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Simon Young, Solicitor
Head of Legal and Democratic Services

LICENSING AND PLANNING POLICY COMMITTEE

Thursday 14 September 2017 at 7.30 pm

Council Chamber - Epsom Town Hall

The members listed below are summoned to attend the Licensing and Planning Policy Committee meeting, on the day and at the time and place stated, to consider the business set out in this agenda.

Councillor Graham Dudley (Chairman)
Councillor David Wood (Vice-Chairman)
Councillor Michael Arthur
Councillor Steve Bridger
Councillor Chris Frost
Councillor Rob Geleit
Councillor Tina Mountain
Councillor Martin Olney
Councillor David Reeve
Councillor Alan Sursham

Yours sincerely

Head of Legal and Democratic Services

For further information, please contact Sandra Dessent, tel: 01372 732121 or email: sdessent@epsom-ewell.gov.uk

AGENDA

1. QUESTION TIME

To take any questions from members of the the Public

Please note: Members of the Public are requested to inform the Democratic Servicers Officer before the meeting begins if they wish to ask a verbal question to the Committee.

2. DECLARATIONS OF INTEREST

Members are asked to declare the existence and nature of any Disclosable Pecuniary Interests in respect of any item of business to be considered at the meeting.

3. MINUTES OF PREVIOUS MEETING (Pages 3 - 8)

The Committee is asked to confirm as a true record the Minutes of the Meeting of the Committee held on 12 July 2017 (attached) and to authorise the Chairman to sign them.

4. CORPORATE PLAN: PERFORMANCE REPORT ONE 2017 TO 2018 (Pages 9 - 24)

This report provides an update against our Key Priority Performance Targets for 2017 to 2018, under our new Corporate Plan.

5. EPSOM & EWELL LOCAL PLAN - ISSUES AND OPTIONS CONSULTATION PAPER (Pages 25 - 42)

As part of the review of the Local Plan this report sets out the challenging issues and the choice that we now face in respect of how we respond positively to demand for new housing. The Committee is asked the draft Issues and Options Consultation Paper and subject to any amendments, approve for consultation during the Autumn 2017.

6. SEXUAL ENTERTAINMENT VENUE POLICY (Pages 43 - 52)

This report requests the Committee to recommend to Council the adoption of a Revised Sexual Entertainment Venue and Sexual Establishment Policy.

7. SURREY-WIDE CONVICTIONS POLICY FOR HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS (Pages 53 - 56)

The Committee is asked to agree in principal to the adoption of a Surrey-wide convictions policy for Hackney Carriage and Private Hire Drivers.

Minutes of the Meeting of the LICENSING AND PLANNING POLICY COMMITTEE held on 12 July 2017

PRESENT -

Councillor Graham Dudley (Chairman); Councillor David Wood (Vice-Chairman); Councillors Michael Arthur, Steve Bridger, Rob Geleit, Tina Mountain, Martin Olney, David Reeve, Humphrey Reynolds (as nominated substitute for Councillor Chris Frost) and Clive Smitheram (as nominated substitute for Councillor Alan Sursham)

In Attendance: Councillor Neil Dallen

Absent: Councillor Chris Frost and Councillor Alan Sursham

Officers present: Mark Berry (Head of Place Development), Simon Young (Head of Legal and Democratic Services), Rachel Jackson (Licensing, Grants and HIA Manager), Karol Jakubczyk (Planning Policy Manager), Rachael Thorold (Senior Planning Policy Officer) and Fiona Cotter (Democratic Services Manager)

1 QUESTION TIME

No questions were asked or had been submitted by members of the public.

2 DECLARATIONS OF INTEREST

No declarations of interest were made by councillors regarding items on the Agenda.

3 MINUTES OF PREVIOUS MEETING

The Minutes of the meeting held on 20 April 2017 were agreed as a true record and signed by the Chairman subject to noting that it was the Chairman of Ewell Village Residents' Association and not Epsom and Ewell Residents' Association who addressed the meeting. The published Minutes would be amended accordingly.

4 APPOINTMENT OF LICENSING PANEL CHAIRMEN

The Committee appointed Councillors Neil Dallen, Clive Smitheram, Jean Steer and Rob Geleit from the pool of Licensing Panel members to be available to Chair as required any Panels held during the 2017/18 Municipal Year.

5 CORPORATE PLAN: YEAR-END PERFORMANCE REPORT 2016 TO 2014 AND PROVISIONAL TARGETS FOR 2017 TO 2018

The Committee received and considered a report which provided a year-end update against its Key Priority Performance Targets for 2016 to 2017 as set out in the Council's Corporate Plan and provisional targets for 2017 to 2018.

The report confirmed that out of a total of 9 targets for 2016/17, 7 had been achieved and 2 had not been achieved. An additional 3 indicators were regularly reported to the Committee as part of the performance monitoring report but for information purposes only. The report identified those actions which had not been achieved and the remedial action identified, were applicable as set out in the table below:

Not achieved	**Actions identified**
Keeping the Borough clean and green Complete the pre-submission consultation on a partial review of the Core Strategy.	A revised Local Plan Programme was approved on 13 July 2016. The recruitment process was successful. The pre-submission consultation on a partial review of the Core Strategy is a target for 2017/18 with a date set for 31 March 2018.
Supporting businesses and our local economy At least 90% of other planning applications determined within 8 weeks	At year-end it was 87% - slightly missing this target by 3%. However, this exceeded the national target of 80%.

In regards to the Committee's targets for 2017/18, it was noted that in the context of "supporting businesses and our local economy" the measure related to how the Council could support them through the planning process by timely determination of applications.

Accordingly, the Committee:

(1) Considered the performance reported in Annexe 1 and did not identify any areas of concern;

(2) Reviewed and agreed targets for 2017/18 as detailed in Annexe 2, and outlined in paragraph 4.1, of the report.

6 EPSOM & EWELL LOCAL PLAN PROGRAMME 2017

The Committee received and considered the draft Local Plan Programme which had been prepared to set the process and timetable for a partial review of the Epsom and Ewell Core Strategy.

The report stated that the primary purpose of the Local Plan Programme (or Local Development Scheme as it was previously known) was to set out the processes and timetable for the preparation and production of the Borough Council's Local Plan. The Council had always envisaged its programmes providing a three year project plan which sought to inform both the process and all of the interested parties and partners about how and when the Local Plan would be brought forward.

The timetable before the Committee was acknowledged as ambitious, with the intention of working towards Pre-Submission Consultation on a revised Core Strategy during the first half of 2018.

In response to concern about the speed of the process, the importance of quick and decisive action by the Council was stressed to mitigate the risk of government intervention and unsustainable speculative approaches for higher levels of housing growth from the development industry. Swift action was essential if the Borough Council wished to remain in control of the Local Plan's growth strategy.

Accordingly, the Committee agreed that the programme set out in summary below should take effect as of 12 July 2017:

Key Stages	Dates
Issues and Options Consultation	September – November 2017
Consideration of consultation responses	December 2017
Pre-Submission Consultation	March 2018
Date of Submission to the Secretary of State	May 2018
Pre-Examination Meeting	September 2018
Public Hearing	Late 2018
Estimated Date for Adoption	December 2019

Documents	Publication Dates
Strategic Housing Market Assessment	October 2016
Green Belt Study Stage 1	February 2017
Strategic Housing Land Availability Assessment	July 2017
Traveller Accommodation Assessment	July2017
Constraints Study	July 2017
Green Belt Study Stage 2	November 2017

7 STRATEGIC HOUSING LAND AVAILABILITY ASSESSMENT

The Committee received and considered the Strategic Housing Land Availability Assessment (SHLAA), a key evidence base document which sought to identify and account for future potential sources of housing land supply.

The Council was currently unable to demonstrate a five year supply of housing against the Objectively Assessed Housing Needs (OAHN) figure and, as such, the Core Strategy policy setting a housing target was considered out of date. However, by proactively planning for future growth, identifying where it should and should not go, the Council would place itself in a stronger position to resist unsustainable levels of growth in the wrong locations

The SHLAA sought to identify a five year supply of specific deliverable sites, a supply of developable sites for the next 6-10 years and, where possible, for 11-15 years. It was a starting point for the Council in its responsibility to prepare an up to date Local Plan to ensure that there was an adequate land supply to meet the needs of the Borough.

The report highlighted that whilst the sites identified by SHLAA's were technically considered to be deliverable or developable, this was based upon a subjective judgement. The identification of potential sites, buildings or areas in the SHLAA did not state or imply that the Council would necessarily grant planning permission for development. All planning applications would continue to be determined against the appropriate development plan and other relevant considerations. It was particularly important to recognise this in relation to opportunity sites, some of which were sensitive, especially those in Green Belt. It was stressed that in demonstrating a rigorous approach to its planning process, the Council should not seek to exclude such sites from the SHLAA. In response to a query regarding the Council's ability to meet its stated affordable housing target, whilst not directly related to the matter under consideration, it was confirmed that as part of the issues and options stage, the matter of affordability would be considered and viability would form part of that consideration.

Accordingly, the Committee, subject to Officers clarifying the Ward Boundaries in respect of sites171 (Epsom and Ewell High School) and 563 (Land at Fairview Road) and including an entry for West Ewell in Table 3 (Summary of Housing Land Supply 2017-2032 by Ward) as appropriate:

(1) Agreed to publication of the SHLAA;

(2) Noted the findings of the SHLAA 2017 and the five year housing land supply position and housing trajectory against the Objectively Assessed Housing Needs (OAHN) figure;

(3) Acknowledged that the outputs from the SHLAA would be used to inform the partial review of the Core Strategy.

8 TRAVELLER ACCOMMODATION ASSESSMENT 2017

National planning policy required the Council to plan for the future accommodation needs of the local gypsy and traveller communities and the Committee considered a report in that regard.

A cross-party Working Group had been established and had contributed to the preparation and production of the technical evidence documents that the Council was required to produce in order to inform the Local Plan process. The Epsom and Ewell Traveller Accommodation Assessment (TAA) identified the future accommodation needs for the period between 2017 and 2032 in accordance with the latest national planning policy guidance. The accompanying Traveller Site Availability Assessment (TSAA) considered potential sources of supply that could be brought forward to meet future accommodation needs. It was noted that this was a separate exercise to the SHLAA as such sites were not considered as housing in planning law.

Accordingly, the Committee:

(1) Considered the findings of the TAA, agreed to its publication and agreed that there was no current requirement for the emerging Local Plan to include a target for Traveller pitch provision;

(2) Agreed that there was an outstanding accommodation need for non-travelling Travellers and that this need should be considered as a specialised component of the Borough's wider housing need;

(3) Considered the outputs of the TSAA, agreed to its publication and agreed to it being used to inform the preparation of any future site allocation options;

(4) Acknowledged and thanked the Gypsy and Traveller Working Group for their contribution towards the preparation and production of the evidence base documents.

9 CONSTRAINTS STUDY

The Committee received and considered a report regarding the Constraints Study.

National planning policy stated that Local Plans ought to meet objectively assessed needs, with sufficient flexibility to adapt to rapid change. This was unless there was any adverse impact in doing so which would significantly and demonstrably outweigh the benefit, when assessed against the policies within the National Planning Policy Framework or were specific policies in the Framework indicated development out to be restricted.

National planning practice guidance made it clear that whilst the establishment of development needs ought to be unbiased, relevant constraints – including environmental constraints – needed to be addressed when bringing evidence bases together and formulating policies.

The Primary Constraints as set out in the policy were noted:

- Undeveloped functional flood plain;
- Sites of Special Scientific Interest;
- Local Nature Reserves;
- Sites of Nature Conservation Importance
- Ancient Woodlands
- Registered Parks and Gardens

It was noted that designation as a Field in Trust (King George V or Queen Elizabeth II Playing Field) was not considered a primary constraint. In terms of protection, such sites were protected by land law not planning designation although, in reality, were unlikely to be considered as potential development sites. Designation as Green Belt was also not a primary constraint. However, whilst the exceptions as to when development in the green belt would not be considered inappropriate had been widened, national and local Green Belt policy still clearly regarded the construction of new buildings in the Green Belt as inappropriate.

Accordingly, the Committee:

(1) Considered the Constraint Study and agreed to its publication;

(2) Agreed with the definition of the Primary Constraints that would prevent development form taking place and where it would not be possible to mitigate impacts;

(3) Noted that the study recommended that a further assessment be undertaken to consider how the constraints affect the land parcels identified within the Epsom and Ewell Green Belt Study 2017;

(4) Agreed that the Study's inputs be used to inform the partial review of the Core Strategy.

The meeting began at 7.30 pm and ended at 9.36 pm

COUNCILLOR GRAHAM DUDLEY (CHAIRMAN)

CORPORATE PLAN: PERFORMANCE REPORT ONE 2017 TO 2018

Report of the:	Head of Corporate Governance
Contact:	Adama Roberts
Urgent Decision?(yes/no)	No
If yes, reason urgent decision required:	N/A
Annexes/Appendices (attached):	Annexe 1 – Performance Report One 2017 to 2018
Other available papers (not attached):	Corporate Plan 2016 to 2020

REPORT SUMMARY

This report provides an update against our Key Priority Performance Targets for 2017 to 2018, under our new Corporate Plan.

RECOMMENDATION (S)

(1) That the Committee considers the performance reported in Annexe 1 and identifies any areas of concern.

(2) That the Committee considers the actions that have been proposed or taken where performance is currently a concern as shown in table 3.1.

1 Background

1.1 The Council has a four-year Corporate Plan for the period 2016 to 2020.

1.2 The Corporate Plan sets out the Council's vision together with its four Key Priorities. The four Key Priorities are underpinned by 19 Key Priority Objectives and measured against 66 Key Priority Performance Targets.

1.3 The delivery of the Corporate Plan will be captured in the performance reports, which are based around Committee cycles and details what will be done, what the targets are and how these will be measured. The desired key outcomes have also been outlined in the Corporate Plan. An annual year-end report will be produced to highlight delivery against the Corporate Plan.

2 Corporate Plan: Delivery against Key Priority Performance Targets set

2.1 This report tracks the progress against the Key Priority Performance Targets previously agreed by the Committee. On the whole performance is good as shown in the table below. Consideration should be given to the Key Priority Performance Target where performance is currently a concern as shown in table 3.1.

Performance status		
Key to reporting status		**Number**
G	On track	4
A	Slightly off track not a major concern or slippage	1
R	Off track or unlikely to be achieved for projected year	1
Information Indicators	These indicators are for information only	4
	Total	**10**

3 Actions identified for the Key Priority Performance Target where performance is currently a concern

3.1 Key Priority Performance Targets that have not been achieved and remedial actions identified were applicable.

Not achieved	Actions identified
Supporting businesses and our local economy No more than ten per cent of planning applications allowed at appeal (using the two-year rolling assessment period defined by the government)	We are working with the LGA to conduct a peer review in September. This will address concerns and include actions on how this target could be achieved.

4 Financial and Manpower Implications

4.1 ***Chief Finance Officer's comments****: Any budget requirements related to the Corporate Plan are addressed within the Council's four year Medium Term Financial and Efficiency Plan.*

5 Legal Implications (including implications for matters relating to equality)

5.1 ***Monitoring Officer's comments:*** *There are no legal implications arising from this report.*

6 Sustainability Policy and Community Safety Implications

6.1 There are no particular community safety implications for the purpose of this report.

7 Risk Assessment

7.1 Actions have been identified for those Key Priority Performance Targets where performance is currently a concern.

8 Conclusion and Recommendations

8.1 The Committee is requested to consider the performance reported and identifies any areas of concern.

8.2 The Committee is requested to consider the actions that have been proposed where performance is currently of concern.

WARD(S) AFFECTED: N/A

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Corporate Plan: Key Priority Performance Targets

Licensing and Planning Policy Committee – Performance Report One 2017/2018

AGENDA ITEM 4
ANNEXE 1

Keeping our Borough Clean and Green

We will do this by:

Providing quality parks, nature reserves and other public spaces that are safe, pleasant and well maintained

Accommodating sustainable development whilst protecting the green belt in accordance with Policy

Introducing a premium weekly waste and recycling service as standard for all residents and encourage more household waste to be recycled

Keeping the streets and public spaces clean and tidy

Taking action to reduce graffiti, littering, flytipping, flyposting illegal, advertising and dog fouling

KEY OUTCOMES

- Management plans for all major parks and public spaces
- Premium weekly recycling and waste service as standard for all residents introduced from Spring 2017
- Recycling clubs with local schools

KEY SUCCESS MEASURES

- External accreditation for our major parks and public spaces
- Delivery of the Biodiversity Action Plan
- Increase in recycled household refuse
- Street cleanliness assessment

Performance status

Key to reporting target status		Number
G	On track/achieved	4
A	Slightly off track not a major concern or slippage	1
R	Off track or unlikely to be achieved for projected year	1
Information Indicators	These indicators are for information only	4
	Total	**10**

Keeping the borough clean and green – Key priority					
Key priority objective. We will do this by…	Key priority performance target for 2017/18	Responsible officer	Achieved by:	Latest progress:	Status:
Accommodating sustainable development whilst protecting the green belt in accordance with Policy	Complete issues and options consultation on the partial review of the Core Strategy	Mark Berry Head of Place Development	30 September 2017	**April to July:** The Issues and Options report is being prepared with a proposed consultation paper to be published in September subject to Committee approval. It is anticipated that this target will be achieved by the end of September. **Oct to Dec:** **Jan to March:**	G
	Issue the pre-submission consultation for the Partial Review of the Core Strategy	Mark Berry Head of Place Development	31 March 2018	**April to July:** Subject to completion of the Issues and Options above, we will be able to progress to the pre-submission consultation stage. **Oct to Dec:** **Jan to March:**	G

Supporting Businesses and our Local Economy

We will do this by:

Supporting a comprehensive retail, commercial and social offer

Maintaining strong links with local business leaders and representative organisations

Supporting developers to bring forward the development of town centre sites

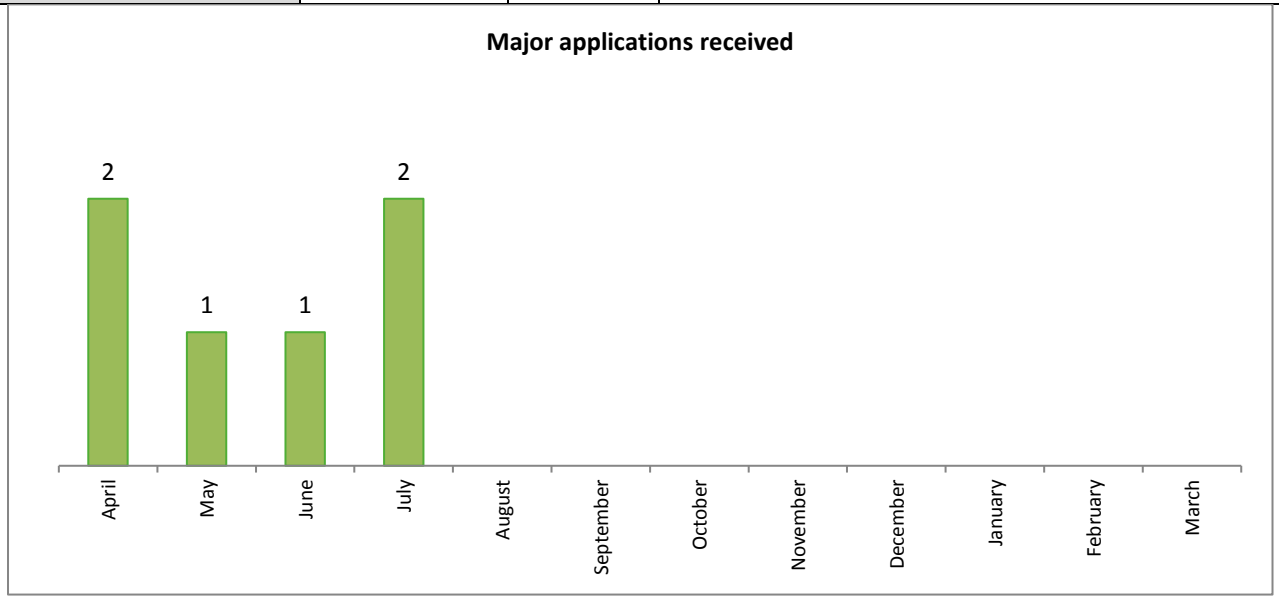
Delivering an affordable Economic Strategy

Promoting our Borough as an excellent place to do business

KEY OUTCOMES	KEY SUCCESS MEASURES
High quality/innovative building design	Businesses attending the Business Leaders' meetings
Improved transport infrastructure	Delivery of Plan E to improve traffic flow into Epsom Town Centre
Visual appearance of the town/ shopping centres enhanced	Delivery of the Economic Development Strategy Action Plan
	Space for start-up/incubator businesses to grow and expand

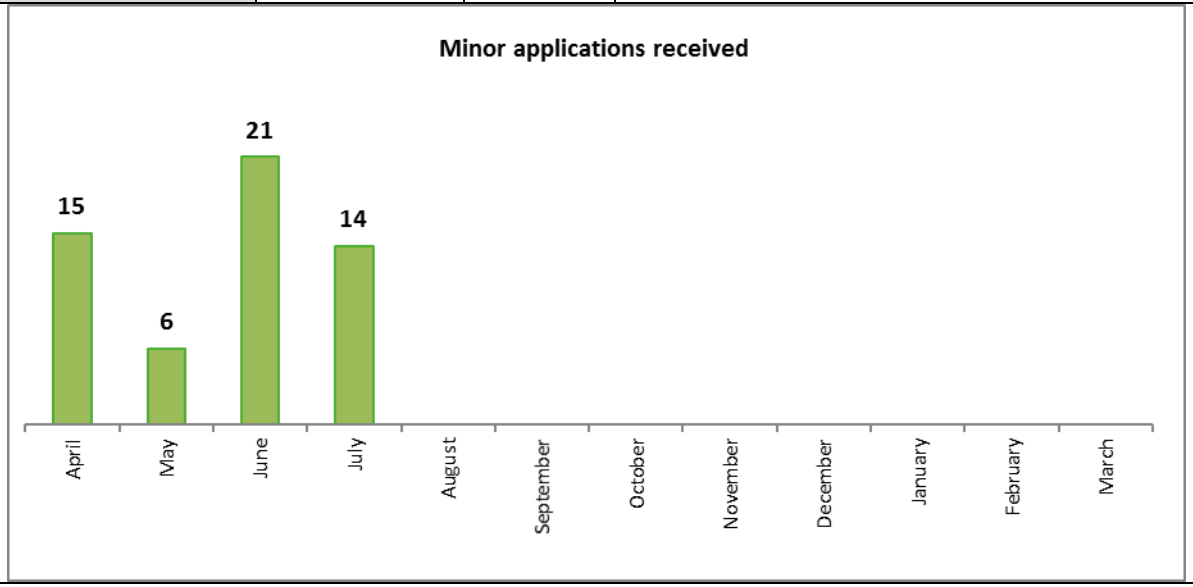
Supporting businesses and our local economy – Key priority

