



STRATEGY AND RESOURCES COMMITTEE

Thursday 29 September 2022 at 7.30 pm

Place: Council Chamber, Epsom, Town Hall

Link for public online access to this meeting:

<https://attendee.gotowebinar.com/register/6097201420245747470>

Webinar ID: 651-214-587

Telephone (listen-only): 020 3713 5012, Telephone Access code: 352-445-325

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 Neil Dallen (Chair)
Councillor Hannah Dalton (Vice-Chair)
Councillor Kate Chinn
Councillor Monica Coleman
Councillor Liz Frost

Councillor David Gulland
Councillor Graham Jones
Councillor Colin Keane
Councillor Eber Kington
Councillor Alan Williamson

Yours sincerely

Interim Chief Executive

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

EMERGENCY EVACUATION PROCEDURE

No emergency drill is planned to take place during the meeting. If the fire alarm sounds continuously, or if you are instructed to do so, you must leave the building by the nearest available exit. You will be directed to the nearest exit by council staff. It is vital that you follow their instructions.

- You should proceed calmly; do not run and do not use the lifts;
- Do not stop to collect personal belongings;
- Once you are outside, please do not wait immediately next to the building, but move to the assembly point at Dullshot Green and await further instructions; and
- Do not re-enter the building until told that it is safe to do so.

Public information

Please note that this meeting will be held at the Town Hall, Epsom and will be available to observe live on the internet

This meeting will be 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. A limited number of seats will also be available in the public gallery at the Town Hall. For further information please contact Democratic Services, email: democraticservices@epsom-ewell.gov.uk, telephone: 01372 732000.

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 this 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 this Committee. Any person wishing to ask a question at a meeting of this 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 this 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, 14 September 2022**

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, 27 September 2022**

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. MINUTES OF PREVIOUS MEETING (Pages 5 - 30)

The Committee is asked to confirm as a true record the Minutes of the Meetings of the Committee held on 29 March 2022, 4 July 2022 and 26 July 2022 (attached) and Restricted Minutes of the meetings of the Committee on 29 March 2022 and 26 July 2022 (attached) and to authorise the Chair to sign them.

4. COMMUNITY & WELLBEING CENTRE BOILER REPLACEMENT CAPITAL PROJECT (Pages 31 - 34)

This report requests authorisation to increase the budget for the Community & Wellbeing Centre boilers replacement project.

5. BUSINESS IMPROVEMENT DISTRICT (BID) BUSINESS PLAN AND BALLOT (Pages 35 - 54)

The Epsom Business Improvement District (BID) was established in 2017 and has had its initial 5-year term. For the BID to continue its mandate must be renewed and it is envisaged that the formal ballot required will take place this autumn.

The BID Steering Group have produced a Business Plan that defines the proposed scope and purpose of the BID. This document will inform the choice that businesses will have to make when determining whether or not they support the BID.

As a business within the BID boundary, the Borough Council will need to determine whether or not to support the BID as it will be eligible to vote in the ballot. This report recommends that the Council votes "Yes" in the ballot. The Borough Council also has another specific role as the Billing Authority and as-such it can veto BID proposals. This report recommends that the Council does not exercise this veto.

6. IT STRATEGY REVIEW (Pages 55 - 70)

This report provides details of the IT strategic plan and its accompanying programme of digital transformation, to improve end user experience for Residents/Members/Officers, simplify the infrastructure/applications and increase digital skills of all users. The strategy will provide Members/Officers with improved ways of working, that increases collaboration and reduces the requirement for physical servers located at Council premises. This report outlines the funding required to enable Committee to decide on whether it wishes to follow the strategic direction and progress the priority recommendations made in the strategy review.

7. APPOINTMENT OF MEMBERS AND CHAIRMAN OF THE SHAREHOLDER SUB-COMMITTEE (Pages 71 - 76)

To agree the appointment of Members and a Chair to the Shareholder Sub Committee for the 2022-23 Municipal Year.

8. HORTON CEMETERY (Pages 77 - 116)

This report considers a formal request from a local charity for the Council to exercise its compulsory purchase powers to acquire Horton Cemetery.

9. EXCLUSION OF PRESS AND PUBLIC (Pages 117 - 118)

The Committee is asked to consider whether it wishes to pass a resolution to exclude the Press and Public from the meeting in accordance with Section 100A (4) of the Local Government Act 1972 on the grounds that the business involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Act (as amended) and that pursuant to paragraph 10 of Part 2 of the said Schedule 12A the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

10. HORTON CHAPEL (Pages 119 - 128)

This report has not been published because the meeting is likely to be closed to the press and public in view of the nature of the business to be transacted/nature of the proceedings. The report deals with information relating to the financial or business affairs of the Committee and third parties and the public interest in maintaining the exemption currently outweighs the public interest in disclosing the information.

**Minutes of the Meeting of the STRATEGY AND RESOURCES COMMITTEE held on
29 March 2022**

PRESENT -

Councillor Colin Keane (Chair); Councillor Hannah Dalton (Vice-Chair); Councillors Kate Chinn, Alex Coley (as nominated substitute for Councillor Bernice Froud), Eber Kington, Steven McCormick (as nominated substitute for Councillor Clive Woodbridge), Julie Morris (as nominated substitute for Councillor David Gulland), Phil Neale (as nominated substitute for Councillor Graham Jones) and Clive Smitheram

In Attendance: Councillor Bernie Muir

Absent: Councillor Bernice Froud, Councillor David Gulland, Councillor Graham Jones, Councillor Lucie McIntyre and Councillor Clive Woodbridge

Officers present: Kathryn Beldon (Chief Executive), Clare Lawrence (Director of Environment, