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Legal and Democratic Services



STRATEGY AND RESOURCES COMMITTEE

Tuesday 27 October 2020 at 7.00 pm

Place: Remote Meeting

PLEASE NOTE: this will be a 'virtual meeting'.

The link to the meeting is: <https://attendee.gotowebinar.com/register/1026203199036810251>
Webinar ID: 136-125-563

Telephone (listen-only): 020 3713 5022, Telephone Access code: 447-834-654

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

Councillor Eber Kington (Chairman)
Councillor Clive Smitheram (Vice-Chairman)
Councillor Arthur Abdulin
Councillor Steve Bridger
Councillor Kate Chinn

Councillor Nigel Collin
Councillor Hannah Dalton
Councillor David Gulland
Councillor Colin Keane
Councillor Barry Nash

Yours sincerely

A handwritten signature in black ink that reads "J.C. Beldan".

Chief Executive

For further information, please contact Democratic Services, email: democraticservices@epsom-ewell.gov.uk or tel: 01372 732000

Public information

Please note that this meeting will be a 'virtual meeting'

This meeting will be held online and is open to the press and public to attend as an observer using free GoToWebinar software, or by telephone.

A link to the online address for this meeting is provided on the first page of this agenda and on the Council's website. A telephone connection number is also provided on the front page of this agenda as a way to observe the meeting, and will relay the full audio from the meeting as an alternative to online connection.

Information about the terms of reference and membership of this Committee are available on the [Council's website](#). The website also provides copies of agendas, reports and minutes.

Agendas, reports and minutes for the Committee are also available on the free Modern.Gov app for iPad, Android and Windows devices. For further information on how to access information regarding this Committee, please email us at Democraticservices@epsom-ewell.gov.uk.

Exclusion of the Press and the Public

There are no matters scheduled to be discussed at this meeting that would appear to disclose confidential or exempt information under the provisions Schedule 12A of the Local Government (Access to Information) Act 1985. Should any such matters arise during the course of discussion of the below items or should the Chairman agree to discuss any other such matters on the grounds of urgency, the Committee will wish to resolve to exclude the press and public by virtue of the private nature of the business to be transacted.

Questions from the Public

Questions from the public are permitted at meetings of the Committee. Any person wishing to ask a question at a meeting of the Committee must register to do so, as set out below.

Up to 30 minutes will be set aside for written or oral questions from any member of the public who lives, works, attends an educational establishment or owns or leases land in the Borough on matters within the Terms of Reference of the Strategy and Resources Committee which may not include matters listed on a Committee Agenda.

All questions whether written or oral must consist of one question only, they cannot consist of multi parts or of a statement.

The question or topic may not relate to a specific planning application or decision under the Planning Acts, a specific application for a licence or permit of any kind, the personal affairs of an individual, or a matter which is exempt from disclosure or confidential under the Local Government Act 1972. Questions which in the view of the Chairman are vexatious or frivolous will not be accepted.

To register to ask a question at a meeting of the Committee, please contact Democratic Services, email: democraticservices@epsom-ewell.gov.uk, telephone: 01372 732000.

Written questions must be received by Democratic Services by noon on the tenth working day before the day of the meeting. For this meeting this is **Noon, 13 October**

Registration for oral questions is open until noon on the second working day before the day of the meeting. For this meeting this is **Noon, 23 October**

AGENDA

1. QUESTION TIME

To take any questions from members of the Public.

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. THE WELLS REDEVELOPMENT (Pages 5 - 14)

This report updates Committee on the Wells site following the Council's Planning Committee on 9 July 2020. It recommends a feasibility study be undertaken to enable Committee to consider the cost and layout implications of a revised scheme.

4. ROAD TO RECOVERY (Pages 15 - 24)

This paper sets out the challenges facing Epsom and Ewell's local economy as a result of COVID-19 and the positive action being taken by the Council to support the road to economic recovery.

5. DISTRIBUTION OF GRANT FUNDING TO VOLUNTARY ORGANISATIONS (Pages 25 - 34)

The report seeks the allocation of grant funding to support those most impacted by COVID-19 and on-going pressures for winter 2020, including transition towards EU exit.

6. DEVELOPING A PIPELINE FOR FUTURE INVESTMENT (Pages 35 - 42)

As part of the Council's active engagement in the recovery of the local economy in Epsom and Ewell, it is important that the Council takes steps to ensure the borough is in a position to access inward investment opportunities from the Local Enterprise Partnership (LEP), the County Council, and from Government.

Key to this is developing a pipeline of future investment opportunities that are capable of being brought forward in a reasonable timeframe. This report recommends that a one-off budget of £50,000 be allocated to enable the Council to progress the development of this future investment pipeline.

7. TELECOMMUNICATIONS EQUIPMENT WELLS ROAD (Pages 43 - 82)

A request for siting of telecommunication equipment has been received on Council owned land at Wells Road. Permission for its siting is sought and agreement to a ten year lease on terms to be negotiated.

THE WELLS REDEVELOPMENT

Head of Service/Contact:	Mark Shephard, Head of Property and Regeneration
Wards affected	All wards
Urgent Decision?(yes/no)	No
If yes, reason urgent decision required:	
Appendices (attached):	Confidential Appendix 1 – Budget Breakdown

Summary

This report updates Committee on the Wells site following the Council's Planning Committee on 9 July 2020. It recommends a feasibility study be undertaken to enable Committee to consider the cost and layout implications of a revised scheme.

Recommendation (s)

The Committee is asked to:

- (1) Agree to the preparation of additional feasibility work on options for a revised scheme;**
- (2) Approves a budget of up to £25,000 to cover the costs of the feasibility work, to be funded from the Corporate Projects Reserve;**
- (3) Agrees to a report being brought back to this Committee as soon as the feasibility work has been completed.**

1 Reason for Recommendation

- 1.1 The recommendations set out above, if approved, will allow the cost and layout implications of a revised scheme to be considered. This will progress the Wells redevelopment enabling the delivery of much-needed new homes.

2 Background

- 2.1 Redevelopment of the Wells site presents an opportunity to realise two key Council priorities:-
- 2.2 **Affordable Housing** - the Borough has one of the smallest affordable housing supplies in the Country (in terms of actual number of homes and the ratio of affordable (social) housing to owner-occupied housing).
- 2.3 The Borough's Strategic Housing Market Assessment (SHMA) 2019 concludes that an average of just 59 affordable homes become annually available in the Borough to house those with the greatest housing need. It further states that;

“An estimated 349 households per annum could not afford to pay the market entry threshold cost and therefore needed affordable housing.”

The SHMA therefore identifies an annual need for 349 new affordable homes each year assuming the average of 59 re-lets of affordable homes continue to be made available.

- 2.4 The 59 average annual affordable re-lets cannot be guaranteed as their availability can be affected by a number of factors. These include an increase in tenant right to buy acquisitions depleting the existing supply together with new affordable housing schemes not necessarily increasing supply. For example, a new Housing Association led re-development may lead to any available affordable re-lets being used to de-cant existing tenants rather than house new ones.
- 2.5 The full extent of the impact of the Covid-19 pandemic on homelessness levels in the Borough is not yet known. However, it is expected to increase demand for homelessness prevention accommodation and settled affordable housing in the Borough as the UK's unemployment level continues to rise.
- 2.6 **Housing Numbers** – government has indicated that the Borough must deliver 579 new homes per year and recently proposed that this figure should increase to 604 new homes per annum.
- 2.7 The SHMA 2019 forms part of the key evidence base underpinning the Local Plan and concludes that the current level of housing completions in Epsom and Ewell is “*significantly below*” the calculated need.

- 2.8 The latest Annual Monitoring Report for the period 1 April 2018 – 31 March 2019 (prepared by the Council’s Planning Department), demonstrates that during 2018/2019, a total of just 165 new homes were delivered. Housing delivery has been on average 248 dwellings per annum since 2006. The analysis concludes; *“This year we have achieved 28% of our identified housing need. This is the lowest level of delivery since the monitoring period began. Historic peaks in delivery during 2012/13 and 2016/17 can be explained by a number of completions on strategic housing sites on the West Park and St Ebbas (known as Hospitals cluster) sites in 2012/13 and the redevelopment of the former Linton’s Centre site between 2016/17.”*
- 2.9 A number of measures are in place to address declining housing delivery including the Borough’s Transformation Masterplan, Urban Capacity Study, Housing Delivery Action Plan and a policy statement on optimising housing delivery. Despite these, there remains an insufficient number of sites coming forward for the delivery of new homes.
- 2.10 The Wells site is therefore a prime opportunity to help meet the government’s objectively assessed housing need of 579 homes per year as well as take action to address the demand for much needed affordable housing.

Committee Approval History

- 2.11 In February 2018, Strategy & Resources Committee approved; *“the residential redevelopment of the Wells site, including the provision of a community facility of up to 1,500 sq ft (to be operated and managed by the community).”*
- 2.12 In September 2018, Committee approved a residential scheme with the community facility located along the southern boundary close to the play area adjacent to the public footpath.
- 2.13 Committee agreed that a planning application should be prepared for submission together with the establishment of a community led group to refine the community facility design and management arrangements.
- 2.14 On 9 July 2020, the Council’s Planning Committee considered the planning application (Ref: 19/00929). It was considered to be largely policy compliant by the Planning Service and on balance received a positive officer recommendation for approval.
- 2.15 The Planning Committee debate indicated that the submitted scheme of 23 flats (including 40% affordable housing), 27 parking spaces and 26 cycle spaces, a community facility of 1,625 sq ft, a new children’s play area and a retained public right of way, could not be supported and raised the following items recorded in the Minutes:

- **Parking facilities:** *Members noted the number of proposed car parking spaces for the residential units, and raised concerns regarding the impact this may have on the local area. It was noted that emergency vehicles may be delayed in attending the site due to a lack of turning space to non-domestic vehicles, and that it may be a possibility to fit approved British-standard sprinkler systems in lieu of potential delays from the Fire Brigade in emergencies.*
- **Privacy to neighbouring residents:** *Members noted concerns regarding the proposed redevelopment of the community centre and the loss in private amenity space that this may cause to residents on Wells Way. Members highlighted that part of the proposal includes plans to plant trees to offer some privacy to residents on Wells.*
- **Affordable housing:** *Members noted the shortage of housing within the Borough and how the proposed development would be of benefit in fulfilling need. Members noted the number of units being offered as affordable housing and spoke about the possibility of this number being increased.*
- **Character of building:** *Members noted concerns regarding the proposed residential element of the scheme. It was noted that the materials and detailing were important factors and required careful handling.*

Planning Committee agreed to defer the matter; “to give Officers the opportunity to discuss concerns raised by the Committee. These include:

- **Highways and parking**
- **Housing mix**
- **Privacy to neighbouring residents**
- **Style and suiting of proposed development”**

2.16 Planning Committee further agreed that the application be “*brought back to the Committee once all the additional information is available*”.

2.17 Given the above feedback, if the site is to be developed within a reasonable timeframe it will be necessary to explore the options for bringing forward a revised scheme to address the areas of concern raised by the Planning Committee. These will need to be properly explored and costed and will require external expertise.

3 Proposal

- 3.1 To address the feedback from the Planning Committee, a feasibility study is required for the revised scheme options. Affordable housing will be prioritised and it will need to be sufficiently detailed to allow initial financial viability work to be undertaken.
- 3.2 The study will consider options for a revised scheme and incorporate the following:
- An initial analysis of the residential accommodation and suitability for affordable housing, site layout, parking provision and community facilities.
 - A review of the massing and likely form of the residential building based on the optimum accommodation layout and the relationship with the adjoining buildings.
 - A set of plans will be prepared to visualise a likely scheme.
 - Traditional design and approach to both construction and pallet of materials (e.g. Surrey vernacular).
- 3.3 It is recommended that a budget of up to £25,000 be approved to cover the professional and technical costs associated with this work.
- 3.4 On completion, the feasibility study will be brought back to a future meeting of this Committee for consideration.

4 Risk Assessment

Legal or other duties

4.1 Impact Assessment

4.1.1 There are no impact assessment implications for this report.

4.2 Crime & Disorder

4.2.1 There are no crime and disorder implications from this report.

4.3 Safeguarding

4.3.1 There are no safeguarding implications for this report.

4.4 Dependencies

4.4.1 None arising from this report.

5 Financial Implications

- 5.1 A cost breakdown of the proposed feasibility study is attached at confidential Part II Appendix 1. The individual figures are commercially sensitive pending procurement.
- 5.2 **Section 151 Officers comments:** *Across three tranches in 2018, a total budget of £175,000 was allocated to develop and progress the previous Wells Redevelopment proposals, to be funded from the Corporate Projects Reserve. Of this budget, £25,000 remains unspent and it is now proposed to use this remaining funding for additional feasibility work on options for a revised scheme.*

6 Legal Implications

- 6.1 None arising from the contents of this report.
- 6.2 **Monitoring Officer's comments:** *none arising from the contents of this report.*

7 Policies, Plans and Partnerships

7.1 Council's Key Priorities:

Progression of the site's development will move the Council closer to delivery of some of the key objectives set out in its 'Vision for Epsom & Ewell' and 4 year Corporate Plan; in particular:

- **Opportunity and Prosperity** – secure more affordable housing for local workers, students and families.
- **Safe and Well** – contribute to a safer environment, protecting local employment opportunities by creating affordable housing for key workers. The provision of a community available to all generations alongside a new children's play area will complement the existing community spirit.
- **Cultural and Creative** - the community facility would support the principle that enhances the 'Cultural and Creative' opportunities in the Borough "*where people work together for the benefit of the community*".

7.2 Future development will also support the Council's agreed Statement on Economy and Place:

- Maximising returns from property assets.
- Contributing to the Council's Housing Delivery Action Plan by bringing forward the development of new housing and more affordable homes for local people.
- Delivery of 'High quality, sustainable and energy efficient buildings which include new green spaces'.

7.3 **Service Plans:** The matter is included within the current Service Delivery Plan.

7.4 **Climate & Environmental Impact of recommendations:** None arising from this report.

7.5 **Partnerships:** None arising from this report.

8 Background papers

8.1 The documents referred to in compiling this report are as follows:

Previous reports:

- Minutes of the Meeting of the Planning Committee held on 9 July 2020
- Future Use of the Wells Site – report to Strategy & Resources Committee of 27 November 2018

Other papers:

- Strategic Market Housing Assessment 2019
- Annual Monitoring Report 1 April 2018 – 31 March 2019

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ROAD TO RECOVERY

Head of Service:	Damian Roberts, Chief Operating Officer
Wards affected:	(All Wards);
Urgent Decision?(yes/no)	No
If yes, reason urgent decision required:	
Appendices (attached):	None

Summary

This report sets out the challenges facing Epsom and Ewell's local economy as a result of COVID-19 and the positive action being taken by the Council to support the road to economic recovery.

Recommendation (s)

The Committee is asked to:

- (1) **Note the challenges facing Epsom and Ewell's economy as a result of COVID-19 and its aftermath;**
- (2) **Confirm their support for the range of actions set out in this report being taken by the Council to support local businesses and the wider economy with the process of recovery.**

1 Reason for Recommendation

- 1.1 COVID-19 has had a significant impact on local businesses and employment across the country and in Epsom and Ewell. A strong economy is vital to the future success of the borough and its communities, as well as essential for the effective operation of the Council.

2 Background

- 2.1 A strong economy, confidence and investment in the future and access to meaningful jobs for local people are all vital for the wider success of the borough and the ability of the Council to generate income to pay for local services. It is also key to the delivery of the long-term vision for Epsom and Ewell, in particular being a place for "opportunity and prosperity".

- 2.2 COVID-19 and its aftermath is a significant threat to Epsom and Ewell's local economy and in the Summer the Bank of England confirmed that the UK economy on course to shrink by 14% in 2020 making it the deepest recession on record.
- 2.3 With the recent introduction of the "rule of six" further tightening of social distancing rules, and the very real risk of further constraints or lockdowns in the coming weeks and months as infection rates of COVID-19 continue to rise across the country and in the South East, the local economy remains fragile.

3 The importance of a strong economy for Council operations

- 3.1 Looking beyond the recent lock-down period and into the rest of the financial year 2020/21 and into next the impact of COVID-19 and its aftermath on the local economy could impact on the Council in a variety of ways:
- Collection rates on both Council Tax and Business Rates could be adversely impacted;
 - Car parking use and associated income levels may not return to previous levels;
 - Fewer people than previously may be prepared to visit venues such as Bourne Hall and the Rainbow Leisure Centre and book social events in Council buildings or activities on Council land;
 - As with other theatres across the country, the Playhouse may need to remain closed for the time being;
 - Some commercial tenants in Council owned property may default on their rents;
 - Other income streams that are linked to economic activity could also be impacted (eg Building Control, Planning and Licencing etc)
 - Residents may no longer be able to afford their mortgages or the rent they pay for their home, and could find themselves adding to the Council's homelessness pressures. The extra pressures on households can also lead to increases in domestic abuse, creating even greater pressures on the housing service to source accommodation for those escaping abuse.
- 3.2 Unfortunately, if more people are out of work there is also likely to be an increase in the numbers of people experiencing poor mental health and an increase in crime and anti-social behaviour, as some people are drawn into other ways to spend their time or supplement their income.

The real impact on the Council is unlikely to be fully felt until later in the year at the earliest, as the economy and local businesses try and get back on their feet. Given the challenges created by COVID-19, rebuilding a strong local economy is emerging as one of the Council's top priorities for this next period.

4 What has the Council done to date to help

- 4.1 Although the Council does not have a statutory responsibility to support the recovery of the local economy, and has been busy with managing the emergency situation during the first wave, and now the on-going second wave of COVID-19, and the recovery of its own services, it has at the same time taken a range of positive actions since the onset of the Pandemic to support the local economy and its recovery.

4.1.1 Business grants to over 800 local businesses

The Council paid Grants totalling more than £11 million to over 800 small businesses throughout the borough to help keep them afloat.

4.1.2 Working in partnership

- Established the High Streets Task Force with support from the Business Improvement District, the Police, the County and major businesses to help with the safe recovery of the High Streets.
- Worked with the County to explore and implement temporary extensions to the footway on the Northern High Street in Epsom to provide additional pedestrian and queuing space at this potential pinch point.
- Worked with GLL who run the Rainbow Leisure Centre on the Council's behalf, to support the re-opening of their services in line with Government guidance.
- Enabled small businesses such as fitness clubs, car boot sales etc to restart their business in the Council's parks, Hook Road Arena, and Bourne Hall subject to COVID-Secure practices.
- Started work with the Epsom Business Improvement District (the BID) around scoping the work necessary to achieve the

Purple Flag status aimed at promoting the Town as a safe place to visit and shop and to introduce other schemes to promote the local retail and restaurant offer.

- Engaged with Job Centre Plus and Surrey Life Long Learning in a 12 month project to deliver an Epsom and Ewell Skills Hub. The focus on the Skills Hub is to support residents into or back into employment and relevant training courses, including support gaining basic skills relevant to today's employment market and building greater personal confidence. The service operated virtually during the pandemic lock-down period and now also provides outreach face to face services for those that need a more tailored and personalised approach. The Skills Hub operates in parallel with the long-established Stoneleigh Job Club.

4.1.3 Communications

- Once non-essential shops were allowed to reopen, the Council strongly promoted the borough as a safe and attractive place to visit and shop, alongside and in conjunction with the Business Improvement District (BID).
- Since March this year, the Council has increased the frequency of the Council's business newsletter from quarterly to monthly to promote funding opportunities, national guidance and details of support and advice on offer alongside increased social media messaging. In addition the Council published two special edition newsletters to address time critical issues, such as to alert businesses to the special grant funding opportunities available.

4.1.4 Business Engagement

- The Council's environmental health team contacted takeaways in the borough to provide advice and signposting to further details to support their operation and keep their business going during the lockdown.

- As national restrictions started to be lifted, the Council contacted 114 restaurants and food business across the borough that had been unable to operate during the lock down to provide them with relevant information and guidance to support the safe re-starting of their businesses operations, including advice on dealing with other health and safety risks such as legionella.
- The Council also wrote to local letting agents and landlords of licenced houses in multiple occupation and provided a factsheet on issues they may encounter with tenants as a result of the coronavirus restrictions, and a second factsheet that they could put up in the rented property with information for the tenants on coronavirus, what to do if a tenant was displaying symptoms; and contact details of available support services.
- The Council's licencing function worked alongside the police to engage with pubs and bars to support their safe re-opening and to ensure that there was a clear understanding of their responsibilities in relation to COVID-19.
- The Council has also been actively engaging with the commercial and social enterprise tenants in its own buildings, providing an opportunity to raise any concerns arising from the pandemic on their operations and demonstrating understanding and flexibility as Landlord where possible.

4.1.1 A visible Council presence on the High Streets and Shopping Parades

From the start of the lifting of the national restrictions, the Council established a team of street wardens in high visibility Council uniform to provide reassurance on High Streets and Shopping Parades across the borough.

4.1.1 Stepped up the programme of Markets in Epsom Town Centre

Introduced a range of new popular open air markets in the Town Centre to boost footfall numbers in the Town, supported by a new high quality brand.

4.1.2 Pressed ahead with opportunities for investment in the borough

While most retailers were still closed, the Council accelerated its Plan-E investment programme in the Market Place and the Northern Footway to ensure that there was minimum disruption to businesses once they re-opened and to provide a high quality, safe and attractive environment to support local business.

Proceeded with the Community Infrastructure Levy (CIL) 15% bids for investment in local infrastructure which are being evaluated this month.

Brought forward a paper, also on this Committee Agenda, to invest in some feasibility work to help lever in opportunities for greater external investment into the borough.

4.1.3 Developed a new pavement licencing scheme

The Council developed and launched a new scheme to support local restaurants and cafes that want to make use of the space outside their premises to support the safe operation of their business and facilitate social distancing.

4.14 Maintained the Council's Planning services throughout the pandemic

Ensured that developers had access to the Council's Planning Services and advice throughout the pandemic and that related decisions were taken wherever possible, in a timely way.

4.14 Launched a reopening high streets programme

Working with the High Streets Task Force, developed an operational action plan to underpin and coordinate activities focused on supporting the safe opening an operation of high street businesses. This includes audits to assess vacancy and footfall levels to enable the health and vitality of high streets across the borough to be assessed over time.

5 Key challenges ahead

5.1 Eat Out to Help Out

5.2 This national discount scheme that operated Monday to Wednesday in August only, was very well received by local businesses and resulted in many recently reopened restaurants being busy Monday to Wednesday. Restaurants are now having to cope on their own with much fewer covers due to social distancing requirements and the requirement to close by 10pm. As the weather becomes colder in the lead up to Winter, it will also become more challenging to have seating outside, and operate inside with windows and doors open as part of the COVID-Secure arrangements.

5.3 Temporary ban on residential eviction

5.4 The Government had provided protection from those who may have missed rent or mortgage payments on their home by suspending possession proceedings to protect tenants and homeowners from the impact of the coronavirus pandemic. This protection ended on the 20 September.

5.5 Furloughing of staff is due to end by the end of October

5.6 The national Coronavirus Job Retention (Furloughing) Scheme is due to finish by the end of October. There were an estimated 10,700 staff in Epsom and Ewell who have been benefitting from the scheme who may now either have the opportunity to return to work or face the prospect of redundancy. At the time of writing this report the Government have announced a new Job Support Scheme which will operate from November for a period of 6 months. Business will continue to pay staff for time worked, but the Government will pay for up to a third of the hours not worked assuming that the employer is able to match this.

5.7 Temporary protection against eviction from commercial property

5.8 The temporary protection for local businesses, including retail, hospitality and property sectors has provided protection to those who have been struggling to meet their premises related payments from eviction over the Summer but are due to be withdrawn by the end of this month.

5.9 Fundamental shifts in behaviours

- 5.10 During the extended lock-down people and businesses have had to adapt to the new circumstances and some of these changes may continue into the future as part of a new normal. This includes a further shift nationally towards on-line shopping and more people spending significant parts of their working week, working at home rather than travelling to their place of work and contributing in a variety of ways to the vitality of high street or town/village centre economies.

6 Conclusions

- 6.1 The Council has taken a range of important steps to actively support the reopening of local businesses and their continued operation. The recovery of the local economy continues to be a pressing issue for the Council and the future success of the borough
- 6.2 The Council has an important on-going role in promoting business confidence through a range of existing functions and its day to day business engagement, bringing relevant partners together, removing obstacles to economic recovery and attracting future investment, businesses and jobs into the borough.

7 Risk Assessment

Legal or other duties

7.1 Impact Assessment

- 7.1.1 Economic recovery is vital for local jobs and supporting household income as part of a circular economy, particularly for those jobs impacted most by the Pandemic such in hospitality and for those on lower incomes. This process is already well underway, but is being impacted by the second wave of the COVID-19 infection.

7.2 Crime & Disorder

- 7.2.1 A safe environment free from crime and anti-social behaviour is important in supporting a strong recovery for both local businesses and their customers

7.3 Safeguarding

- 7.3.1 There are no safeguarding implications arising from this report.

7.4 Dependencies

7.4.1 The recovery of the local economy is dependent on the continued course of the pandemic and related restrictions on business operations.

7.5 Other

7.5.1 None

8 Financial Implications

8.1 Epsom and Ewell Borough Council has been nominally awarded £71,062 from the European Union Regional Development Fund (ERDF) to enable safe trading to take place in public spaces. The funding relates to very specific categories of spend that occur between 1 June 2020 to March 2021. Work is taking place to utilise as much of this funding as possible despite the unusually restrictive nature of this ERDF funding programme.