Key priority objective. We will do this by…	Key priority performance target for 2017/18	Responsible officer	Achieved by:	Latest progress:	Status:
Supporting developers to bring forward the development of town centre sites	Number of major planning applications received	Mark Berry Head of Place Development	31 March 2018	**April to July:** As at July, we have received six major planning applications **Oct to Dec:** **Jan to March:**	N/A (information only indicator)



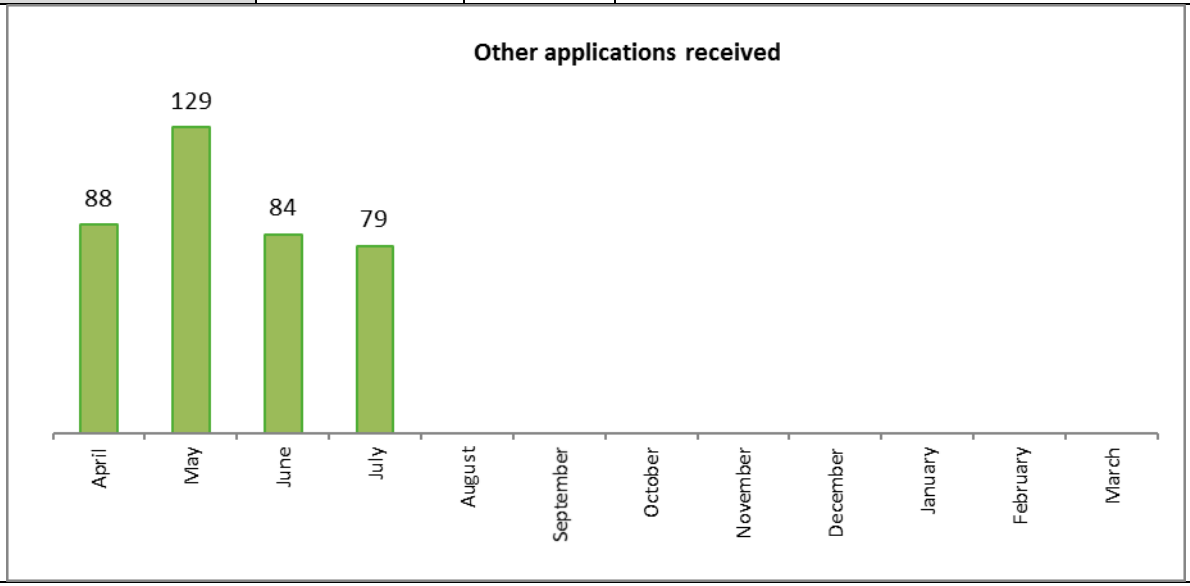
Supporting businesses and our local economy – Key priority

Key priority objective. We will do this by…	Key priority performance target for 2017/18	Responsible officer	Achieved by:	Latest progress:	Status:
Supporting developers to bring forward the development of town centre sites	Number of minor applications received	Mark Berry Head of Place Development	31 March 2018	**April to July:** As at July, we have received 56 minor applications. **Oct to Dec:** **Jan to March:**	N/A (information only indicator)



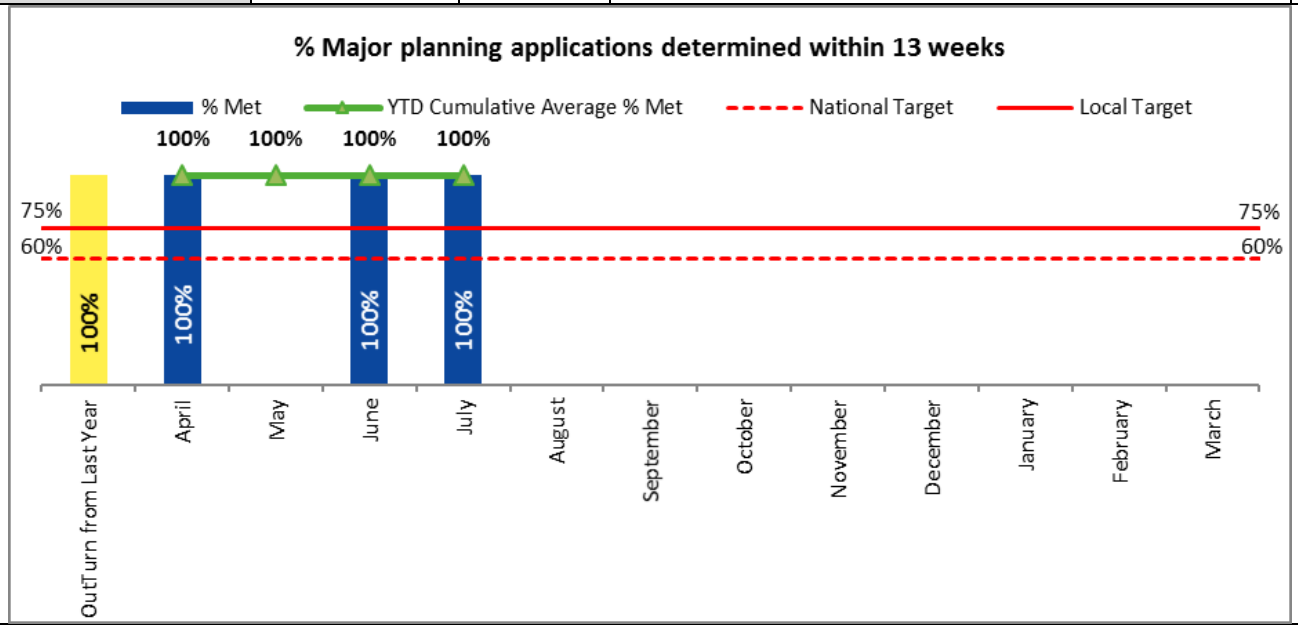
Supporting businesses and our local economy – Key priority

Key priority objective. We will do this by…	Key priority performance target for 2017/18	Responsible officer	Achieved by:	Latest progress:	Status:
Supporting developers to bring forward the development of town centre sites	Number of other planning applications received	Mark Berry Head of Place Development	31 March 2018	**April to July:** As at July, we have received 380 other planning application **Oct to Dec:** **Jan to March:**	N/A (information only indicator)



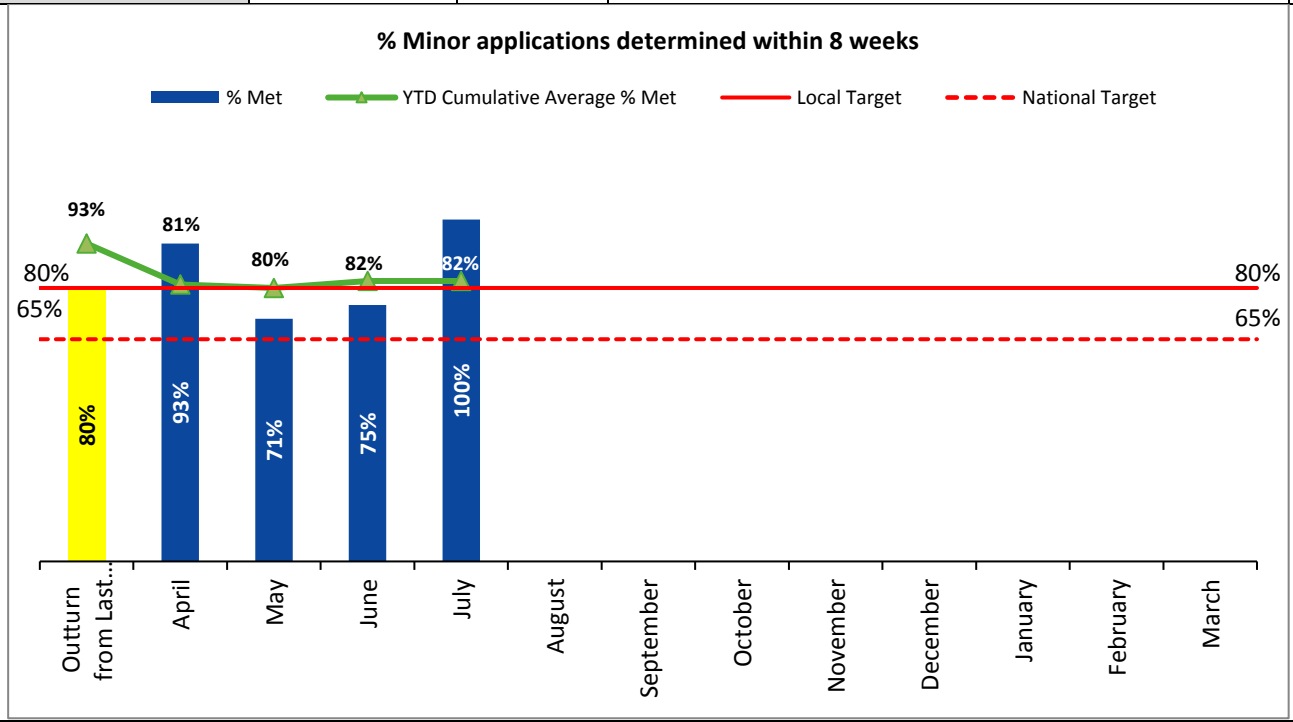
Supporting businesses and our local economy – Key priority

Key priority objective. We will do this by…	Key priority performance target for 2017/18	Responsible officer	Achieved by:	Latest progress:	Status:
Supporting developers to bring forward the development of town centre sites	At least 75% of major planning applications determined within 13 weeks or in accordance with a Planning Performance Agreement or agreed extension of time.	Mark Berry Head of Place Development	31 March 2018	**April to July:** As at July, 100% of major applications have been determined within 13 weeks. There were no applications determined in May.	G
				Oct to Dec:	
				Jan to March:	



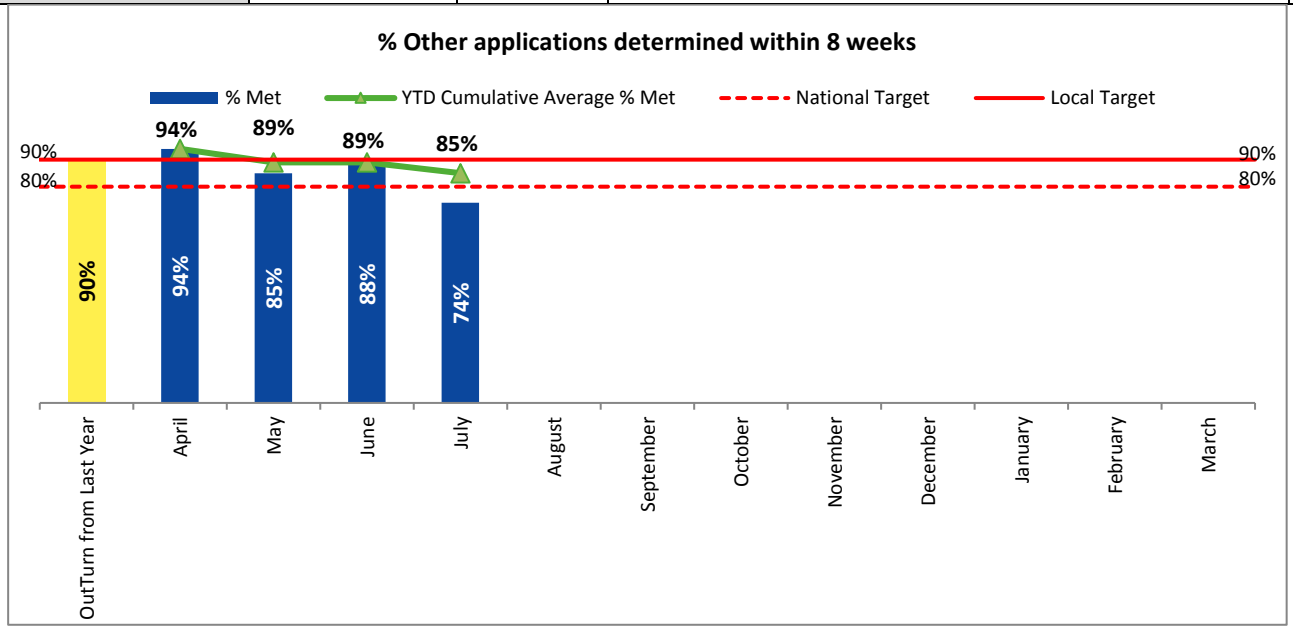
Supporting businesses and our local economy – Key priority

