.

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HORLEY BUSINESS PARK UPDATE AND REQUEST FOR ADDITIONAL WORKING CAPITAL

The Executive agreed on the 15th March 2015 to create a Joint Venture Special Purpose Vehicle to bring forward the plan to create a high class Business Park to support this Council's ambition to create a leading business park in the south east. The Joint Venture was established after that Executive meeting and had been progressing with the project since.

The Executive Member for Property and Acquisitions referred the Executive to an update from officers on progress of the work of the Joint Venture in both the public and exempt sections of the associated reports on the agenda.

The Executive Member informed the Executive that progress was being made in a number of areas, including Planning, Land Assembly, and Highways design. Executive Members noted that the site was included in the draft version of the Development Management Plan, which was out for public consultation at Regulation 19.

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Members were advised that the Horley Business Park Development LLP, which oversees the work of the Joint Venture, may require additional working capital to continue to progress the work currently being undertaken. The Executive Member requested that the Executive increase the loan facility to the Special Purpose Vehicle, if required.

The Executive Member referred the Executive to a potential increase to the loan facility detailed in the associated exempt report. Members noted that there was ongoing work to finalise an agreement which would not require this additional funding. The Executive Member highlighted that any additional funding would be matched by the Council's Joint Venture partners.

A Member sought clarification on a number of aspects, including the amount of working capital associated with the Horley Business Park project, the role played by Taylor Wimpy, and the ownership and governance of Mill Hill Properties.

The Chief Executive advised Members that the resources invested in the company would be disclosed under exempt business in view of maintaining commercial confidentiality. It was also noted that it was proper practice for the Council to have discussions with businesses in the immediate vicinity of the proposed development, including Taylor Wimpy. Members were informed that information on Mill Hill Properties was publicly available online.

RECOMMENDED that the Head of Finance be authorised, in consultation with the Head of Property and the Leader of the Council, Deputy Leader of the Council, Executive Member for Finance and the Executive Member for Property and Acquisitions, to make arrangements to extend the loan facility to increase the working capital to the Joint Venture Limited Liability Partnership to facilitate the making of a Planning Application, noting that costs were recoverable as set out in the report at Part 2 (in the exempt part of the Agenda).

RESOLVED that:

- (i) the progress on the land assembly to facilitate the development of the Horley Business Park set out in this report and in the report contained in the Executive's Part 2 (Exempt information) report be noted; and,
- (ii) the Horley Business Park Development LLP (LLP) would be endeavouring to finalise and agree Heads of Terms with Surrey County Council to allow them to enter the Joint Venture and Special Purpose Vehicle (Horley Business Park Development LLP) on terms outlined in the Executive Part 2 (Exempt information) report be noted. Executive further noted that the LLP would exchange and complete contracts on the finalised terms agreed which would require the approval Surrey County Council.

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Reasons for decision:

To enable the Joint Venture to bring forward a Planning Application for the Horley Business Park development.

Alternative options:

To not authorise the Head of Finance to extend the current loan facility.

NOTE: The Executive Member for Community Services, Councillor G. Knight, abstained from the vote on the basis that he sought further information on the socio-economic and environmental impact of the proposals before making a determination on the matter.

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HORLEY BUSINESS PARK: ACQUISITION OF LAND IN HORLEY

The Executive Member for Property and Acquisitions introduced a report regarding the conditional acquisition of one of the key pieces of land required to bring forward the Horley Business Park.

Members were advised that, if the Council was successful in acquiring the land, the Council and the Joint Venture would have secured two of the three pieces of land forming the Business Park.

The Executive Member referred the Executive to the details of the acquisition set out in the associated exempt report.

Members raised a number of concerns regarding the public perception of the proposed Horley Business Park and sought clarification on the timeline for the release of future communications to alleviate residents' concerns.

The Leader of the Council reassured Members that residents would be appropriately informed when the details of the project were established. The Executive Member for Property and Acquisitions noted that the Council was working closely with Members representing residents in Horley to produce a communications plan in February.

RECOMMENDED that:

- (i) the Head of Finance be authorised in consultation with the Head of Property and Head of Legal together with the Executive Members for Property and Acquisitions and Finance to fund the acquisition in line with the prevailing Treasury Management Strategy once the conditions have been satisfactorily cleared; and**

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(ii) the Head of Property be authorised in consultation with the Head of Finance and Head of Legal together with the Executive Members for Property and Acquisitions and Finance to agree to make available an additional loan facility to Horley Business Park Development LLP or another Special Purpose Vehicle to acquire the freehold land which was the subject of the officer's report, and to agree a conditional contract with Horley Business Park Development LLP to acquire the Freehold interest in the land, subject to conditions, referred to in the Executive's Part 2 (Exempt information) report.

RESOLVED that:

- (i) the Head of Property be authorised in consultation with the Head of Finance and Head of Legal together with the Executive Members for Property and Acquisitions and Finance to agree a conditional contract to acquire the Freehold interest of the land, subject to conditions, and valuation referred to in the Executive's Part 2 (Exempt information) report and subsequently to exchange and complete on the acquisition; and,
- (ii) the Head of Property be authorised in consultation with the Head of Legal and the Executive Member for Property and Acquisitions to bring forward a further report to appropriate the land for Planning purposes once acquired.

Reasons for decision:

To acquire the freehold interest, subject to conditions, of land in Horley as part of the proposed business park and new park for residents use.

Alternative options:

To find an alternative funder, or; to do nothing.

NOTE: The Executive Member for Community Services, Councillor G. Knight, abstained from the vote on the basis that he sought further information on the socio-economic and environmental impact of the proposals before making a determination on the matter.

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SCHEDULE OF MEETINGS 2018/19

The Leader of the Council, Councillor V.W. Broad, presented a report with a proposed schedule of meetings for 2018/19. It set out background and factors for consideration. The draft schedule drew upon past experience and had regard to comments from both Members and Officers. It had been considered by the Overview and Scrutiny Committee at its meeting on 7 December 2017 and its comments were reported to the Executive.

The Executive noted that a meeting of the Executive was scheduled for 19 July, to coincide with the submission of an audit report on the annual Statement of Accounts.

Members were advised that, if required, meetings could be added or cancelled in the course of the year, subject to the usual protocols and statutory requirements.

RECOMMENDED that the Schedule of Meetings for the 2018-19 Municipal Year be approved as set out at Annex 1 to the report presented.

Reasons for decision:

To establish a timetable to ensure the efficient and effective conduct of Council business for the forthcoming municipal year.

Alternative options:

None.