8.2 There is a small risk that if the Council were not able to spend the funds in accordance with the restrictive ERDF categories, a proportion of the grant could become repayable to the ERDF at a later date.

8.3 **Section 151 Officer's comments:** As detailed throughout the report, the Council's own funding streams - and consequently our capacity to deliver services – are directly impacted by the strength of the local economy.

9 Legal Implications

9.1 None arising from the contents of this report.

9.2 **Monitoring Officer's comments:** none arising from the contents of this report.

10 Policies, Plans & Partnerships

10.1 **Council's Key Priorities:** This report is closely aligned to the Council's priorities of Safe and Well, Opportunity and Prosperity, Smart and Connected, and Effective Council.

10.2 **Service Plans:** The matter was not included within the original Service Delivery Plan for this year.

10.3 Climate & Environmental Impact of recommendations:

Wherever possible, the Council is supporting a green economic recovery including greater use of walking and cycling.

10.4 Sustainability Policy & Community Safety Implications:

These are addressed in the body of the report.

10.5 Partnerships:

These are addressed in the body of this report

11 Background papers

11.1 The documents referred to in compiling this report are as follows:

Previous reports:

- Strategy and Resources Committee, 2 July 2020, The Council's response to the Covid-19 Pandemic; Financial impact of Covid-19.

Other papers:

- Licensing and Planning Policy Committee, 6 August 2020, Pavement License Policy

DISTRIBUTION OF GRANT FUNDING TO VOLUNTARY ORGANISATIONS

Head of Service:	Rod Brown, Head of Housing & Community
Wards affected:	(All Wards);
Urgent Decision?(yes/no)	Yes
If yes, reason urgent decision required:	Emergency Assistance Grant to be distributed by end October 2020
Appendices (attached):	Appendix 1 – Distribution of Emergency Assistance Grant by Surrey County Council

Summary

The report seeks the allocation of grant funding to support those most impacted by COVID-19 and on-going pressures for winter 2020, including transition towards EU exit.

Recommendation (s)

The Committee is asked to:

- (1) Agree the full allocation of £38,598.65 of the Local Authority Emergency Assistance Grant for Food and Essential Supplies to the Epsom and Ewell Foodbank;**
- (2) Agree the award of £10,000 from the EU Exit funding for local government, with the funds being awarded equally to the Citizens Advice Bureau and Age Concern.**

1 Reason for Recommendation

- 1.1 The distribution of the emergency assistance and EU Exit grant will help sustain organisations with their continued provision of support to those residents struggling to afford food and other essentials or those particularly affected by existing the EU.

2 Background

- 2.1 In June 2020 the Prime Minister announced a grant of £63 million for local authorities in England to help those who are struggling to afford food and other essentials. This is known as the Local Authority Emergency Assistance Grant for Food and Essential Supplies and referred to in this report as the Emergency Assistance Grant.

- 2.2 Surrey County Council has been granted an allocation of £788,015.67 on the basis of population, weighted by a proxy measure of need, the Index of Multiple Deprivation (IMD) for each authority area.
- 2.3 Epsom and Ewell Borough Council has been provided with a proportion of this funding totalling £38,598.65. The award will be used to support local organisations that help those who can not afford to buy food and other essentials.
- 2.4 In addition, during 2019 the government awarded additional funding for Council's to prepare for the EU Exit. This funding was to assist local authorities in preparing for the EU exit including capacity and capability. The work on preparedness covered those financially vulnerable and most likely to be disproportionately affected by the arrangements. The remaining balance of this could support those in need as we progress to a winter response.

3 The local COVID-19 impact and response

- 3.1 The Council's response to the COVID-19 pandemic was reported to Members of this committee on 2nd July 2020.
- 3.2 The Council was fortunate to be able to rely extensively on many community and voluntary sector organisations across the borough to help support our most vulnerable residents during this challenging time.
- 3.3 For residents who were over the state pension age, Age Concern Epsom and Ewell were able to provide a wealth of support. This included shopping facilities which was a door-step service paid for by the resident.
- 3.4 Citizens Advice has been able to respond to the rise in demand arising from Brexit and the COVID-19 pandemic. Advice provided has been wide ranging including helping those with benefits and tax credits difficulties, issues resulting from employment and coping with poor mental health.
- 3.5 During lockdown the Council also helped by providing a basic food shopping service which also relied on the customer paying a fixed amount to cover the cost of the service. This charge meant the Council was not carrying the cost for this service.
- 3.6 For those residents who were struggling to afford food, there was an increased reliance on the existing Epsom and Ewell Food Bank. The Food Bank provided food and essential supplies free of charge from their two centres within the borough, usually on a referral from the Council or another agency.
- 3.7 In addition Surrey County Council operated the government's basic free food box service from the Bookham Youth Centre in Leatherhead which offered a simple and basic food package free of charge. Surrey County Council have reserved some of the grant to cover these costs (see Appendix1).

4 Emergency Assistance Grant

- 4.1 In addition to the £6.5 billion of extra support the government is providing through the welfare system, the Emergency Assistance Grant has been provided to local authorities to help support those finding it difficult to afford food and other essentials, such as toiletries and sanitary products.
- 4.2 In Surrey the funding was initially passed to Surrey County Council who have distributed it to the Surrey Crisis Fund, Bookham Food Distribution and to each of the 11 Districts and Boroughs within Surrey, based on population data weighted for IMD. Details of the distribution are attached in Appendix 1.
- 4.3 The allocation to Districts and Boroughs is given to target those in need and provide additional grant funding to local food banks and VCFS organisations supporting the purchase and distribution of food, medical supplies and other essential items.
- 4.4 The Government have also published guidance on the allocation of this grant which is available here:
<https://www.gov.uk/government/publications/coronavirus-covid-19-local-authority-emergency-assistance-grant-for-food-and-essential-supplies/coronavirus-covid-19-local-authority-emergency-assistance-grant-for-food-and-essential-supplies>
- 4.5 This guidance includes the following objectives and principals which apply to the Council in allocating the Emergency Assistance Grant:
- Use discretion on how to identify and support those most in need
 - Use the funding from July onwards to meet immediate need and help those who are struggling to afford food and essentials due to COVID-19
 - Use the funding for existing schemes and other support which deliver the same outcomes and where the need is greatest
 - Work together with other local authorities to provide support and ensure the funding meets its objectives
- 4.6 The guidance also advises that when deciding how to help people, the Council should consider:
- Using cash or vouchers where practical - this may reduce pressure on your local partners
 - Advising and providing information to people to help them access longer term support they might need, such as benefits - you should decide which approach is suitable in your community

- 4.7 The pandemic has and will continue to pose a significant and increasing threat to employment and subsequently increased reliance on free to access food supplies within the borough. From March 2020, the pandemic has had a significant impact on employment within the borough and many residents either lost their jobs or were furloughed and found themselves in financial difficulties.
- 4.8 The financial risks associated with unemployment is expected to become even more acute with the imminent removal of current protections from eviction, the ending of furlough and the introduction of further COVID-19 controls.
- 4.9 This continuing financial threat can be illustrated by the growth in Universal Credit claimants at Epsom Job Centre. The table below reports on the local increases in Universal Credit claims from February to July 2020.

Table 1 Universal Credit Claims at Epsom Job Centre

Age of claimant (Years)	February 2020	July 2020	Percentage increase Feb-July 2020
All ages	1030	3110	302 %
18 – 24	165	660	400%
50+	300	745	248%

- 4.10 The anticipated increases in unemployment across the borough, particularly in the younger residents, is likely to place additional demands on the existing arrangements for accessing free food supplies, which will predominately impact on the Epsom and Ewell Food Bank.

5 EU Exit funding for local government

- 5.1 In March 2019 the government awarded £58M of additional funding to support the Council's preparedness for EU Exit. Of that £20M was distributed in 2019/20 and £20M in 2020/21. The Council have been working with the Surrey Local Resilience Forum (SLRF) as the lead for Brexit preparedness
- 5.2 The EU Exit funding is not ring fenced but the Ministry of Housing, Communities and Local Government (MHCLG) confirmed that it should not be used on unrelated matters.
- 5.3 The Surrey Local Resilience Forum have combined their Emergency Plans into one plan, identifying that there are a number of risks over this winter that will impact on Council's and residents. This plan encompasses the Surrey Local Outbreak plan to prevent the spread of the virus, mass vaccinations plans, seasonal flu, NHS winter pressures, flooding, severe weather and planning for the end of the EU transition period. This recognises the link and impact of these events which have to be coordinated.
- 5.4 As part of the initial work on EU transition in 2019 we identified the impact on businesses within Epsom and Ewell and those financially vulnerable or likely to be impacted with the changes such as the Settlement Scheme. As part of this the designated Brexit lead officer was required to contact voluntary organisations and report on the impact and risks as a key role was to bring together local public sector providers, voluntary sector and community groups to report on local impacts . This included the Foodbank, Citizens Advice and Age Concern.
- 5.5 The impact of leaving the EU is somewhat supplanted by Covid 19 but will have a further significant impact on the local economy and jobs as identified in the Road to Recovery Report also presented to this committee.
- 5.6 Much of the support needed will fall to the voluntary sector and therefore it is recommended that the EU Exit funding should be distributed to the Epsom Citizens Advice Bureau and Age Concern.

6 Risk Assessment

Legal or other duties

- 6.1 Impact Assessment
 - 6.1.1 None
- 6.2 Crime & Disorder
 - 6.2.1 None

6.3 Safeguarding

6.3.1 Directing the Emergency Assistance Grant so that it reaches those who are in greatest need will help protect those who are most vulnerable.

6.4 Dependencies

6.4.1 As part of the on-going emergency, the Council's emergency response continues to be aligned to the Surrey-wide Local Resilience Forum.

6.4.2 Distribution of the Emergency Assistance Grant is subject to the grant conditions set out above and in the government's guidance.

6.5 Other

6.5.1 None

7 Financial Implications

7.1 Both the Emergency Assistance Grant and the EU Exit funding were issued under section 31 of the Local Government Act 2003. The funding is not ring-fenced. The Council was awarded £38,598.65 of the Emergency Assistance Grant by Surrey County Council as identified in Appendix 1.

7.2 The Council received funding of £52,452 across 2 years for EU Exit and £10,000 can be allocated as grant funding between Age Concern and the Citizens Advice Bureau (£5,000 each) as proposed in the report.

7.3 **Section 151 Officer's comments:** none arising from the contents of this report.

8 Legal Implications

8.1 None arising from the contents of this report.

8.2 **Monitoring Officer's comments:** none arising from the contents of this report.

9 Policies, Plans & Partnerships

9.1 **Council's Key Priorities:** The following Key Priorities are engaged:
Safe & Well and Opportunity & Prosperity

9.2 **Service Plans:** The matter is not included within the current Service Delivery Plan.

9.3 **Climate & Environmental Impact of recommendations:** None for the purposes of this report.

- 9.4 **Sustainability Policy & Community Safety Implications:** Supporting vulnerable people during periods of financial crisis will help strengthen community safety and protect those who are most vulnerable.
- 9.5 **Partnerships:** The Council has a long tradition of working effectively with voluntary and charity groups supporting residents. These partners are reliant on financial support to continue to deliver services to borough residents.

10 Background papers

10.1 The documents referred to in compiling this report are as follows:

Previous reports:

- Strategy and Resources Committee report: The Council's response to the COVID-19 pandemic (2nd July 2020)
- Strategy and Resources Committee report: S&R Road to Recovery Report? (27th October 2020)

Other papers:

Guidance: Coronavirus (COVID-19): Local authority Emergency Assistance Grant for Food and Essential Supplies (Updated 4 August 2020)

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Appendix 1

Table showing the distribution of the Local Authority Emergency Assistance Grant for Food and Essential Supplies by Surrey County Council

Organisation/Activity	Allocation (£)
Surrey Crisis Fund	60,000.00
Bookham Food distribution	80,000.00
Elmbridge	63,282.67
Epsom & Ewell	38,598.65
Guildford	78,789.58
Mole Valley	44,122.96
Reigate & Banstead	88,548.94
Runnymede	55,447.46
Spelthorne	71,067.86
Surrey Heath	40,922.23
Tandridge	54,305.98
Waverley	56,243.83
Woking	56,685.51
Total	788,015.67

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DEVELOPING A PIPELINE OF PROJECTS FOR FUTURE INVESTMENT

Head of Service: Damian Roberts, Chief Operating Officer

Wards affected: (All Wards);

Urgent Decision?(yes/no)

If yes, reason urgent decision required:

Appendices (attached):

Summary

As part of the Council's active engagement in the recovery of the local economy in Epsom and Ewell, it is important that the Council takes steps to ensure the borough is in a position to access inward investment opportunities from the Local Enterprise Partnership (LEP), the County Council, and from Government.