Key priority objective. We will do this by…	Key priority performance target for 2017/18	Responsible officer	Achieved by:	Latest progress:	Status:
Supporting developers to bring forward the development of town centre sites	At least 80% of minor applications determined within 8 weeks	Mark Berry Head of Place Development	31 March 2018	**April to July:** As at July on average, 82% of minor applications were determined within 8 weeks, 100% were determined for the month of July. **Oct to Dec:** **Jan to March:**	G



Supporting businesses and our local economy – Key priority

Key priority objective. We will do this by…	Key priority performance target for 2017/18	Responsible officer	Achieved by:	Latest progress:	Status:
Supporting developers to bring forward the development of town centre sites	At least 90% of other planning applications determined within 8 weeks	Mark Berry Head of Place Development	31 March 2018	**April to July:** Overall the year to date average is 85%. We slightly missed this target by 5%. It's worth noting that except for July, we are exceeding the national target for other planning applications. **Oct to Dec:** **Jan to March:**	A

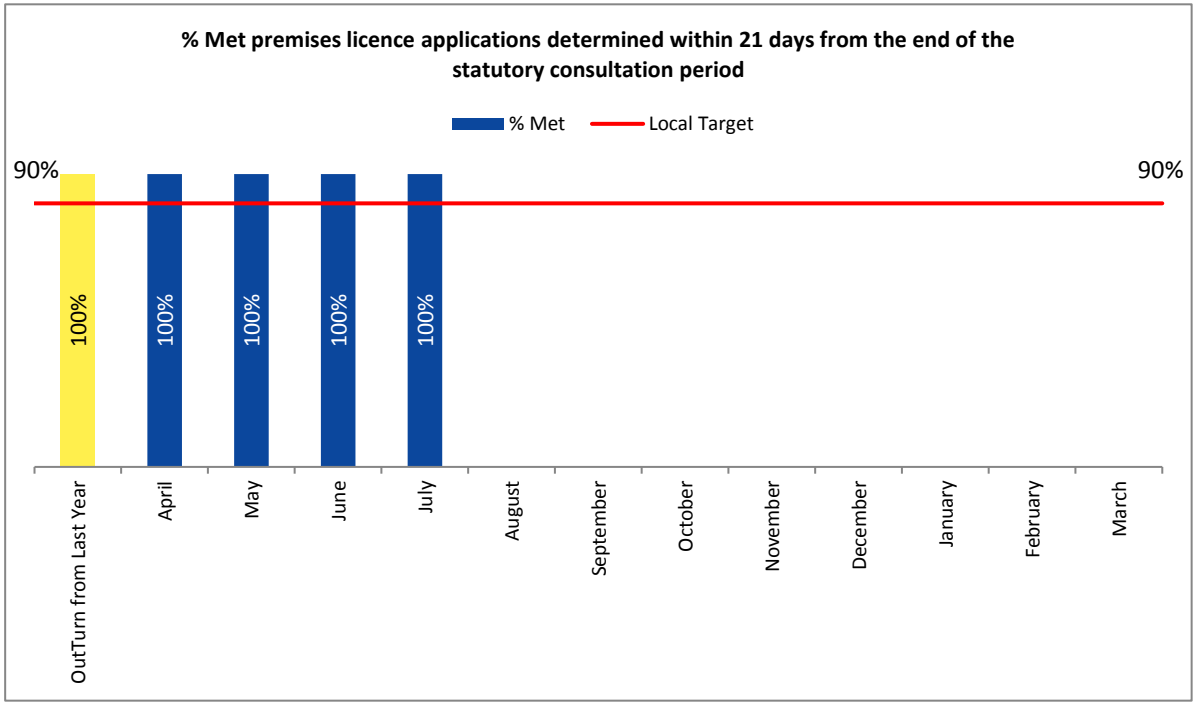


Supporting businesses and our local economy – Key priority

Key priority objective. We will do this by…	Key priority performance target for 2017/18	Responsible officer	Achieved by:	Latest progress:	Status:
Supporting developers to bring forward the development of town centre sites	No more than ten per cent of planning applications allowed at appeal (using the two-year rolling assessment period defined by the government)	Mark Berry Head of Place Development	31 March 2018	**April to July:** At present 14% of planning applications have been allowed at appeal**.** We are slightly over by 4%. Year to date one major and one minor or other have been allowed at appeal. A peer review is being conducted in September to map out how we can meet this target.	R
				Oct to Dec:	
				Jan to March:	

Supporting businesses and our local economy – Key priority

Key priority objective. We will do this by…	Key priority performance target for 2017/18	Responsible officer	Achieved by:	Latest progress:	Status:
Supporting a comprehensive retail, commercial and social offer	At least 90% of premises licence application determined within 21 days from the end of the statutory consultation period	Rod Brown Head of Housing & Environmental Services		**April to July:** As at July, we received 36 premises licence applications and all were determined within 21 day.	G
				Oct to Dec:	
				Jan to March:	



EPSOM & EWELL LOCAL PLAN - CONSULTATION PAPER

Report of the:	Head of Place Development
Contact:	Karol Jakubczyk
Urgent Decision?(yes/no)	
If yes, reason urgent decision required:	
Annexes/Appendices (attached):	Annexe 1: Draft Issues & Options Consultation Paper
Other available papers (not attached):	Core Strategy 2007 Local Plan Annual Monitoring Reports 2007 – 2016 The Housing White Paper 2017 The National Planning Policy Framework

REPORT SUMMARY

The Borough Council is carrying out a partial review of the borough-wide Local Plan. This specifically relates to policies relating to housing need and housing land supply. The review is necessary because our current policies are no-longer up-to-date or consistent with national planning policy.

The first stage of the process, a comprehensive review of the technical evidence used to inform the preparation of the Local Plan, is now substantially complete. The outputs from these technical studies have been used to prepare a Consultation Paper. This document sets out the challenging issues and the choice that we now face in respect of how we respond positively to demand for new housing.

RECOMMENDATION	*Notes*
That the Committee considers the draft Issues & Options Consultation Paper and that, subject to any amendments, it be approved for consultation during the Autumn 2017.	

1 Implications for the Council's Key Priorities, Service Plans and Sustainable Community Strategy

1.1 The delivery and implementation of the Epsom & Ewell Local Plan contributes towards all of the Council's Key Priorities. The Local Plan review process will set out how sustainable growth will be delivered during the next plan period 2015-2032.

2 Background

2.1 Our current Local Plan includes a suite of core policies that relate to housing. These identify the scale and nature of housing that we have been planning to deliver, in addition to the sites considered appropriate and sustainable as locations for new housing. These policies are contained within our Core Strategy 2007, which we have been successfully implementing over the last ten years. We monitor the performance of our policies through our Local Plan Annual Monitoring Reports.

2.2 Since we adopted our Core Strategy policies there has been considerable change to national policy and planning in general – specifically in terms of how we meet future housing need. The regional planning tier is now gone and the responsibility for determining future housing demand now rests with each individual local planning authority.

2.3 The government has, over the past five years, conceded that the supply and affordability of new homes has been overtaken by demand. Their recent Housing White Paper confesses that the housing market is now broken – with not enough houses being built. The solution, which all local planning authorities are being tasked with implementing, is to build more houses faster.

2.4 Under this backdrop it is clear that our Local Plan housing policies are no longer up-to-date or in accordance with national policies. This is in spite of our having a good record of meeting the housing needs identified in our current policies. This requires us to review our housing policies.

2.5 Work on the partial review of the Core Strategy has been underway since 2015. During that time the focus has been upon developing an up-to-date evidence base that is consistent with national planning policy. Key elements of this work include the Strategic Housing Market Assessment 2016 (SHMA), which identifies the nature and scale of housing demand across the Borough; the Green Belt Study 2017, which provides an assessment of how well our Green Belt performs; and the Strategic Housing Land Availability Assessment 2017 (SHLAA), which seeks to identify potential sources of housing land supply that are available, deliverable and developable. All of these technical studies have come before the Committee over the last eleven months.

2.6 The outputs from our Local Plan evidence base have been used to prepare a consultation paper, which is brought before the Committee for consideration. This is included under Annex 1.

3 Consultation Paper

3.1 The objective of the consultation exercise is to invite responses from local residents and local communities. Ideally those responses will help build consensus and support us through the challenges that lie ahead (specifically during the examination of the Local Plan). The responses will be used to inform the identification of the most appropriate strategy to positively deliver the objectively assessed development needs of the Borough. By doing so we place ourselves in a strong position to be able to demonstrate that we have met two of the four tests of soundness[1].

3.2 In order to fully explain the growth challenges that face the Borough, every effort has been taken to make the Consultation Paper accessible to as wide an audience as possible. The content is concise, to the point and written in plain English. The Paper addresses the frequently asked questions relating to housing growth and a selection of 'infographs' that clearly explain the outputs from the Local Plan Evidence Base.

3.3 The Consultation Paper itself follows the established format by first setting out the reasons behind the Local Plan review. This includes an overview of the evidence base; where the demand for new houses has come from; and an insight into the national context – namely, that almost all local planning authorities now find themselves facing challenging housing growth-related issues.

3.4 The Consultation Paper continues by setting out the 'Options' that we could pursue in order to plan positively for growth – and meet the national planning policy requirement of 'significantly boosting the supply of housing '[2]. These options are supported by a series of frequently asked questions and answers that will provide respondents with a greater understanding. Respondents are provided with questions that focus upon the options.

3.5 The Town & Country Planning Regulations[3] require us to invite representations from residents, local communities, consultation bodies, statutory consultees and any other person or body with an interest in our Local Plan.

3.6 It is proposed that the Consultation Paper, subject to any amendments, be published and made available for consultation for a six week period during the Autumn 2017 Notification of the consultation will be sent to all contacts on the Council's consultation database – with the focus being upon residents and local community groups. There will be an appropriate level of publicity to promote the Consultation Paper.

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[1] National Planning Policy Framework Paragraph 182 requires that our Local Plan be **positively prepared, justified, effective** and **consistent with national policy.** In order to be found sound and get through the examination process we must meet these four tests.
[2] National Planning Policy Framework Paragraph 47
[3] The Town and Country Planning (Local Planning) (England) Regulations 2012 Regulation 18.

3.7 The Consultation Paper will be available to be viewed and commented upon via our website. We will continue to engage with local groups; providing them with opportunities to attend surgery sessions where the issues can be discussed.

3.8 We will run a further evening session open to all Members. This is scheduled for Thursday 21 September 2017. This will provide an opportunity for all Members to express their views.

3.9 Subject to the agreement of the Committee, it would be possible to start the consultation on Monday 25 September 2017. This would allow a closing date Monday 6 November 2017.

4 Financial and Manpower Implications

4.1 The preparation and implementation of the Council's Local Plan imposes significant demands on staff in the Planning Policy Team and the wider Place Development Service. The processes, timetable and staff resource implications are set out in the latest version of the Local Plan Programme (July 2017). Additional staff resources have been secured and deployed to ensure that the Local Plan Programme is met in accordance with its timetable. It is important that these resources are maintained – any losses in staff resources may have an adverse impact in our ability to deliver the Local Plan on time.