Key to this is developing a pipeline of future investment opportunities that are capable of being brought forward in a reasonable timeframe. This report recommends that a one-off budget of £50,000 be allocated to enable the Council to progress the development of this future investment pipeline.

Recommendation (s)

The Committee is asked to:

- (1) Agree to the allocation of £50,000 to support the development of a pipeline of future investment opportunities for Epsom and Ewell to be financed from the Council's corporate projects reserve;**
- (2) Agree that development proposals arising from this work be brought back to Strategy & Resources Committee for consideration.**

1 Reason for Recommendation

- 1.1 There is expected to be future funding available to support the recovery of the economy in the aftermath of COVID-19, particularly for capital investment schemes that can be progressed in a reasonable timeframe.

- 1.2 To ensure that the Council and the borough is well placed to access these future inward investment opportunities, it is important that the Council begins work on developing a pipeline of future investment opportunities, by undertaking some initial project feasibility and prospectus work.

2 Background

- 2.1 Capital and construction related projects usually have a significant lead in time, and depending on their size and complexity this can stretch into several years. This can be a cause of frustration, as when priorities shift and/or new external funding opportunities become available, project ideas are seldom far enough advanced to be capable of being implemented in the timescales required.
- 2.2 A well developed project pipeline provides a menu of choices for investment, with a range of ideas and schemes at different stages of development. The project pipeline can be adjusted over time to take into account shifting priorities, staff capacity and the availability of financial resources. These financial resources may be Council funding - including CIL funding, Government funding, Local Enterprise Partnership funding, Surrey County Council funding, or developer funding. Sometimes it is possible to piggy back a project on to a wider scheme which then also picks up the cost. For example a public realm landscaping idea for an area, being funded by a developer as part of them bringing forward their adjacent development.
- 2.3 There is greater value in having a large and diverse project pipeline, as when third-party funds do become available, they can be specific about the type and size of project, and the timescales in which they have to be delivered.

2.4 Stages in a project pipeline

- 2.4.1 While the stages of a project can vary considerably depending on its size and nature, in general terms projects pass through the following stages. As bringing forward a project is an iterative process, there is an opportunity at every stage to decide whether to stop, pause or proceed to the next stage.

2.4.2 Concept preparation

Generation of initial ideas, scoping and concepts. Taking soundings eg regarding alignment with local priorities and the priorities of external funding agencies. Development of potential options for delivery. Preparation of initial concept designs, outline master planning and prospectus preparations.

2.4.3 Initial feasibility

Initial designs by an architect/engineer, initial site survey, initial costings and financial feasibility assessment, including input by a quantity surveyor, potential pre-app discussions with Planning, assessment of options, identification of any constraints or dependencies.

2.4.4 Detailed feasibility

Full ground surveys, detailed architect/engineer designs, more detailed costings and feasibility, identification of potential sources of funding, discussions with relevant third parties, preparation of a planning application (if needed) with associated requirements including consultation, traffic surveys, formal decision making etc.

2.4.5 Procurement

Specification, procurement of construction/supplier, implementation plan, updated costings, awarding contracts etc.

2.4.6 Construction / Installation

Appointing a project manager, undertaking the necessary works which may include establishing a site compound, erecting hoarding, demolition, construction, installation works etc

2.4.7 Post construction / installation

Snagging, securing the warranties, commissioning the facilities and bringing project into use / occupancy, putting in place the on-going "business as usual arrangements".

2.5 Proposals

2.6 Given the impact that COVID-19 and its aftermath is having on the local economy, a key priority theme could be Economic and High Street Recovery and could include, opportunities for intensification of development (including mixed use commercial and potentially residential) and opportunities to explore the scope to create a cultural investment zone incorporating an area a mile long that connects the University, with the Town Centre, Epsom Rail Station, The Utilities Site, East Street and the two adjacent Industrial Estates.

2.7 Initial feasibility work could involve some early exploratory master planning, illustrative concept designs, and even the development of an outline prospectus to attract interest from potential investors such as the Local Enterprise Partnership, the Government and private developers.

- 2.8 Feasibility work could also seek to focus on bringing forward capital projects that support a greener economic recovery, such as extending existing cycle paths or creating new ones, building on, or extending existing investment where ever possible.
- 2.9 The initial feasibility work could also seek to explore opportunities arising from the concept of a single public estate, where the Council could look for opportunities for the better utilisation and potential shared use or linked development of land and buildings owned by different public sector agencies in the borough.

2.10 Constraints

2.10.1 The main constraint to developing a pipeline of future projects for investment is that of availability of initial resources for the feasibility stages. Funding would need to be allocated for this to enable an initial pipeline of projects to be brought forward. This could then have the potential to lever in £ hundreds of thousands or more of external resources for these projects over time to get them delivered. However, the impact of COVID-19 on the Council's finances including its reserves, has been considerable, and the Committee will need to consider carefully where the funding to support a pipeline of future projects for investment sits alongside other more immediate operational and service spending priorities.

2.11 External financial support with feasibility funding

2.11.1 Arrangements have been established across the county this year for money set aside for feasibility studies to potentially secure match funding from the County Council with a gearing ratio of 1:0.86. ie for every £1 which a District/Borough invests it will receive an additional 86p towards these feasibility studies. The projects would need to reflect agreed economic or transport improvement priorities between the Borough Council and the County Council, for example in areas such as improved cycle routes.

2.12 Governance

2.12.1 Funding for the feasibility work necessary to develop a pipeline of future projects would need to be approved by the Council's Strategy and Resources Committee. The drawing down of this feasibility funding for specific activities would then be delegated to the Council's Capital Members Group. No project could move forward from this feasibility stage to delivery, without a formal decision by Strategy and Resources Committee and any other relevant Policy Committee, depending on the nature of the project.

3 Conclusions

- 3.1 To enable the Council to benefit from external funding opportunities for capital investment linked to supporting the recovery of the local economy and progressing other Council priorities such as tackling climate change, it is important that the Council develops a pipeline of future projects for attracting potential investment as set out in this paper.
- 3.2 Subject to the approval of this Committee to the overall approach, the intention would be to bring forward for early consideration by the Capital Members Group, potential quick wins alongside more strategic investment opportunities.

4 Risk Assessment

Legal or other duties

4.1 Impact Assessment

4.1.1 A strong recovery of the local economy is likely to offer the greatest benefit to those households on lower incomes many of whom work in the hospitality industry and/or the Gig Economy – ie those in temporary or non-contractual work, and young people seeking to enter employment for the first time.

4.2 Crime & Disorder

4.2.1 Areas with high employment levels tend to experience less crime and antisocial behaviour.

4.3 Safeguarding

4.3.1 There are no safeguarding implications arising from this report.

4.4 Dependencies

- 4.4.1 Future inward investment in the borough is dependent on there being a pipeline of potential investment opportunities at different stages of development, including some of which are at the stage of being “shovel ready”.

5 Financial Implications

- 5.1 The investment in the infrastructure within the Borough is vital to retain its competitiveness when compared to neighbouring Councils. Providing feasibility reports on a number of schemes will enable the Council to be in a position to lever large sums of external financial investment in to the Borough and potentially assist in boosting the local economy.
- 5.2 The one-off funding requested of £50,000 for feasibility studies can be financed from the Corporate Projects Reserve which at 13 October 2020 has an uncommitted balance of £2.1 million.
- 5.3 **Section 151 Officer’s comments:** The Council is under considerable financial pressure due to the pandemic and is required to utilise reserves to fund losses in income and increased costs as a result of COVID-19. The Council has earmarked nearly £2 million of reserves to fund the impact of the virus on the Council’s finances for 2020/21, but still holds an uncommitted balance of £2.1m within the Corporate Projects Reserve.
- 5.4 Any use of these reserves to fund additional expenditure should be for high priority projects and deliver tangible long-term benefits for the Council.

6 Legal Implications

- 6.1 There are no legal implications arising directly from this report.
- 6.2 **Monitoring Officer’s comments:** none arising from the contents of this report.

7 Policies, Plans & Partnerships

- 7.1 **Council’s Key Priorities:** This report is closely aligned to the Council’s priorities of Opportunity and Prosperity and Effective Council.
- 7.2 **Service Plans:** The matter was not included within the original Service Delivery Plan for this financial year, but is reflected in the revised version developed in the aftermath of COVID-19.

7.3 Climate & Environmental Impact of recommendations:

7.4 Opportunities will be sought to bring forward investment that will progress the Council's ambitions for tackling climate change including improvements to the environment and the promotion of more sustainable transport.

7.5 Sustainability Policy & Community Safety Implications:

7.6 A strong economy with high levels of employment at all levels, can contribute positively towards a safe community with low levels of crime and anti-social behaviour.

7.7 Partnerships:

7.8 In developing a pipeline of future investment projects, the Council will need to continue to work closely with the Coast to Capital Local Enterprise Partnership. Surrey County Council, and other relevant business and infrastructure organisations.

8 Background papers

8.1 The documents referred to in compiling this report are as follows:

Previous reports:

- None

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TELECOMMUNICATIONS EQUIPMENT WELLS ROAD

Head of Service:	Mark Shephard, Head of Property and Regeneration
Wards affected:	Stamford Ward;
Urgent Decision?(yes/no)	
If yes, reason urgent decision required:	
Appendices (attached):	Appendix 1 – Location Plan Appendix 2 – Plan showing limited general area considered for new mast Appendix 3 – DCMS / MHCLG Note Appendix 4 - Strategy & Resources Report and Minutes 4 th April 2006 Confidential Appendix 5 - Covering letter and Draft Heads of Terms

Summary

A request for siting of telecommunication equipment has been received on Council owned land at Wells Road. Permission for its siting is sought and agreement to a ten year lease on terms to be negotiated.

Recommendation (s)

The Committee is asked to:

- (1) Note the provisions in the Electronic Communications Code (with effect from December 2017) with its significant changes favouring the presumption of approval for telecommunications masts and limiting the grounds for objection by land owners and occupiers of land.**
- (2) To agree the siting of a telecommunication mast on Council owned land at Wells Road, Epsom; and**
- (3) To permit the instruction of an independent surveyor to act on behalf of EEBC to negotiate and agree Heads of Terms with the cost to be met by the operator; and**
- (4) To enter a lease for a term of 10 years, with authority to agree terms and conditions delegated to the Chief Legal Officer.**

1 Reason for Recommendation

- 1.1 The new Electronic Communications Code (the Code), which came into force in December 2017, constituted a significant change to the law in this area. It is widely interpreted as having been a positive change for telecommunications network operators and a negative one for owners and occupiers of land.
- 1.2 By way of context, a letter from central government (specifically Department for Digital, Culture, Media & Sport and Ministry of Housing, Communities & Local Government) to Council Chief Executives dated 7 March 2019 stated as follows:

“We need to create the market and policy conditions necessary to support the large-scale commercial investment required to extend and future-proof digital connectivity. A key part of this is making it easier for operators to deploy infrastructure. To help to achieve this, the Government recently reformed the Electronic Communications Code - the statutory framework which underpins agreements between communications network providers and those in both the private and public sector who can provide sites for the installation of network equipment. The purpose of the reforms was to make it easier and more cost effective for communications network providers to deploy and maintain digital infrastructure.

Local authorities have an essential role to play as site providers.”

and

“We would, therefore, ask you:

...

to ensure your teams are granting access to your assets and infrastructure effectively to support the rollout of full fibre and mobile networks.”

- 1.3 Any occupier of land will need to carefully consider any approach from an operator, rather than either dismissing the approach out of hand, or agreeing to everything that is asked of it without any scrutiny. It is worth considering what tests the Code imposes in the event that a dispute arises which has to be determined by the Upper Tribunal.
- 1.4 The Code is drafted so as to make it very difficult for an occupier of land to resist having an agreement imposed on it by the Upper Tribunal, in the event that it does not agree voluntarily to enter into an agreement for the siting of Electronic Communications Apparatus.
- 1.5 In a case where the land occupier is not intending to redevelop the relevant land, the “operator” (i.e. the telecoms network provider) has to satisfy paras 21(2) and (3) of the Code.

- 1.6 The test at para 21(2) is as follows:

“The first condition is that the prejudice caused to the relevant person by the order is capable of being adequately compensated by money.”

The test at para 21(3) is as follows:

“The second condition is that the public benefit likely to result from the making of the order outweighs the prejudice to the relevant person.”

- 1.7 In the recent case of **CTIL v UAL [2020] UKUT 0248 (LC)**, the Tribunal made clear that *“It is clear that Parliament in enacting the Code intended private landowners to participate in the provision of telecommunications sites for the public good by suffering the use of their land for that purpose...”*, before stating that:

“The level of prejudice must be very high indeed to outweigh the public benefit, in the light of the public demand for, and dependence upon, the availability of electronic communications.”