4.1 It may prove necessary to deploy other corporate resources, for example the Communications Team and Senior Officers of the Borough, in order to sustain progress. Contributions from these sources may be particularly sought during the public consultation and Duty to Co-operate stages of the process, when their input may be most necessary.

4.2 ***Chief Finance Officer's comments: Costs and budgets required for Local Plan are contained and addressed in the Council's Medium Term Financial and Efficiency Plan.***

5 Legal Implications (including implications for matters relating to equality)

5.1 All statutory Local Plan documents are subject to public examination. The recently adopted "Your Involvement in Planning" document addresses those equality issues related to consultation and engagement.

5.2 **Monitoring Officer's comments:** *The Town and Country Planning (Local Planning) (England) Regulations 2012 build on the statutory framework in relation to the preparation and adoption by local planning authorities of local plans. The Regulations set out the procedure to be followed by local planning authorities in relation to the preparation of local plans, including as to consultation with interested persons and bodies and the documents which must be made available at each stage.*

5.3 As noted above, Regulation 18 provides that the Council must notify certain persons and bodies of the subject of the local plan which the Council proposes to prepare and invite them to make representations about what that local plan ought to contain. In preparing the local plan, the Council must take into account any representations. This report seeks to comply with the statutory requirements for preparation of the local plan.

6 Sustainability Policy and Community Safety Implications

6.1 The partial review of the Core Strategy will contribute towards delivering the Council's objectives for maintaining and enhancing the Borough as a sustainable place to live, work and visit by providing guidance to new development proposals.

6.2 A Sustainability Appraisal of the policy options forms an integral part of the plan-making process. The Sustainability Appraisal Report is subject to consultation. An Appraisal Report of the proposed consultation options will be available for consultation in parallel to the Consultation Paper.

7 Partnerships

7.1 The Localism Act and national planning policy state that public bodies have a duty to co-operate on planning issues that cross administrative boundaries. We will seek to meet this duty by working collaboratively with our partners in neighbouring boroughs and districts on issues of common interest. This is a continuous and evolving process that will help guide future policy development. Where it is necessary and appropriate we will seek the active involvement of the Committee in order to secure agreement on strategic cross-boundary issues.

8 Risk Assessment

8.1 In 2015 the government issued a requirement that all local planning authorities must produce new local plans for new homes by 2017. They have indicated that this deadline may be pushed back to 2018. We are now making good progress to meet this requirement – the preparation of the Consultation Paper provides a good indicator of progress. Nevertheless risks remain, most notably those associated with public consultation and the Duty to Cooperate. We will attempt to manage these risks through regular engagement with members of this Committee and Senior Officers.

9 Conclusion and Recommendations

9.1 The Committee are asked to consider the Consultation Paper and subject any additions or amendments agree to its publication for consultation.

<u>WARD(S) AFFECTED</u>: (All Wards);

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Local Plan

Our future in your hands

What is this consultation paper about?
The Council is seeking your views on an update to our Local Plan. The Local Plan decides how much development should happen over the next 15 years and where it will go. It will allocate sites for development and guide decisions on whether or not planning applications should be granted. We would like to hear your views on how the borough's development needs should be met.

An up to date plan is essential to ensure that positive decisions are made for the future of our borough. The paper sets out the key planning issues that will affect Epsom and Ewell over the next 15 years. These include national issues such as the acute shortage of affordable housing and the need to increase the delivery of new housing.

The paper sets out the borough's development needs and provides an overview of the challenges we face and how we can respond and plan for future growth.

This is a great opportunity for you to engage in the development of the Local Plan; to let us know what you think of our suggested solutions; and tell us know what matters most to you and which options you support.

Together we can produce a Local Plan that responds positively to the issues facing our borough, in line with national planning policy and for the benefit of current and future residents.

Why are we reviewing the Local Plan?
We have to update our Local Plan because national planning policy has changed since our last plan in 2007. Our housing policies are out of date and no longer conform to national planning policy. Updating our Local Plan will ensure that we can continue to plan positively with the borough's best interests in mind. We have until 2018 to update our Local Plan. Otherwise, we could lose control of where development takes place.

What is the evidence saying?

Over the past two years we have been preparing evidence for the update of the Local Plan. The objective behind this work has been to identify the future development needs of the borough up to 2032.

The evidence has informed the key issues and challenges that we face, which are summarised below. More background detail is available in our evidence fact sheets and technical documents which can be found on our website.

Our development needs up to 2032

- Population expected to increase by 20,000
- Need for 7,106 new homes (over 60% affordable)
- Need to maintain and intensify employment land and office space
- Need for 8,400 sqm of retail space
- Significant pressure on existing roads and facilities. Future growth requires investment

Challenges for our Local Plan

- Housing is expensive; the average home costs over £480,000
- Insufficient housing land (shortfall of 4,400 homes)
- 43% of land is Green Belt with 44% having additional environmental designations
- No surplus parks, allotments and play pitches
- Government focused on the national housing crisis
- Neighbouring boroughs in similar situation

More homes! What does this mean for our Local Plan?

Frequently asked questions

What does the evidence show?
The evidence shows that we don't have enough currently available land to meet the demand for new homes over the next 15 years. This is one of the reasons why we need to review our current Local Plan to see where and how that unmet demand might be accommodated. We have no choice but to review our housing target and the government require us to satisfy them that we have "left no stone unturned" in our search for suitable sites.

There is a national shortage of new housing and government has made it clear that every borough must do its bit to significantly boost the supply of new homes.

There has been a lot of new housing in Epsom and Ewell why do we need more?
Most of the existing houses in the borough were built during the 1920's-1930's often in the form of large suburban estates connected to the improved rail links of the period. The focus from the 1940s to 1970s was on infilling these original estates in response to the introduction of the Metropolitan Green Belt in 1947.

Since 2007, 2,611 new homes have been built, primarily on the former hospital sites. But the number of new homes has not kept up with local demand.

Where is the demand coming from; who is going to live in these new homes?
The forecast demand for market and affordable housing is calculated using a variety of data including the Census, population and household projections, migration patterns, economic growth forecasts and commuter travel patterns alongside a survey of local residents.

Whilst it cannot be guaranteed that current Epsom & Ewell residents will live in the new homes there is significant demand from residents who are struggling for space and those wishing to downsize. There are of course our younger residents who will eventually be seeking their own home in the next 15 years.

Housing in Epsom and Ewell is expensive; will building reduce house prices?
The average price for a home in 2014 was £480,000 whilst the gross average income for a full time working resident was £41,818. Building more houses is unlikely to bring down house prices; these are influenced by factors beyond simple supply and demand, including inflation, earnings, interest rates, land values and build costs. Similarly, building more new homes in the borough is unlikely to devalue existing property prices. In fact development often uplifts prices due to perceived confidence in an area but also the additional infrastructure that larger housing developments bring.

New market homes can also help deliver affordable housing through planning contributions. These new affordable homes will benefit residents who are waiting on the housing register and those wishing to buy their first home.

Green Belt

Frequently asked questions

What is Green Belt and why do we have it?
The Green Belt aims to prevent urban sprawl by keeping land permanently open and undeveloped. Its original purpose was to halt the outward and uncontrolled spread of London following the 1920s-1930s building boom as a result of railway expansion. It also prevents neighbouring towns merging into one another and assists in safeguarding the countryside from encroachment. It is not an environmental policy that seeks to protect biodiversity or landscapes.

The Epsom and Ewell Green Belt is a critical part of the borough. It has an important function and contributes to the borough's character and appearance. It also provides a wide variety of publically accessible open spaces.

The Green Belt policy has been highly successful; not only has it stopped uncontrolled urban sprawl it has also ensured the continuous regeneration and renewal of London.

But isn't the Green Belt sacrosanct?
The Green Belt is not sacrosanct. However, Green Belt land is heavily protected from development, except in very special circumstances by national and local planning policy.

Can the Green Belt be altered?
Yes, Green Belt boundaries can be amended, national planning policy states that this should only be in 'exceptional circumstances' as part of the review of a local plan. Government will shortly be clarifying what might be considered to be 'exceptional circumstances'.

The current advice is that the boundary should only be amended once all other reasonable options for meeting identified development needs have been fully examined, these include:

- Making effective use of brownfield land
- Making use of underused land, including surplus public sector land
- Optimising density of development
- Exploring whether other boroughs can help to meet some of the identified development requirement.

We have looked at these very carefully when considering our supply of housing sites. Options 1 & 2 address these points. Additionally, there are fewer than 300 empty homes in the borough and even fewer truly long term empty as some are in probate or awaiting development or refurbishment.

There is very limited public sector land available within the borough. The majority of what we do have, has already been identified as having housing potential.

Our Green Belt boundary has not changed since the 1940s when it was originally drawn. Previous local plans have never had to contemplate making changes to the Green Belt. However, we are now under increasing pressure to consider changes because there are 'exceptional circumstances' of housing need, particularly affordable housing need, which have never been experienced before and there is no other reasonable option to accommodate the amount of new housing required.

The Green Belt was introduced to constrain growth, the boundary has stood for more than 70 years and needs to be reviewed to ensure it is fit for this generation and the next.

What should we do?

We already have a plan for up to 2026; why not simply continue with it?

The Local Plan longer conforms to national planning policy. Consequently there is a high risk that, in its current form, it will carry limited weight in planning applications and appeals for new development in the borough.

We could find ourselves unable to resist unacceptable development proposals or refused applications being granted on appeal. This could result in unplanned development in unsustainable locations.

Typically unplanned development fails to take account of the cumulative impact on our infrastructure, such as schools and roads. This reduces our ability to ensure that growth fairly contributes to the delivery of essential new infrastructure needed to support development.

The government has made it clear that all local authorities must have an up to date local plan and failure to do so could lead to intervention. **This could mean that the government steps in and imposes a plan on the borough.**

Failure to ensure a plan-led approach to growth can lead to outcomes that will not benefit our borough. We want to remain in control to ensure that we continue to plan positively for sustainable growth.

Why not build the homes elsewhere?

Most of our neighbouring Councils are in a similar position to us. They are affected by similar constraints, including extensive Green Belt land and the demand for homes is just as great with similarly limited supply of housing land. They too are facing the difficult decisions that we are.

We are talking to neighbouring councils to see how we might work together to accommodate new housing.

Whilst we have a duty to co-operate with our neighbours this does not extend to them having to agree to take our unmet housing need. In any case, the opportunity for them to do so is limited just as it would be for us to accommodate theirs.

However, should we decide not to plan positively for growth, other councils could challenge us for failing to co-operate effectively and place even greater pressure on us to find land for development to meet their needs too.

The reality is that we cannot simply say that our borough is full and that the shortfall in new homes needs to go somewhere else. So what should we do?

Option 1-Urban intensification

Option – Continue to develop the urban area and meet all housing need by:

Making our housing land deliver more

- Increase the development density across all potential housing sites.
- To meet all of the need in the urban area we would need all potential housing sites to deliver 200 homes per hectare which would mean tall buildings of at least 6 storeys.
- Reduce minimum room sizes, garden sizes and parking standards to create more space for extra housing.

Increasing choice of housing sites

- Give up places where people work to housing. This could include redeveloping industrial estates and encouraging the conversion of office space to flats.
- Make land swaps by building homes on open spaces, play pitches and allotments and re-provide these within the Green Belt.
- Allow development on garden land.

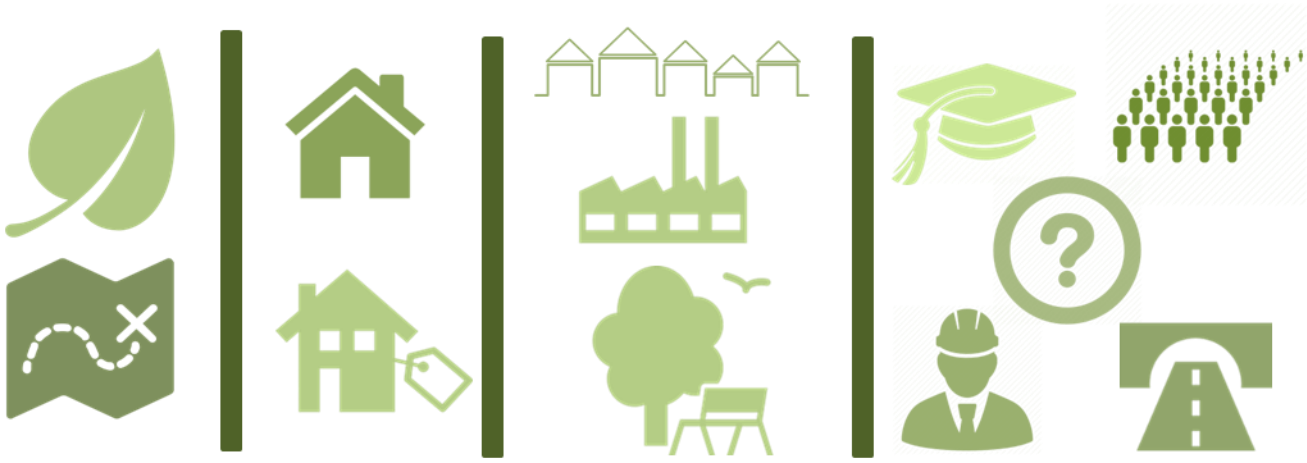
Advantages

- Continues to direct development to the urban area.
- Moves to meet housing need in full.
- Relocation of parks, play pitches and allotments could mean greater open space use of Green Belt land.

Limitations

- Few locations across the borough are suited to high density and tall buildings. Typically, the average density is 45 homes per hectare so higher densities would appear alien.
- Higher density development will inevitably be flats which would not deliver the range of housing types needed, primarily 2 and 3 bedroom homes.
- Loss of green space, green infrastructure, biodiversity and wildlife habitats in the urban area.
- Changes to the character and appearance of the borough as it becomes more urbanised and built up.
- Garden land developments can often lead to contrived and substandard residential development.
- We have no surplus employment land so there would be a change in the economic profile of Epsom and Ewell- our town centre would suffer and we would become a dormitory town.
- Difficult to fit in the required improvements to existing infrastructure or find land for new facilities such as schools and roads.

Option 2- Release some Green Belt land for new homes



Search the Green Belt land for areas suitable for new homes

Boost supply of new and affordable homes

Preserve existing character and jobs within the urban area

Ability to build 4,400 homes with the necessary infrastructure is unknown

Option – Extend the urban area where it's most suitable to do so and meet housing need shortfall by:

Reviewing Green Belt boundaries to meet long term housing need

- Create a number of new areas for housing by undertaking a detailed review of our Green Belt to identify areas potentially suitable for new homes and supporting infrastructure. See Broad Areas of Search for more detail.
- This review could also include adding other land into the Green Belt.

Advantages

- Maintains existing character of the urban area and protects employment land and green spaces.
- Moves to meet housing need in full.
- Protects environmental designations, such as Epsom Common and Horton Park Nature Reserve.
- Boosts supply of new and affordable homes with the supporting infrastructure like schools, especially on larger sites.

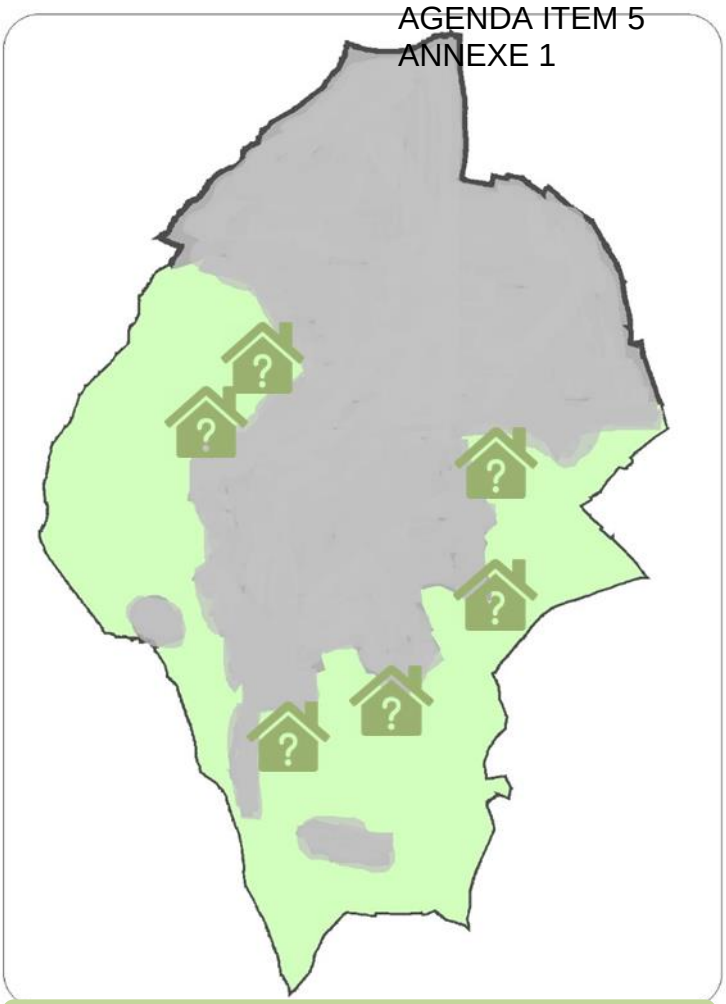
Limitations

- Some loss of Green Belt. Risk that the new Green Belt boundary no longer serves its purposes; such as preventing future unrestricted sprawl of the built up area or the merging of neighbouring towns.
- Pressure on infrastructure. The costs of delivering the necessary infrastructure will be very high and could prove too expensive to build.
- Questionable that house builders would be able to deliver the number houses planned for.
- Risk of failing to meet future housing targets.

Further work

- Additional work would need to be done to identify suitable sites, the number of homes that could be built as well as the infrastructure requirements.

What are Broad Areas of Search?



Broad Areas of Search Plan is indicative only

We want to protect the integrity of the Green Belt for its intended purpose but also to ensure that it continues to contribute positively to the borough's character and appearance; contributes towards biodiversity; helps mitigate the adverse impacts of climate change; provides world class horse racing and race horse training facilities and provides publically accessible open space uses for the borough's residents and others.

A study of the Green Belt has indicated that the majority of Green Belt land is performing its Green Belt functions well.

However, the need for more housing is great and we need to ensure that the Green Belt boundary set 70 years ago is fit for purpose for this generation and the next.

Create new areas for housing

From 300 up to 1,000 new homes

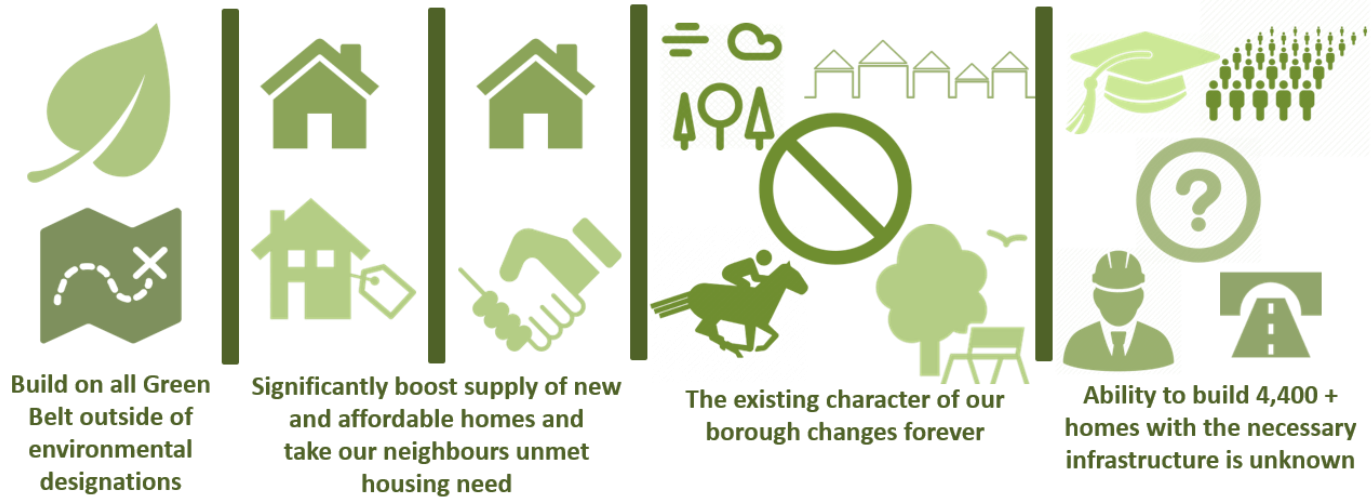
Often located on the edge of the urban area to maximise existing infrastructure capacity but unlike a collection of individual housing sites they have the critical mass to secure the provision of new infrastructure where it is not already available.

Therefore, we need to consider if there are any parts of the current Green Belt that could be suitable for new homes and infrastructure. If so, we would need to be sure that we could release this land without undermining the purpose of the Green Belt or damaging the appearance of the Borough.

Up to 44% of the Green Belt is covered by environmental designations, called Primary Constraints which restrict development (i.e. areas like Epsom Common). We think we should look first at land not affected by the Primary Constraints, these will be our Broad Areas of Search. We will need to undertake further work and assessments to see if there is land within the search areas that might be suitable for new neighbourhoods.

At the same time as considering whether to re-draw the boundary of the Green Belt to allow for new development, we should also consider whether there are any areas that should be included in it that are currently outside of the Green Belt.

Option 3- Significant Green Belt release to meet all our housing need and more



Option – Meet all housing need shortfall and more by:

Reviewing Green Belt boundaries to meet all long term housing need

- Seek to extensively amend the Green Belt land not protected by environmental designation (Primary Constraints).
- Release enough Green Belt land to meet the large majority of the new homes needed.

Seeking to take some of our neighbours unmet housing need

- This option could provide more than sufficient land to accommodate our housing need as well as creating space for new homes beyond the next 15 years or perhaps accommodate some of our neighbours' unmet housing need.

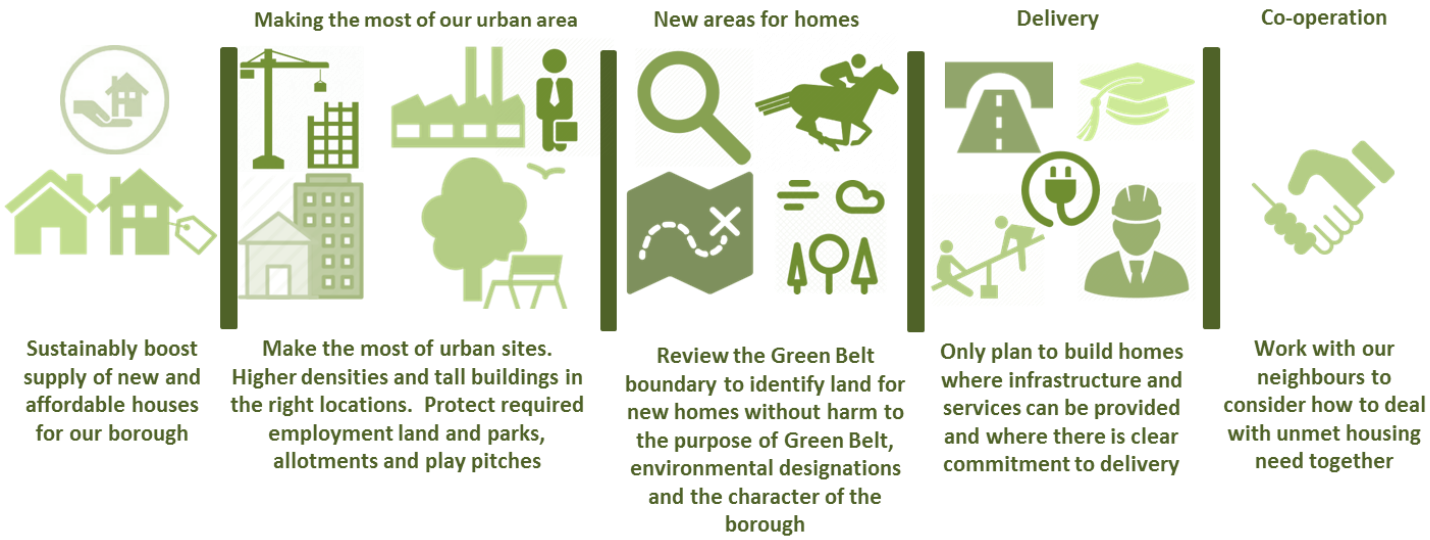
Advantages

- Protects the existing character of the urban area.
- Meets current housing need in full and perhaps could assist our neighbours in meeting their unmet housing need.
- Protects environmental designations, such as Epsom Common and Horton Park Nature Reserve.
- Considerably boosts supply of new and affordable homes for the borough and neighbouring areas.