- 1.8 Given that there is no doubt that the Wells Road site would be capable of housing Apparatus that would contribute to a telecoms network, there will be public benefit arising from the imposition of an agreement. The Council would need to identify specific prejudice in order to prevent an agreement being imposed.
- 1.9 It is established under recent case law of the Upper Tribunal that the Tribunal would not have to find that the Wells Road site is the best site for the proposed Apparatus, and indeed the existence of other sites that would be as suitable is not something that the Tribunal is obliged even to take into account. Further, the Council’s policy was drafted back in 2006, a long time prior to the New Code coming into force, and in any event the Tribunal would not be likely to give it any weight and is unlikely to consider it relevant to the test to be applied under paras 21(2) and (3) of the Code.
- 1.10 In the event that the Council refuses to enter into an agreement, the operator would be able to serve a formal notice and then to apply to the Tribunal for the imposition of the agreement. The litigation before the Tribunal would involve full costs powers. That is, if the Council were to lose, it would be likely to have to pay the legal costs of the operator. These would be many tens of thousands of pounds, and may well run to six figures.
- 1.11 It is therefore recommended that the Committee agrees the siting of the equipment, agrees to the instruction of an independent surveyor to achieve the optimal terms and for the Chief Legal Officer to agree the terms of a ten year lease for the site.

2 Background and EE's Proposal

- 2.1 An enquiry was initially received on 27th February 2020. It explained EE's proposals and requested consent to locate a new telecoms mast on EEBC owned land close to the junction with Woodlands Road and Wells Road (Appendix 1).
- 2.2 According to EE, there is a limited general area in which the mast can be sited as shown within the green ringed area (Appendix 2). Within this general area, suitable SCC Highways land was considered but discounted by EE due to the close proximity of extensive underground gas pipework.
- 2.3 The new equipment, which would not initially be 5G, is required by Network Rail to provide better Wi-Fi connectivity for train customers as part of project SWIFT (Superfast Wi-Fi In-carriage for Future Travel). This will enable rail customers to stream entertainment, purchase goods on line and validate tickets for travel without loss of service. It also has important applications for better monitoring of train locations, trackside staff communication and public safety. EE also won the emergency services supplier agreement which will mean the proposed new equipment will host part of the network to provide full connectivity for the emergency services. As a useful direct community benefit the mast will also bring better connectivity to local homes and businesses.
- 2.4 Along with the initial enquiry, reference was made to a note from the Department for Digital, Culture, Media & Sport and the Ministry of Housing Communities & Local Government (Appendix 3) which explains that Local Authorities have an important role to play as site providers to provide better communications networks for those in the public and private sectors and that such organisations should have appropriate policies and procedures in place to promote effective engagement with the digital communications industry and minimise barriers to deployment.
- 2.5 EEBC policy on telecoms equipment was updated following a report to this Committee on the 4th April 2006 (Appendix 4). The updated policy provides a list of sites which would not be considered suitable for sites and four sites which would be considered suitable. Those sites which would not be considered included areas within 250 metres of schools and colleges and also within municipal parks.
- 2.6 The four sites considered as suitable included Horton Country Park. For the avoidance of doubt this site is not within 250 metres of any schools, nurseries or colleges. The Council resolved that any applications received for siting equipment outside the excluded areas should be considered by the Telecommunications Masts Sub-Committee. This sub-committee was disestablished in 2008, hence the reason why this matter has come before this Committee.

- 2.7 Since 2006, matters have moved on in terms of legislation and the siting of telecommunications equipment. The siting of Telecoms Equipment falls under the Code. If the Council and EE are unable to agree on terms or siting of the equipment, then EE or its agents are able to serve notice on the Council giving 28 days to reach agreement, failing which the matter is referred to and determined by the Upper Tribunal, as indicated above.
- 2.8 The land in question forms part of Epsom Common and any development therefore requires consideration of the Commons Act 2016. However Section 38 (6) (D) of the Act states there is no prohibition of development for works for the installation of electronic communications apparatus for the purposes of an electronic communications code network. This means the operator is not required to seek Secretary of State consent to site the apparatus in this location. For the avoidance of doubt, the land is also outside of the Epsom & Ashted Commons SSSI.
- 2.9 Separately from the land ownership and lease issue there is also the planning aspect. Planning consent for the siting of the equipment at the location was given on 18th June 2020. The siting of telecoms masts is permitted development by virtue of Schedule 2, Part 16, Class A of the GPDO and as the proposed mast does not exceed 20m in height, the Local Planning Authority can only consider the siting and appearance of the proposed development rather than the principle of the development. It was stipulated as part of the consent that any equipment should be painted green to blend in with its surroundings and other existing street poles and the amount of equipment should be kept to a minimum.
- 2.10 The draft heads of terms including a copy of the covering letter dated 18th March 2020 are attached at the confidential Appendix 5.
- 2.11 Before the introduction of the 2017 Code, telecommunications companies would regularly pay £10,000 to £15,000 in rent per year depending on location and accessibility for siting equipment on properties with leases often in excess of 10 years.
- 2.12 However, since the Code, the ability for the landlord to charge market rents has been significantly diluted in many cases. This is because the Code mandates that the consideration payable under an imposed agreement should disregard any value which is attributable to the telecoms network. So, if land is otherwise of only nominal value (because for example there is no demand for it for any valuable use other than telecoms, and/or there would be no planning permission for any valuable use other than telecoms), then the consideration payable will only be nominal.

- 2.13 In addition, the Code makes provision for compensation for losses suffered by an occupier of land. However, the mere fact of having a code agreement imposed is not something which will attract compensation. It is recommended that an independent surveyor acting for the Council consider the issue of consideration and compensation. The Council's reasonable surveying and legal fees will be met by the operator without the Council incurring liability if the project did not subsequently proceed.
- 2.14 Should the terms of any agreement not be agreed by EEBC, the operator has the ability to serve notice under the Code, and the Tribunal has the ability to decide on, and impose terms. As previously mentioned, it is a matter for this committee to decide. Such court action would incur costs by this Council, not only its own, but were the finding to be in favour of EE, then the Council would also be likely to be responsible for their costs.

3 Risk Assessment

Legal or other duties

3.1 Impact Assessment

3.1.1 There are no impact assessment implications for this report.

3.2 Crime & Disorder

3.2.1 There are no specific crime and disorder considerations associated with this report.

3.3 Safeguarding

3.3.1 There are no specific safeguarding implications associated with this report.

3.4 Dependencies

3.4.1 There are no dependencies for this report.

3.5 Other

3.5.1 N/A

4 Financial Implications

4.1 Agreement to a lease would provide the Council with a modest receipt.

4.2 Should this committee not agree the recommendations there will be additional internal and external legal costs required to pursue this matter in court, a modest estimate would be £20,000 to £30,000. Should the Council be unsuccessful at court at least the same amount again could be awarded to EE.

4.3 **Section 151 Officer's comments:** *None arising from the content of this report.*

5 Legal Implications

5.1 These are set out within the body of the report.

5.2 **Monitoring Officer's comments:** *None arising from the content of this report.*

6 Policies, Plans & Partnerships

6.1 **Council's Key Priorities:** The following Key Priorities are engaged:

There are two Key Priorities that are relevant to this report. Firstly, it is a priority to enhance the Borough's natural assets, preserving and increasing biodiversity. The second priority is to increase digital connectivity for all. Key priorities are not ranked in any way and it can be clearly seen that there may be times when they conflict, as they do in this case. It is then a matter for Members to decide where the priority should lie.

6.2 **Service Plans:** The matter is not included within the current Service Delivery Plan.

6.3 **Climate & Environmental Impact of recommendations:** None arising from the content of this report.

6.4 **Sustainability Policy & Community Safety Implications:** None arising from the content of this report.

6.5 **Partnerships:** None arising from the content of this report.

7 Background papers

7.1 The documents referred to in compiling this report are as follows:

Previous reports:

- Strategy & Resources Report and Minutes 4th April 2006

Other papers:

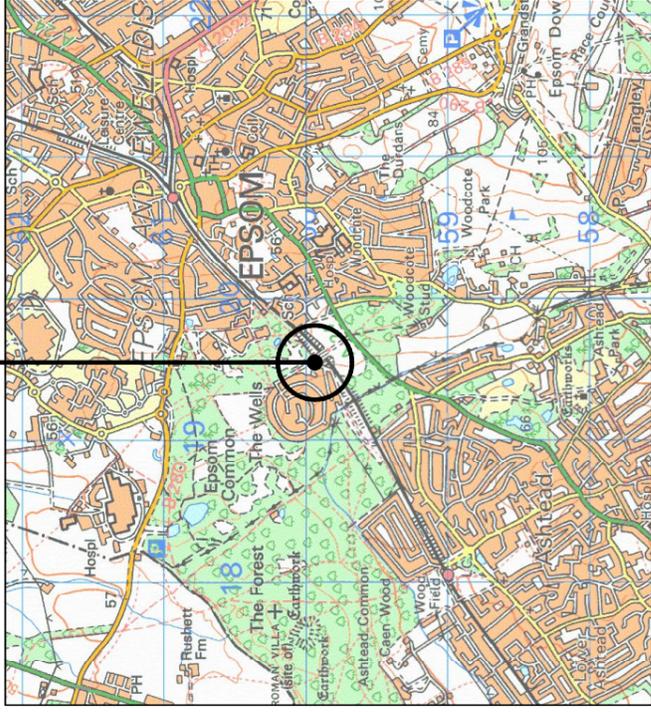
- None

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LOCATION PLAN
THE SITE (E519545, N159920)
ACCESS ROUTE TO SITE

SITE BLOCK PLAN
THE SITE (E519545, N159920)

Scale 1:50000



DIRECTIONS:
LEAVE THE M25 AT JUNCTION 9 AND TAKE THE SLIPROAD LEFT TO THE A243 TOWARDS DORKING/LEATHERHEAD, AT THE ROUNDABOUT TAKE THE 3rd EXIT ON TO THE A243 TOWARD COBHAM/EPSOM/HEATHROW AIRPORT THEN AT THE ROUNDABOUT TAKE THE 2nd EXIT. AT THE NEXT ROUNDABOUT TAKE THE 1st EXIT ON TO THE A24/LEATHERHEAD ROAD TOWARDS ASHTEAD/CENTRAL LONDON/EPSOM. AFTER 2.4 MILES TURN LEFT ON TO WELLS ROAD. PROPOSED SITE IS LOCATED ON THE LEFT HAND SIDE PAST THE JUNCTION WITH WOODLANDS ROAD 49.5m FROM THE TRAIN TRACKS

ELEVATION A PHOTOGRAPH

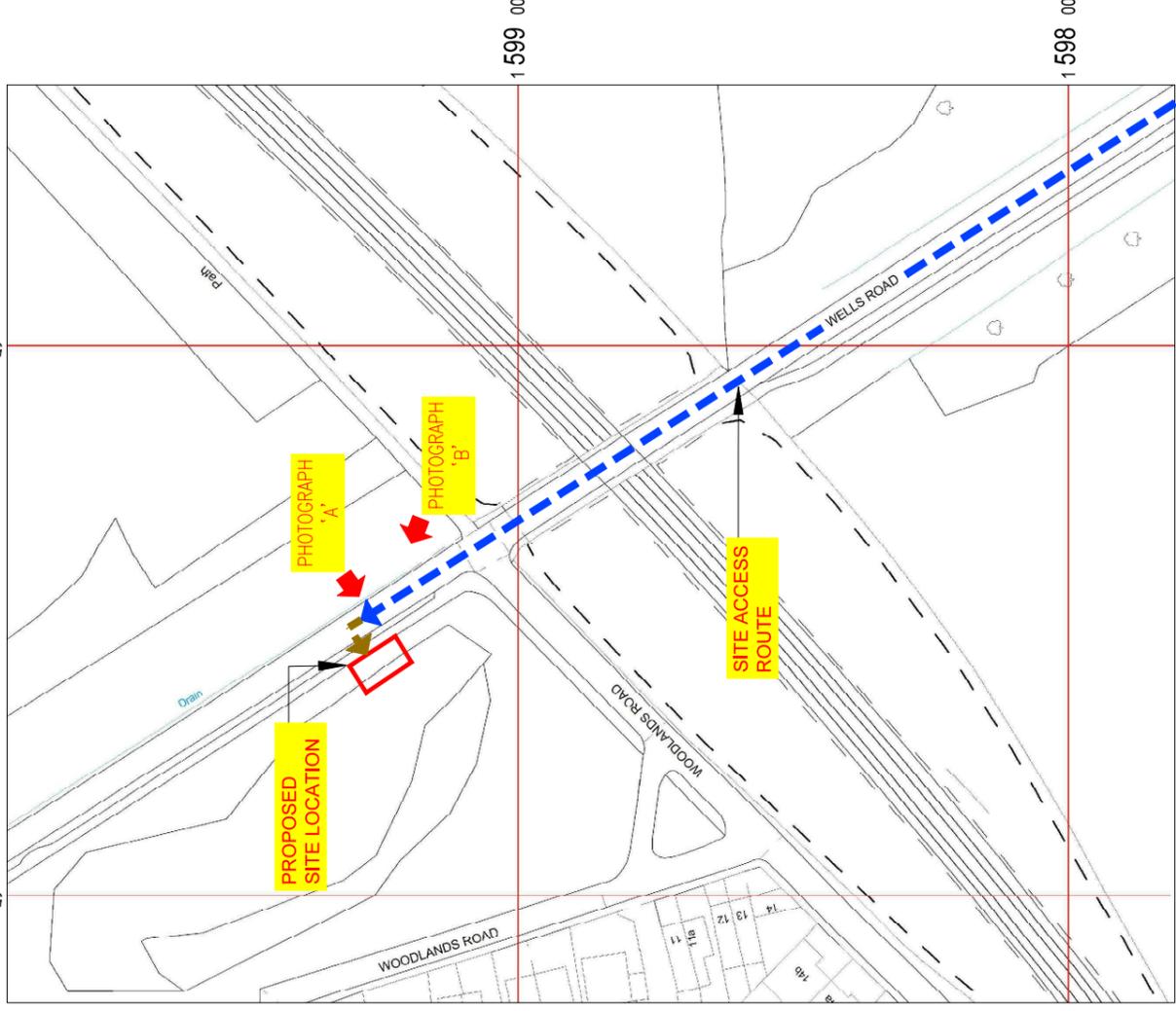


PROPOSED SITE LOCATION

ELEVATION B PHOTOGRAPH



PROPOSED SITE LOCATION



Scale 1:1250
THE SITE (E519545, N159920)
ACCESS ROUTE TO SITE

PLANNING ISSUE

COLOUR CHART (represents proposed work and not the actual colour of E.E.L. equipment)

Black	Text and existing buildings, structures, masts trees, E.E.L. and other Operators equipment
Green	Proposed E.E.L. installation
Blue	Access route
Yellow	Proposed cable routes
Red	Proposed site demise

SITE ADDRESS
LAND TO THE WEST OF WELLS RD, WELLS ROAD EPSON AND EWELL EPSON, KT18 7HT

Agenda Item 7 Appendix 1

OPT NUMBER	1	DRG TYPE	GA	DRG No.	01	REV	A
------------	---	----------	----	---------	----	-----	---

TITLE
WELLS ROAD GF

SITE LOCATION DRAWING

SITE CODE **78393**

THIRD PARTY REF. **-**

REV	DESCRIPTION	DATE	APPROVED	DATE
A	FIRST ISSUE	10.02.20	MB	10.02.20

SCALE AS SHOWN WHEN PRINTED AT A3

DRAWN	MB	CHECKED	BM	APPROVED	BM
DATE	10.02.20	DATE	10.02.20	DATE	10.02.20

ALL DIMENSIONS IN mm UNLESS OTHERWISE STATED. THIS DRAWING TO BE READ IN CONJUNCTION WITH OTHER RELEVANT DRAWINGS.

DOES THIS SITE DESIGN CONFORM TO THE FOLLOWING EEL DOCUMENTS:
PLAN 168 Ver 6.2 RD10102 GSDD008 Ver 9.0

YES	NO
X	-

IF NO DETAIL THE EXCEPTIONS BELOW:

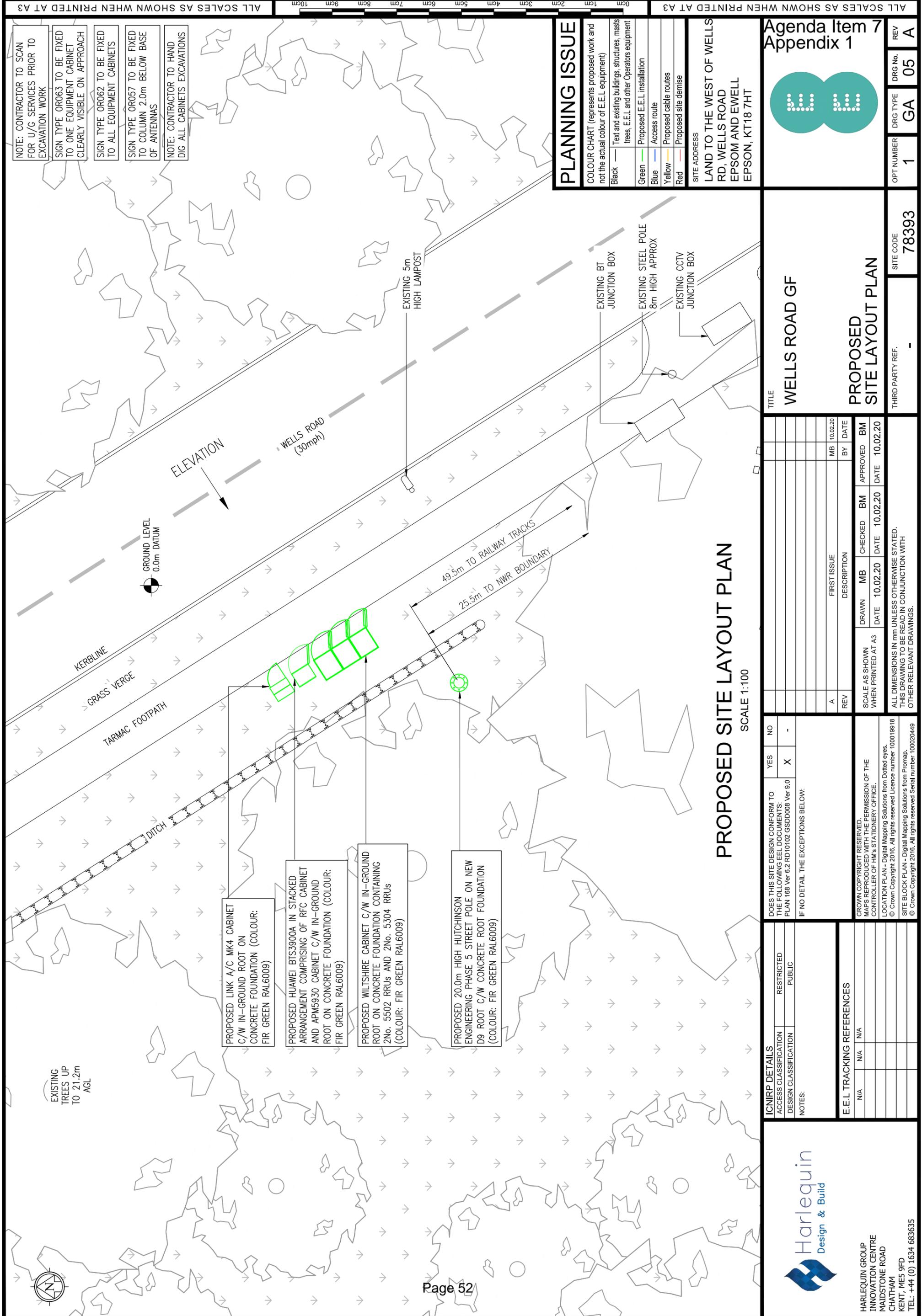
ICNIRP DETAILS

ACCESS CLASSIFICATION	RESTRICTED	PUBLIC
NOTES:		

E.E.L TRACKING REFERENCES

N/A	N/A	N/A
-----	-----	-----

HARLEQUIN GROUP
INNOVATION CENTRE
MAIDSTONE ROAD
CHATHAM
KENT, ME5 9FD
TEL: +44 (0) 1634 683635



NOTE: CONTRACTOR TO SCAN FOR U/G SERVICES PRIOR TO EXCAVATION WORK

SIGN TYPE OR063 TO BE FIXED TO ONE EQUIPMENT CABINET CLEARLY VISIBLE ON APPROACH

SIGN TYPE OR062 TO BE FIXED TO ALL EQUIPMENT CABINETS

SIGN TYPE OR057 TO BE FIXED TO COLUMN 2.0m BELOW BASE OF ANTENNAS

NOTE: CONTRACTOR TO HAND DIG ALL CABINETS EXCAVATIONS

PLANNING ISSUE

COLOUR CHART (represents proposed work and not the actual colour of E.E.L equipment)

Black	Text and existing buildings, structures, masts trees, E.E.L. and other Operators equipment
Green	Proposed E.E.L. installation
Blue	Access route
Yellow	Proposed cable routes
Red	Proposed site demise

SITE ADDRESS
 LAND TO THE WEST OF WELLS RD, WELLS ROAD
 EPSOM AND EWELL
 EPSOM, KT18 7HT

Agenda Item 7
 Appendix 1

OPT NUMBER	1	DRG TYPE	GA	DRG No.	05	REV	A
------------	---	----------	----	---------	----	-----	---

TITLE
 WELLS ROAD GF

PROPOSED SITE LAYOUT PLAN

THIRD PARTY REF. -

SITE CODE 78393

REV	DESCRIPTION	DRAWN	MB	CHECKED	BM	APPROVED	BM
DATE	DATE	DATE	DATE	DATE	DATE	DATE	DATE
A	FIRST ISSUE						

SCALE AS SHOWN WHEN PRINTED AT A3

DATE 10.02.20

DATE 10.02.20

DATE 10.02.20

DATE 10.02.20

ALL DIMENSIONS IN mm UNLESS OTHERWISE STATED. THIS DRAWING TO BE READ IN CONJUNCTION WITH OTHER RELEVANT DRAWINGS.

ICNIPR DETAILS

DESIGN CLASSIFICATION	RESTRICTED	YES	NO
NOTES:			
	PUBLIC	X	-

DOES THIS SITE DESIGN CONFORM TO THE FOLLOWING EEL DOCUMENTS:
 PLAN 168 Ver 6.2 RD10102 GSDD008 Ver 9.0

IF NO DETAIL THE EXCEPTIONS BELOW:

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LOCATION PLAN - Digital Mapping Solutions from Dotted eyes.

SITE BLOCK PLAN - Digital Mapping Solutions from Promap.

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E.E.L TRACKING REFERENCES

N/A	N/A	N/A

- PROPOSED LINK A/C MK4 CABINET C/W IN-GROUND ROOT ON CONCRETE FOUNDATION (COLOUR: FIR GREEN RAL6009)
- PROPOSED HUAWEI BTS3900A IN STACKED ARRANGEMENT COMPRISING OF RFC CABINET AND APMS930 CABINET C/W IN-GROUND ROOT ON CONCRETE FOUNDATION (COLOUR: FIR GREEN RAL6009)
- PROPOSED WILTSHIRE CABINET C/W IN-GROUND ROOT ON CONCRETE FOUNDATION CONTAINING 2No. 5502 RRUs AND 2No. 5304 RRUs (COLOUR: FIR GREEN RAL6009)
- PROPOSED 20.0m HIGH HUTCHINSON ENGINEERING PHASE 5 STREET POLE ON NEW D9 ROOT C/W CONCRETE ROOT FOUNDATION (COLOUR: FIR GREEN RAL6009)

PROPOSED SITE LAYOUT PLAN

SCALE 1:100

HARLEQUIN GROUP
 INNOVATION CENTRE
 MAIDSTONE ROAD
 CHATHAM
 KENT, ME5 9FD
 TEL: +44 (0) 1634 683635

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Plan showing limited general area considered for new mast location



The yellow pin shows the nearest current mast.

The green ringed area is where the new mast is required to be located

Plan supplied 04/03/2020 by Operator.

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Department for
Digital, Culture,
Media & Sport



Ministry of Housing,
Communities &
Local Government

7th March 2019

Collaborating for digital connectivity

Government is committed to supporting investment in high-quality, reliable digital connectivity so that communities can benefit from faster economic growth and greater social inclusion. It is essential to keep pace with growing demand for internet bandwidth and mobile data from local businesses, residents and those who visit our communities. As outlined in the Future Telecoms Infrastructure Review, the Government would like to see nationwide full fibre coverage by 2033. We would also like the UK to be a world leader in 5G, with the majority of the population covered by a 5G signal by 2027. We are writing to ask for your help in supporting the investment necessary to achieve these objectives.

Recent years have seen substantial investment in mobile and fixed digital infrastructure across the UK. In 2016 the Gross Value Added from the digital sector was £116.5 billion, which equates to 6.7% of the UK economy, so the benefits for individuals and the UK as a whole are substantial. While mobile coverage across the UK has been significantly improving, there are still too many areas where coverage is poor. The UK has now achieved 95% superfast broadband coverage but still only 6% full fibre coverage.