Limitations

- Significant loss of existing of Green Belt land. Risk that the new Green Belt boundary no longer serves its purposes; such as preventing future unrestricted sprawl of the built up area or the merging of neighbouring towns.
- Fundamental changes to the overall character of the borough.
- Significant pressure on infrastructure. The costs of delivering the necessary infrastructure such as roads and schools, will be very high and likely too expensive to build.
- Highly questionable that house builders would be able to deliver the number of houses planned for in the plan period. Greater risk of failing to meet future housing targets.

Option 4-Finding the balance



Option – Seek to sustainably boost the supply of new and affordable homes by:

Making the most of our urban areas

- Continue to build on previously developed sites over the next five years.
- Increase densities and building heights on sites in accessible locations, where it will not negatively impact on character.
- Continue to protect employment land, parks, allotments and play pitches.

Reviewing Green Belt boundaries to meet long term housing needs

- Create a number of new areas for housing by undertaking a detailed review of our Green Belt to identify areas potentially suitable for new homes and supporting infrastructure. See **Broad Areas of Search** for more detail.
- This review could include adding some land to the Green Belt.

Co-operating with neighbours

- Work with our neighbours to come up with a strategy for managing the shortfall in homes.

Advantages

- Maintains existing character of the urban area.
- Less likely to lose employment land and green space.
- Protects the most important parts of the Green Belt ensures that new boundaries can be safeguarded long term.
- Boosts supply of new and affordable homes with the supporting infrastructure such as schools especially on larger sites.

Limitations

- Limited loss of existing Green Belt land for new development after the next five years.
- Will not meet all housing needs and will mean reliance on working with neighbours to meet the shortfall.

Further work

- Additional work needs to be done to identify suitable sites, the number of homes that could be built as well as the infrastructure requirements.

Questions

Question 1: Should we adopt Option 1 and rely on urban intensification using high densities?

Yes ☐

No ☐

Question 2: Should we follow Option 2 and review our Green Belt boundaries in order to help meet our long-term housing needs?

Yes ☐

No ☐

Question 3: Are there any areas that should be added to the Green Belt?

Yes ☐

No ☐

If yes, where? ☐

Question 4: Would you be willing to support Option 3 – using extensive areas of the Green Belt?

Yes ☐

No ☐

Question 5: Would you be willing to accommodate the housing needs of other areas outside the Borough?

Yes ☐

No ☐

Question 6: Would you support Option 4 – a balanced approach where much of our need is met within the urban area but some is allocated to land currently within the Green Belt?

Yes ☐

No ☐

Question 7: Where should higher density or taller buildings go?

Town centre ☐ by train stations ☐ everywhere ☐ nowhere ☐ other ☐

Question 8: Do you have an alternative suggestion to significantly boost housing and meet our housing need?

☐

Question 9: Would you like to promote any particular site or location for development?

☐

Question 10: If you don't particularly like any of the four stated options, which one, in your opinion is the least bad?

Option 1 ☐ Option 2 ☐ Option 3 ☐ Option 4 ☐

Getting involved and next steps

How can you get involved?

We are asking you to consider some big and difficult issues on how we plan effectively for future growth and where new homes should be built. It is not simply a matter of 'yes' or 'no' to new homes but an opportunity to shape the future direction of the local plan and identify the matters that are most important to you.

For more information and to give your views go to www.epsom-ewell.gov.uk/localplan and complete the E-form.

To keep up to date on progress with our Local Plan, register by emailing your details to: localplan@epsom-ewell.gov.uk.

Promoting land for development

Earlier this year land owners, agents, communities and other interested parties had the opportunity to promote sites for future housing and any other uses. We have already had some positive feedback.

If you have yet to put forward a site, we would encourage you to do so at this early stage so it can be fully considered. To discuss promoting a site, please contact us at: localplan@epsom-ewell.gov.uk .

How long is it going to take?

This issues and options consultation will run for 6 weeks. After that and informed by your views and the evidence gathered to date, further work is to be undertaken to produce detailed plans and proposals that will form the update to the local plan.

We will be undertaking further consultation during 2018 so this is only the beginning of a process of which you will hear more in due course before the more formal stages leading up to the final approval the new Local Plan in 2019.

Contacts us

If you have any questions you wish to ask before completing the questionnaire, please email us at: localplan@epsom-ewell.gov.uk . Officers are available to discuss matters face to face upon request. Alternatively you may wish to contact your local Ward Councillor- details of your Councillor can be found on our website.

We are happy to provide information in other languages, large print, Braille or on audio tape. Please contact our Customer Services team on 01372 732000 if you would like this service.

SEXUAL ENTERTAINMENT VENUE AND SEX ESTABLISHMENT POLICY

Report of the:	Head of Housing & Community
Contact:	Angela Slaughter
Urgent Decision?(yes/no)	No
If yes, reason urgent decision required:	N/A
Annexes/Appendices (attached):	Annexe 1: Draft Revised Sexual Entertainment Venue and Sex Establishment Policy
Other available papers (not attached):	Current Sexual Entertainment Venue and Sex Establishment Policy Code of Conduct and Practice in Licensing Procedures and Hearings for Sexual Entertainment Venue and Sex Establishment Premises Local Government (Miscellaneous Provisions) Act 1882

REPORT SUMMARY

This report requests the Committee to recommend to Council the adoption of a Revised Sexual Entertainment Venue and Sexual Establishment Policy.

RECOMMENDATION (S)	*Notes*
(1) That the Committee agrees to recommend to Council the adoption of the revised Sexual Entertainment Venue Policy as attached as Annexe 1 to this report.	

1 Implications for the Council's Key Priorities, Service Plans and Sustainable Community Strategy

1.1 The revised amendments will ensure that the Council continues to exercise its licensing function.

2 Background

2.1 On 27 April 2010 the Council adopted provisions which allows Local Authorities to regulate venues which offer sexual entertainment facilities. These provisions under Section 27 of the Policing and Crime Act 2009 were inserted into Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982.

3 Proposals

3.1 The revised Sexual Entertainment Venue and Sex Establishment Policy sets out the process to Transfer, Renew, or Vary the licence for premises already licensed in the Borough. The revisions are highlighted in Annexe 1, in paragraphs 4, 5, 9 and 15.

4 Financial and Manpower Implications

4.1 None.

4.2 ***Chief Finance Officer's comments****: No direct financial implications, any costs of administering this policy or income are contained within existing Council budgets.*

5 Legal Implications (including implications for matters relating to equality)

5.1 None.

5.2 ***Monitoring Officer's comments:*** *It is important that the Council has an up to date policy, to guide the discharge of its licensing authority functions in relation to Sexual Entertainment Venues and Sex Establishments.*

6 Sustainability Policy and Community Safety Implications

6.1 The adoption of the Revised Policy will ensure that the Licensing Authority continues to effectively carry out its functions using all legislative powers it has been afforded with.

7 Partnerships

7.1 None

8 Risk Assessment

8.1 None

9 Conclusion and Recommendations

9.1 That the Committee agrees to recommend to Council the adoption of the Sexual Entertainment Policy as attached as Annexe 1 to this report. To be effective from 1 January 2018.

WARD(S) AFFECTED: (All Wards);

Epsom & Ewell Borough Council

Sexual entertainment venue and sex establishment policy

Effective from: 1 January 2018

1. Introduction

1.1 Epsom and Ewell is a small and modern borough with a population of around 79,000. The borough's historical roots are noteworthy and its future solid. Surrounded by award winning green spaces but with easy access to the city life of London, the area has been recognised as one of the best places to live and work in the UK.

1.2 Epsom & Ewell Borough Council's vision is ' Making Epsom and Ewell and excellent place to live and work' and we have four key priorities that support our vision:

Supporting our community

Supporting businesses and our local economy

Keeping our borough clean and green

Managing our resources

2. Definition of sex establishments

2.1 The policy applies to sex shops, sex cinemas and sexual entertainment venues.

2.2 Sex shops are premises whose business consists of, to a significant degree, the selling, hiring, exchanging, lending, displaying or demonstrating of sex articles or other things intended for the use in connection with, or for the purpose of stimulating or encouraging sexual activity or acts of force or restraint associated with sexual activity.

2.3 Sex cinemas are premises (except dwelling houses) which, to a significant degree, are used for the exhibition of moving pictures concerned primarily with;

a) the portrayal of/primarily deal with/relate to/intend to stimulate or encourage sexual activity or acts of force or restraint associated with sexual activity or
b) the portrayal of/primarily deal with/relate to genital organs or urinary or excretory functions.

A premises shall not be treated as a sex cinema if the premises are used for the exhibition of films under the use and authorization of the Licensing Act 2003.

2.4 A Sexual Entertainment Venue (SEV) is defined as "any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer.

2.5 Relevant entertainment is "any live performance or live display of nudity which is of such nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purposes of sexually stimulating any member of an audience (whether by verbal or other means)". An audience can consist of just one person (eg where the entertainment takes place in private booths).

2.6 Epsom & Ewell Borough Council considers that the definition of relevant entertainment

applies, although not exclusively, to the following forms of entertainment:

- lap dancing
- pole dancing
- table dancing
- strip shows
- peep shows
- live sex shows.

3. **Premises that are not sexual entertainment venues**

3.1 Paragraph 2A(3) of Schedule 3 of the Local Government (Miscellaneous Provisions) Act 1982 sets out those premises that are not sexual entertainment venues. These are:

- sex shops and sex cinemas
- premises which provide relevant entertainment on an infrequent basis. These are defined as premises where:
  a) no relevant entertainment has been provided on more than 11 occasions within a 12 month period
  b) no such occasion has begun within a period of one month beginning with the end of the previous occasions; and
  c) no such occasion has lasted longer than 24 hours
- other premises or types of performances or displays exempted by an order of the Secretary of State.

4. Waiver of the need for a sexual entertainment licence

4.1 The authority can grant a waiver for the requirement to hold a sexual entertainment licence if it considers that to require a licence would be unreasonable or inappropriate.

4.2 Waivers may be granted to;

- Book shops, including shops where sale of DVD's and CD's are present
- Sexual Health Clinics
- Cases where we consider that the requirement for a licence is borderline, where events are minor or temporary, or where clarity or regularisation is required.
- Educational Establishments as part of a recognised educational curriculum.

4.3 We will consider each application for a waiver on its individual merits, however, any establishment that would normally require a licence under the provisions of the 1982 Act is unlikely to be granted a waiver other than in exceptional circumstances.