We need to create the market and policy conditions necessary to support the large-scale commercial investment required to extend and future-proof digital connectivity. A key part of this is making it easier for operators to deploy infrastructure. To help to achieve this, the Government recently reformed the Electronic Communications Code - the statutory framework which underpins agreements between communications network providers and those in both the private and public sector who can provide sites for the installation of network equipment. The purpose of the reforms was to make it easier and more cost effective for communications network providers to deploy and maintain digital infrastructure.

Local authorities have an essential role to play as site providers. As Chief Executives, you can support investment in digital communications infrastructure by ensuring your organisations have policies and procedures in place that promote effective engagement with the digital communications industry and minimise barriers to deployment.

We have published [guidance for local authorities and network operators](#) on areas such as digital leadership, considerations for the local planning authority, streetworks, and on making local authority assets available to network operators for the installation of networks. This advice follows on from the [Digital Infrastructure Toolkit](#), which was published in 2018 and provides advice for central government and network providers regarding access to government sites.

We welcome the efforts that some local authorities have already made to enable network deployment. In future, the Government intends to publish information on how effectively local authorities are engaging with industry and adopting the principles outlined in this guidance. We would, therefore, ask you:

1. To ensure your teams are aware of, and using, the guidance the Government has provided to improve broadband and mobile connectivity in their areas.
2. If you have not already, identify a Digital Infrastructure Champion within your organisation and share these contact details with local.connectivity@culture.gov.uk, and
3. In particular, to ensure your teams are granting access to your assets and infrastructure effectively to support the rollout of full fibre and mobile networks.

I hope you agree that we should work hand in hand to support the significant new investment in digital infrastructure that can benefit our communities. With this in mind, Government will give significant weight to the extent to which local authorities have adopted the principles contained in our guidance when allocating funding for future DCMS projects aimed at boosting investment in fibre or mobile networks.

If you or any of your colleagues have any questions, please contact DCMS at localconnectivity@culture.gov.uk.

Thank you in advance for your cooperation.

TELECOMMUNICATIONS MASTS ON COUNCIL LAND

<u>Report of the:</u>	Chief Solicitor and Estates Manager
<u>Contact:</u>	Alex Williams/David Holloway/Trevor Smith
<i>If yes, reason urgent decision required:</i>	No
<i>If yes, reason urgent decision required:</i>	N/A
<u>Annexes/Appendices (attached):</u>	List of possible sites
<u>Other available papers (not attached):</u>	Plan indicating sensitive sites. Due to the size of this plan, it is available for inspection in the Members' Room (available for public inspection at the Town Hall upon request) and will be on display at the committee meeting. Report and Minutes of the Strategy and Resources Committee dated 15 November 2005

This report sets out the investigation of potential sites and exclusion areas for the erection of telecommunication masts on Council owned open space as a result of the Standing Order 4 Motion for debate moved at Council on 27 September 2005.

<u>RECOMMENDATION (S)</u>	<i>Notes</i>
<p>That the Committee:</p> <p>(1) Agrees that the areas within the Borough's parks and recreation grounds identified in Annexe 1 be excluded from any future telecommunications mast installation</p> <p>(2) Agrees that the Telecommunications Masts Sub Committee continue to consider applications on the suitability of Council owned land for the siting of telecommunications masts outside the exclusion areas</p> <p>(3) Recommends to the Council that the Council's policy on the siting of telecommunications masts on Council owned land be amended to reflect recommendations (1) and (2).</p>	

1 Implications for Community Strategy and Council's and Committee's Key Priorities

- 1.1 The Council has an obligation to ensure best value from all its assets including land.

- 1.2 The Community Strategy shows that the Borough's open spaces are greatly valued by local residents and therefore it is important to ensure that uses that take place within these open spaces are compatible with the public's needs

2 Introduction

- 2.1 The Committee will be aware of the approaches from mobile phone operators to erect telecoms masts on Council owned open space which have been rejected due to public protest (e.g. in Court Recreation Ground).
- 2.2 The Telecommunications Masts Sub-Committee was requested to consider the following Standing Order 4 Motion for Debate moved by Councillor Taylor and seconded by Councillor Lees at the meeting of the Council held on 27 September 2005:

"This Council is not willing to allow telecommunications masts in the Borough's parks and open spaces"

- 2.3 This Committee considered the recommendations of the Telecommunication Masts Sub-Committee at its meeting on 15 November 2005.
- 2.4 The Sub-Committee's recommendations reflected that it considered that there were parts of the Council's parks and recreation grounds which were more sensitive than others to the installation of telecommunication masts. However, at the same time it appreciated that a blanket ban could well force operators to site masts on non-Council owned land which might be more inappropriate.
- 2.5 It had been hoped to prepare and present a map to the Strategy and Resources Committee in order that the Committee could consider whether to allocate the areas defined upon it as excluded from any future telecommunication mast installations. It had not been possible to do so within the timescales available and the Committee therefore felt it was premature to express a view on the principle of exclusion zones.
- 2.6 Having discussed the criteria upon which officers were being requested to draw up the map, which the Chairman of the Telecommunication Masts Sub-Committee confirmed would be the same as those applied to telecommunication masts sited in the vicinity of schools, it was recommended to, and agreed, by Council on 13 December 2005 that the matter be deferred for further consideration at the next meeting of the Strategy and Resources Committee.

3 Proposals

- 3.1 As the vast majority of children's playgrounds are sited on Council open space land, an exercise has been undertaken placing a circle with a 250 metre radius around all the playgrounds on Council land to identify what areas are potentially ruled out as sites for telecoms masts.

- 3.2 In addition a 250 metre radius has been placed around schools and colleges in the vicinity of Council open space to see whether that circle encroaches upon any part of the Council open space to potentially rule it out as a site for telecoms masts. To make this exercise manageable and achievable it has not included other areas where young people may congregate such as private children's nurseries in the vicinity of Council public open spaces.
- 3.3 The plan referred to at Annexe 2 shows the potential exclusion zones around Council owned open space resulting from the exercise referred to in paragraphs 3.1 and 3.2.
- 3.4 This exercise was agreed by the Telecommunications Masts Sub-Committee because it was recognised that a blanket ban on masts on Council open space land could potentially mean operators being forced to site equipment even closer to residential areas. To this end it was agreed some less sensitive areas within Council open spaces could potentially be used by the operators to alleviate the situation.
- 3.5 As will be seen from this exercise, the Council open space areas highlighted in red on the plan are potentially within the exclusion zones as being near playgrounds or schools and thus being within the committee's definition of sensitive sites. This would rule out from consideration all the Council's formal parks and gardens.
- 3.6 The areas outlined in blue indicate areas that can potentially site equipment, being the larger open space areas, these include Epsom Common, Horton Country Park and the Hogsmill open space. It will be noted that there will be areas within these that would be ruled out because of their close proximity to schools.

4 Financial and Manpower Implications

- 4.1 By prohibiting telecoms masts in certain areas the Council would forego any potential income that may be generated by leasing the land. This income could range between £3,500 and £15,000 per mast per annum, depending on the type/size of equipment and its location.

5 Human Rights and Other Legal Implications

- 5.1 Mobile communications operators are obliged by law to provide equitable access to a wide range of competitive services. In pursuit of this goal sites are required to position transmission equipment.
- 5.2 It is government policy to facilitate the growth of new and existing telecommunications systems whilst keeping the environmental impact to a minimum. The government also has a responsibility for public health.

6 Social Well-being

- 6.1 Banning mobile telecommunications equipment in the areas highlighted may alleviate the fear of perceived harmful effects that some members of the public have.
- 6.2 However, preventing the equipment being sited on the Council's land may increase the chance of it being located on land owned by third parties which is possibly in closer proximity to "sensitive" sites such as schools and playgrounds.

7 Economic Well-being

- 7.1 Mobile telecommunications play a key part in the national economy and operators are obliged by central government to maintain and improve the networks now in place. As organisations increasingly promote the virtues of flexible working reliable state of the art mobile communications equipment is an essential tool.
- 7.2 It is important to promote economic prosperity within the Borough.

8 Environmental Well-being

- 8.1 The exclusion of masts from environmentally sensitive areas will preserve these areas in their current state.

9 Risk Assessment and Conclusions

- 9.1 The proposals to prevent masts being erected within 250 metres of the areas designated in the plan have several implications. The first and perhaps most significant is whether preventing their siting on land which is perceived to be sensitive may force the operators to move the equipment even closer to the public by needing more, smaller transmitters located at street level.
- 9.2 If imposed the exclusion zones will alleviate certain sections of the public's fears over the perceived danger of masts being sited close to schools and playgrounds.
- 9.3 Although not hugely significant the Council will forego the potential income that would be generated by the masts being sited on Council land.

WARD(S) AFFECTED: All

**Minutes of the Meeting of the STRATEGY & RESOURCES COMMITTEE
held on 4 April 2006**

PRESENT-

Councillor Clive Smitheram (in the Chair); Councillor Robert Leach (Acting Vice Chairman); Councillors Michael Arthur, Jonathan Lees, Keith Mann, Derek Phillips, Vince Romagnuolo and Charles Wood

Apologies for absence: Councillors Eber Kington and Natalie Rogers; Mr. Peter Arkell (Appointed Auditor, Audit Commission)

In attendance: Graham Dudley (representing the Scrutiny Committee); Paul Chambers and Rob Spooner (Audit Commission Relationships Manager and Audit Manager respectively); Ann Osborn and Kevin Gill (GO Consultants)

Officers present: Katrina Best (for the Best Value Review of Community Safety); Sara Childs (for the Best Value Review of Customer Contact); Irene Clarke; Fiona Cotter; Steve Davies; Andrew Drummond (for the Local Development Framework and Asset Management Plan); Mark Lumley (for the Best Value Review of Customer Contact); David Smith, Trevor Smith, John Turnbull and Alex Williams

47 ACTING VICE CHAIRMAN. The Acting Chairman proposed, and the Committee agreed, that Councillor Robert Leach act as Vice Chairman for the meeting.

48 MINUTES. The Minutes of the Meeting of the Strategy and Resources Committee held on 31 January 2006 were agreed as a true record and signed by the Chairman.

49 ANNUAL AUDIT LETTER – AUDIT 2004/05. The Committee received the Annual Audit letter for the 2004/05 Audit, which included, for the first time, the CPA Direction of Travel Report and the CPA Use of Resources Score Feedback. It was introduced by Mr. Paul Chambers, the Audit Commission's Relationships Manager and Mr. Rob Spooner, the Audit Manager. In particular, they highlighted that an unqualified opinion had been issued on the Council's 2005/06 Best Value Performance Plan and accounts. The Committee further noted that the Council had scored well on its Use of Resources Assessment.

Councillors then questioned the auditors and officers on a number of areas – how value for money could be quantified, the amount of the Audit Commission's fees, the number of planning appeals against the Council, customer satisfaction with the Council and affordable housing.

50 BEST VALUE REVIEW OF COMMUNITY SAFETY. The Committee received and discussed a report which highlighted the results of the Best Value Review of Community Safety. The actions identified in the Improvement Plan included a range of initiatives to tackle negative perceptions and to reduce the fear of crime. It also contained proposals to improve the internal leadership and management of community safety in the Council and to ensure that the Council had a full and effective role in partnership working within the Borough, the Division and the County.

Having sought clarification on a number of points, the Committee was generally supportive of all the proposals in the Improvement Plan and agreed to adopt it. The Chairman commended all concerned for their effort on this review.

- 51** BEST VALUE REVIEW OF CUSTOMER CONTACT. The Committee received and discussed a report which highlighted the results of the Best Value Review of Customer Contact.

Having discussed the pros and cons of extending Contact Centre hours or providing an out of hours answer phone service, the Committee agreed to adopt the Improvement Plan and approved the Customer Service Strategy, Customer Service Standards and the Comments, Compliments and Complaints procedure. The Chairman, on behalf of the Committee, thanked all those officers and councillors who had contributed to the review.

- 52** IMPROVEMENT PLAN UPDATE: CUTTING BUREAUCRACY AND IMPROVING COST EFFECTIVENESS. The Committee was informed of changes to the Best Value Improvement Plan for Cutting Bureaucracy and Improving Cost Effectiveness.

The Committee noted progress made in the implementation of the Improvement Plan and agreed that action number 7 (IP Telephony) was no longer applicable.

- 53** LOCAL DEVELOPMENT FRAMEWORK – ADOPTION OF STATEMENT OF COMMUNITY INVOLVEMENT. The Committee received and considered a report which sought the adoption of the Statement of Community Involvement in accordance with the Council's Local Development Scheme.

The Statement had been prepared in accordance with statutory requirements in three stages. Following its submission to the Government Office for the South East in June 2005, it had been made available for comment during a six-week consultation period. The representations received had been considered by the Inspector who provided the Council with an opportunity to comment prior to issuing a Binding Report. The Committee noted that if the amendments to the Statement proposed in the Binding Report were agreed, the Statement would be ready for adoption. Accordingly, the Committee agreed that the said amendments should be made to the Statement of Community Involvement and that the Statement, as amended should be adopted in line with the Council's Local Development Scheme.