An application for waiver shall be made in writing and shall contain the full name of the applicant; address of the applicant, the age of the applicant. If an application is made by a corporate body it shall contain the full name of the body, the address of its registered or principal office and the full names and private addresses of the directors or other persons responsible for its management.

The application shall also contain the full address of the premises and if the application is relating to a vehicle, vessel or stall shall state where it is to be used as a sex establishment.

4.4 In order for a waiver to be considered, an applicant must provide the basic information included in the application form, and any other information that we may reasonably require in order to make our decision.

4.5 A waiver may be for such period as the Licensing Authority thinks fit. Where a waiver is granted, we will give notice to the applicant stating the application has been granted. We may at any time give a person who would require a licence but for a waiver, notice that the waiver is to terminate, on a date not less than 28 days from the date on which we give the notice, or as may be specified in the notice.

5. New Applications

5.1 An application must be made by completing the prescribed form, giving the full address of the premises, the name, permanent address and age of the applicant or, where the applicant is a business, the name and registered or principal office address of the company and the names and private addresses of its directors or others responsible for the management of the company. The fee must be submitted with the application.

5.2 In addition to completing the prescribed form, applicants for a licence must also give public notice of the application by publishing an advertisement in a local newspaper that is circulated within the borough of Epsom and Ewell no later than seven days after the application is made, together with displaying a notice on the premises where it can be conveniently read by members of the public. The notice shall be displayed for a period of 21 days, beginning with the date the application was made. The authority will prescribe the notice, which will be size A3.

5.3 Where an application is submitted electronically, the Licensing Authority will serve the Chief Officer of Police a copy of the application within seven days of the application being submitted, where the application is not submitted electronically, the applicant must serve notice on the police no later than seven days after the date of application.

5.4 If a New application is not opposed, it shall be approved under delegated authority to relevant officers. All contested applications for renewal, as described in the Act shall be referred to the Licensing Hearings Panel for determination as per 7.1.

Variation of Licence

5.5 The application form, with relevant plans and fee follow the same criteria as set out in paragraph 5.1, 5.2 and 5.3. The fee must be submitted with the application.

Variation applications relate to proposed changes to the licensing hours and the floor area of premises covered by the existing licence. Any changes to the licensee require a Transfer of the licence.

5.6 If a Variation application is not opposed, it shall be approved under delegated authority to relevant officers. All contested applications for renewal, as described in the Act shall be referred to the Licensing Hearings Panel for determination as per 7.1.

Renewal Applications

5.7 When considering a renewal application the authority may take into account the criteria set out at paragraph 8.2 a) to d). The fee must be submitted with the application.

5.8 If a renewal application is not opposed, it shall be approved under delegated authority to relevant officers. All contested applications for renewal, as described in the Act shall be referred to the Licensing Hearings Panel for determination as per 7.1.

Transfer of Licence

5.9 When determining an application for the transfer of a licence the authority will have regard to paragraphs 8.1 a) to e). The fee must be submitted with the application.

5.10 If a transfer application is not opposed, it shall be approved under delegated authority to relevant officers. All contested applications for renewal, as described in the Act shall be referred to the Licensing Hearings Panel for determination as per 7.1.

6. Objections

6.1 Objections can be made, in writing, within 28 days from the date of the application. Anyone is entitled to object. The objection should be relevant to the grounds set out in paragraph 8.2 below for refusing a licence. Moral grounds or values will not be considered relevant.

6.2 The Licensing Authority shall notify the applicant in writing of the general terms of the objections received within 28 days, though shall not, without the express consent of the objector, make public the personal details of the objector .

7. Hearings

7.1 Where objections are received, the application shall be referred to the Licensing Hearings Panel for determination, except where the objections received are frivolous or vexatious. Each application will be determined on its individual merit.

7.2 Where the Licensing Hearings Panel decides to refuse an application, the applicant will be provided with reasons for the decision in writing.

7.3 The Licensing Hearings Panel has the power to attach conditions to any grant which it deems necessary, non-discriminatory and proportionate.

8. Refusal of licence

8.1 A licence **must not** be granted:

a) to a person under the age of 18
b) to a person who is for the time being disqualified due to having had a previous licence revoked in the area of the appropriate authority within the last 12 months
c) to a person, other than a body corporate, who is not resident in an EU state or was not so resident throughout the period of six months immediately preceding the date when the application was made
d) to a body corporate which is not incorporated in an EU state
e) to a person who has, within a period of 12 months immediately preceding the date when the application was made, been refused the grant or renewal

of a licence for the premises, vehicle, vessel or stall in respect of which the application is made, unless the refusal has been reversed on appeal.

8.2 A licence **may be** refused on one or more of the following grounds:

a) the applicant is unsuitable to hold a licence by reason of having been convicted of an offence or for any other reason
b) if the licence were to be granted, renewed or transferred the business to which it relates would be managed or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application himself
c) the number of sex establishments, or sex establishments of a particular kind, in the relevant locality at the time of application is determined is equal to, or exceeds the number which the authority consider is appropriate for that locality
d) that the grant or renewal of the licence would be inappropriate, having regard:
   i. to the character of the relevant locality
   ii. to the use to which any premises in the vicinity are put
   iii. to the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.

9. Revocation of a licence

9.1 A licence can be revoked by the Licensing Hearings Panel at any time on any one of the grounds set out in 8.1 a to e, 8.2 a to d.

9.2 The Licensing Authority will not revoke a licence without the licence holder being given an opportunity to appear before the Licensing Hearings Panel.

9.3 Where a licence is revoked, the Council shall give the licensee a statement in writing of the reasons for its decision.

9.4 When the Licensing Authority revokes a licence, the decision does not take effect until the time for bringing an appeal has expired.

10. Cancellation of a Sexual Entertainment Venue Licence

10.1 The Licensing Authority may at the written request of the licence holder cancel the licence.

10.2 If a licence holder dies then the licence will have been deemed to have been granted to the licence holder's personal representatives and will remain in force for three months from the date of the licence holder's death and will then expire.

10.3 The Licensing Authority can, however, on the application of the licence holder's personal representatives extend the three month period if the Authority is satisfied that an extension is necessary for the purpose of winding up the late licence holder's estate. The Authority will only do so where there are no circumstances that make such an extension undesirable.

11. Relevant locality

11.1 When determining an application, the authority will have regard to the character of the relevant locality, the use of the premises in the vicinity and the layout, character, condition or location of the premises.

11.2 The authority shall have a general policy presumption against the granting of licences which are:

a) adjacent to, or in the vicinity of places of worship
b) adjacent to, or in the vicinity of schools or other educational establishment
c) adjacent to, or in the vicinity of public buildings or community facilities
d) adjacent to, or in the vicinity of family residential areas
e) adjacent to, or in the vicinity of a family leisure area
f) in an area earmarked for regeneration of a particular kind.

11.3 Each application will be considered on its own merit taking into consideration the above, as the Licensing Authority consider there may be some suitable locations for sex establishment licences within the Borough.

12. Pre-application discussions

12.1 The authority recognises that a partnership approach is more likely to ensure the licensing objectives are achieved and maintained. Pre-application discussions between the applicants, the authority and the other relevant agencies will be encouraged so that the licensing process itself can be as trouble free as possible.

13. Licence conditions relating to a sexual entertainment venue

13.1 Should the authority decide to grant a licence, conditions will be imposed on the licence, such conditions may seek to restrict:

- the hours of opening and closing
- displays and advertisements on or in sex establishments
- the visibility of the interior of a sex establishment to passers-by
- any change of use from one kind of sex establishment to another.

14. Duration of licences

14.1 Licences for sex establishments will usually be granted for one year. It may be possible to a licence for a shorter period in exceptional circumstances

15. Appeals

15.1 In the event that the Authority refuses an application for the grant, renewal, variation, transfer or revocation of a sex establishment licence, the applicant may appeal the decision to the Magistrates' Court, unless the application was refused under either of the reasons stated in paragraph 8.1 a) to d) (unless the applicant seeks to show that the criteria do not apply to him) or 8.2 c) or d) above, in which case the applicant can only challenge the refusal by way of judicial review. An appeal can also be made against the imposition of conditions.

15.2 Appeals must be made within 21 days from the date of written notification of the decision.

SURREY-WIDE CONVICTIONS POLICY FOR HACKNEY CARRIAGE AND PRIVATE HIRE DRIVERS

Report of the:	Head of Housing & Community
Contact:	Rachel Jackson
Urgent Decision?(yes/no)	No
If yes, reason urgent decision required:	
Annexes/Appendices (attached):	None
Other available papers (not attached):	None

REPORT SUMMARY

That the Committee agree in principal to the adoption of a Surrey-wide convictions policy for Hackney Carriage and Private Hire Drivers

RECOMMENDATION (S)	*Notes*
(1) That the Committee agree in principle to the formulation of a Surrey-wide convictions policy for Hackney Carriage and Private Hire Drivers.	

1 Implications for the Council's Key Priorities, Service Plans and Sustainable Community Strategy

1.1 None for the purposes of this report.

2 Background

2.1 Officers have been working in partnership with all 11 Surrey Authorities on a Licensing and Safeguarding project whose aim is to make improvements to licensing in Surrey to meet safeguarding responsibilities.

2.2 One key aim of the project is to implement a convictions policy across the county relating to Hackney Carriage and Private Hire Drivers. The formulation of the policy has been led by Guildford Borough Council in liaison with all Surrey Authorities, and Surrey Chief Executives agreed that a common (Surrey wide) convictions policy for drivers should be supported.

2.3 Other proposals in the project include training for drivers, information sharing and matters under the Licensing Act. Once progressed, any such proposals will be brought to this Committee for consideration as necessary.

2.4 The intention is that a common convictions policy is adopted across the county. As the intention would be to formulate a single policy Surrey-wide, one Authority (Reigate & Banstead Borough Council) will facilitate the public consultation. This Authority would of course have links to the consultation on our website and other trade communications.

2.5 The draft policy is extensive, and of a different style to other licensing policies adopted by this Authority, therefore Members will be notified when the consultation period commences to ensure that any comments or observations they wish to submit can be taken into account.

2.6 The final policy would be brought to this Committee in January for adoption. It is proposed that only very minor (if any) changes should be considered at this time to ensure that there are no significant deviations from the common policy.

3 Proposals

3.1 That the Committee agree in principle to the adoption of a Surrey-wide convictions policy (following public consultation) which would sit alongside the Authority's Hackney Carriage and Private Hire policy.

3.2 Following the consultation, a further report will be brought to the Committee in January recommending adoption of the policy.

4 Financial and Manpower Implications

4.1 The implementation of the new policy will be progressed using existing officer resources.

4.2 ***Chief Finance Officer's comments: All financial implications and budget requirements are addressed within the Council's Medium Term Financial Strategy and Efficiency Plan.***

5 Legal Implications (including implications for matters relating to equality)

5.1 ***Monitoring Officer's comments:*** The Local Government (Miscellaneous Provisions) Act 1976 requires the Council to be satisfied that a person is a fit and proper person to hold a Hackney Carriage or Private Hire driver's licence. The adoption of a countywide policy would ensure a consistent and robust approach is taken across all Surrey licensing Authorities.

6 Sustainability Policy and Community Safety Implications

6.1 None for the purposes of this report.

7 Partnerships

7.1 Surrey-wide Local Authority partnership working is critical to ensuring the policy is adopted across the County.

8 Risk Assessment

8.1 There are no significant risks arising from this report.

9 Conclusion and Recommendations

9.1 That the Committee agree in principle to the formulation of a Surrey-wide convictions policy, and that the final policy be approved by this Committee in January 2018.

WARD(S) AFFECTED: (All Wards);

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