The Chairman informed the Committee that Andrew Drummond, the Planning Policy Officer, would very shortly be leaving the Council to travel in New Zealand. On behalf of the Committee, the Chairman thanked Mr. Drummond for his work and wished him well.

- 54** ASSET MANAGEMENT PLAN. A report was presented to the Committee which sought approval of a revised Asset Management Plan.

A verbal submission was received from a local resident on paragraph 1.4.5 (how the Plan proposed to support the Community Strategy in regards to transportation and congestion with particular reference to a planning application for a supermarket in Upper High Street). The Committee was reminded that the disposal of property and the planning process were two separate issues but that this Plan had been drafted so as not to commit the Council to a particular course of action prior to any decision on a planning application.

The Committee also discussed the Asset Management Plan's relationship to other strategies and noted that its purpose was to deal with the Council's own assets and resources and those aspects of other strategies which had an impact on these. Subject to a minor amendment to refer to the

Kiln Lane link as a possibility rather than a certainty, the Committee approved the revised Asset Management Plan attached as an Annexe to the report.

- 55 BACKLOG MAINTENANCE PROGRAMME 2006/07. The Committee received and considered a report detailing the backlog maintenance programme for 2006/07.

The Committee approved the programme of works for 2006/07 as set out in the report and agreed the carry forward of unspent provision from the property maintenance reserve to complete works approved in the 2005/06 programme.

- 56 TELECOMMUNICATIONS MASTS ON COUNCIL LAND. A report was presented to the Committee following the investigation of potential sites and exclusion areas for the erection of telecommunication masts on Council owned open space carried out as a result of the Standing Order 4 Motion for debate moved at Council on 27 September 2005.

The exercise had been agreed by the Telecommunications Masts Sub-Committee because it was recognised that a blanket ban on masts on Council open space could potentially result in operators being forced to site equipment in even more unpopular locations. The Committee noted that, if imposed, the exclusion zones would alleviate certain sections of the public's fears over the perceived danger of masts but rule out their location in all of the Council's formal parks and open spaces. The Chairman of the Telecommunication Masts Sub Committee was therefore concerned that the proposals would hamstring consideration of the most appropriate location for such facilities.

Nevertheless, the Committee **decided to recommend** that the

- (1) Areas within the Borough's parks and recreation grounds identified in Annexe 1 to the report should be excluded from any future telecommunications mast installation;
- (2) Telecommunications Masts Sub-Committee should continue to consider applications on the suitability of Council owned land for the siting of telecommunications masts outside exclusion areas;
- (3) Council's policy on the siting of telecommunications masts on Council owned land should be amended to reflect this.

- 57 TREASURY MANAGEMENT STRATEGY. In accordance with the requirement to review this strategy annually, the Committee considered and agreed the document attached as an Annexe to the report. Essentially this proposed the continuation of current policy, which had been working effectively.

- 58 OUTSTANDING REFERENCES. The Committee noted the references to officers outstanding as at 27 March 2006, in particular that whilst the planning application in relation to Upper High Street was likely to be reported to the Planning Committee on 18 May 2006, any disposal of land would need to be considered by this Committee.

- 59 EXCLUSION OF PRESS AND PUBLIC. The Committee resolved to exclude the press and public for Minute no. 60 (Redevelopment of Hollymoor Lane Shops) on the grounds that the business involved the likely disclosure of exempt "information relating to the financial or business affairs of any particular person (including the authority holding that information)" as defined in paragraph 3 of Part 1 of Schedule 12 (A) to the Local Government Act 1972 and

pursuant to paragraph 10 of the said Schedule 12 (A) the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

- 60** REDEVELOPMENT OF HOLLYMOOR LANE SHOPS. The Committee received a report which sought confirmation of the intention to develop the premises on the Longmead Estate, owned by the Council, and known as Hollymoor Lane Shops.

Having considered the officers' report, the Committee agreed in principle to the said redevelopment. To this end, the Committee further agreed that the Chief Executive and the Corporate Property Officer should be authorised to continue negotiations with the various interested parties, including the Old Cottage Hospital Doctors, Rosebery Housing Association, Surrey County Council, the tenants of the retail units and the Sefton Arms and report back the full financial implications to the Committee in June 2006.

- 61** VOTE OF THANKS. A vote of thanks was passed to the Chairman, in his absence, the Vice Chairman and Officers for their stewardship of, and work on behalf of, the Committee during a difficult year.

The meeting ended at 9.29 p.m.

CLIVE SMITHERAM
In the Chair



EPSOM AND EWELL

Minutes of the Meeting of the COUNCIL of the BOROUGH OF EPSOM AND EWELL held at the Town Hall, The Parade, Epsom on 25 April 2006

PRESENT-

The Mayor (Councillor Jean Smith); The Deputy Mayor (Councillor Brian Angus); Councillors Michael Arthur, Lionel Blackman, Pamela Bradley, Sheila Carlson, Graham Dudley, Robert Foote, Paul Green, Christine Howells, Carol Jay, Eber Kington, Robert Leach, Jonathan Lees, Christine Long, Jan Mason, Nigel Pavey, Derek Phillips, Jonathon Reed, Mike Richardson, Vince Romagnuolo, Ruby Smith, Clive Smitheram, Jean Steer, John Sullivan, Colin Taylor, Alan Winkworth, Charles Wood and David Wood.

Apologies for absence: Councillors John Beckett, Alan Carlson, Simona Hartley, John Lucas, Keith Mann, Nigel Petrie and Natalie Rogers; Honorary Aldermen Mrs P.M. Ballard, W.R. Carpenter, Mrs D.B. Clark, H.W. Davison, B.J.R. Kibble, R.L. Lewis and R.A. Saviel; Honorary Freeman R.B. Richmond.

The Meeting was preceded by prayers led by the Mayor's Chaplain.

- 90** MINUTES. The Minutes of the Meeting of the Council held on 21 February 2006 were agreed as a true record and signed by the Mayor.
- 91** DEATH OF HONORARY ALDERMAN TED FAULKS. It was with sadness that the Mayor announced that Honorary Alderman Ted Faulks had passed away on 1 March 2006. His funeral had taken place at St. Mary's, Ewell. He had served as a Councillor between 1972 and 1995, as Mayor in 1986-87 and had been admitted as an Honorary Alderman in July 1995. He was remembered by Councillor Kington as a friend and advisor, for his commitment to the Residents' Association movement and his desire to make a difference to the community. He would be much missed.
- 92** MAYOR'S ANNOUNCEMENTS. a) Retirement of the Chairman of the Standards Committee: The Mayor announced the retirement of Mr Trevor Rains as the lay Chairman of the Standards Committee and wished, on behalf of the Council, to record thanks for his effective and impartial oversight of the Committee's work, a sentiment echoed by Councillor Michael Arthur who served on the Committee. b) Emergency Mobile Column Association: The Mayor reported that the Association valued the Council's support and the research carried out by museum staff on its behalf. c) Head of Committee Services: The Mayor passed on a message of thanks from Anne Macgregor for the Council's good wishes.

d) Well Being Award: The Mayor was pleased to announce that the Council had been highly commended for its work by the Public Sector People Managers Association, and acknowledged the contributions of the Lets get Active Co-ordinator, Shirley Piotrowski and the Human Resources team (Irene Clarke, Evelyn Dsane, Susie Fairhead and Shona Mason). e) BTEC student of the year award: The Mayor congratulated Ben Marshall (Benefits) on winning this award.

93 DECLARATIONS OF INTERESTS. Declarations of interest were made by Councillors in items on the agenda, as set out below each of the relevant items.

94 TOWN WARD BY-ELECTION. The Chief Executive reported the result of the election of a Councillor in Town Ward held on 30 March 2006 as follows:

<u>Name of Candidate</u>	<u>Description</u>	<u>Number of Votes</u>
<u>CHINN</u> Katherine Mary (commonly known as KATE)	The Labour Party Candidate	102
<u>DALLEN</u> Neil Andrew	Residents' Associations of Epsom & Ewell	373
<u>IRVINE</u> Anton Peter (commonly known as Antony)	Conservative Party	205
<u>MORRIS</u> Julie Anne	Liberal Democrat	438 (ELECTED)

Councillor Julie Morris had made her statutory declaration of acceptance of office on the night of the by-election, 30 March 2006.

95 STRATEGY AND RESOURCES COMMITTEE AND MOTION FOR DEBATE UNDER STANDING ORDER 4 – TELECOMMUNICATIONS MASTS ON COUNCIL LAND. Pursuant to the provisions of Standing Order 4, the Strategy and Resources Committee had considered the motion formally moved by Councillor Colin Taylor and seconded by Councillor Jonathan Lees at the meeting of the Council on 27 September 2005. The recommendation arising from the meeting of the Strategy and Resources Committee held on 4 April 2006 was accordingly received.

It was MOVED by Councillor Derek Phillips, SECONDED by Councillor Robert Leach and CARRIED without a division:

“That an additional recommendation be approved to review the exclusion policy after one year’s operation”

It was thereupon MOVED by Councillor Jan Mason and SECONDED by Councillor Robert Foote:

“That all areas within the Borough’s parks, open spaces and recreation grounds should be excluded from any future telecommunications mast installation”

Upon being put, Councillor Mason’s MOTION was LOST, there being 2 members in favour and the majority against.

Resolved

that recommendation 90A as amended be approved and adopted.

Note: Councillor Christine Long declared a personal and prejudicial interest in the item, by reason of her association with the telecommunications industry, withdrew from the Chamber and took no part in the debate on the matter.

- 96** STANDARDS COMMITTEE. The Minutes of the meeting of the Standards Committee held on 28 March 2006 were received and noted.
- 97** SCRUTINY COMMITTEE. The Minutes of the meeting of the Scrutiny Committee held on 12 April 2006 (including the Committee's Annual Report to the Council) were received and noted.
- 98** NOTICE OF MOTION – JUDICIAL REVIEW OF THE SECRETARY OF STATE'S DECISION REGARDING THE SITING OF A NEW CRITICAL CARE HOSPITAL. In pursuance of notice given under Standing Order 4, it was MOVED by Councillor Lionel Blackman and SECONDED by Councillor Jonathan Lees that:

“This Council notes that:

- The decision dated 19 December 2005 of the Secretary of State for Health to locate a new critical care hospital at the St Helier site (“The decision”) will lead to a reduction of important services at Epsom General Hospital.
- As a body representing the population of the Borough of Epsom and Ewell, this Council has legal standing to challenge the decision.
- Both Reigate and Banstead Borough Council and Surrey County Council are already taking steps towards a judicial review of the decision.
- Although a successful judicial review by the High Court of the decision would lead to the quashing of the decision, the Court would have no power to direct an alternative decision.
- Therefore a successful judicial review would give an opportunity to urge the Secretary of State to continue all present services at Epsom General Hospital.

Accordingly, this Council:

- Authorises the Chief Executive to obtain expert Counsel's opinion on the merits of judicial review of the decision. For this purpose it would be sufficient if the opinion is one that has already been obtained by Reigate and Banstead Borough Council or Surrey County Council.
- Unless the conclusion of the expert opinion is to advise against a judicial review, directs the Chief Executive to take every reasonable step to pursue a withdrawal of the decision, up to and including joining the Council as a party to legal proceedings for a judicial review of the decision.”

In accordance with Standing Order 4.5, the Mayor allowed debate upon the motion to take place immediately.

An amendment to the motion was thereupon MOVED by Councillor Robert Leach and SECONDED by Councillor Graham Dudley:

“That this Council:

- reaffirms its view that the critical care hospital should be sited in Epsom;
- does not support a judicial review against the decision by the Secretary of State that the hospital be sited at St Helier, as this will mean at best, that the hospital is sited in Sutton and does not allow for the case for Epsom to be made again;
- is not prepared to gamble council tax payers' money on the Liberal Democrat policy of keeping the critical care hospital in Sutton;
- notes the valuable contributions made by many individuals and groups in the community to fight for Epsom Hospital, and reaffirms its commitment to work with all such groups;
- will use all the legal and financially sound means at its disposal to ensure that key services are not removed from Epsom;
- will continue to fight for effective public consultation on all proposed changes to services and service levels; and
- believes that, in any event, maternity and Accident & Emergency facilities must be available within the borough.”

Upon being put, the AMENDMENT was APPROVED, there being 21 in favour and 8 against.

Resolved

That the amended motion, as set out above, be approved and adopted.

Note: Councillors Jean Smith and Clive Smitheram declared personal interests in this item. Councillor Jean Smith was a member of the Friends of Epsom Hospital and Councillor Clive Smitheram's daughter was a staff nurse at Epsom General Hospital.

The meeting ended at 8.53 p.m.

MAYOR

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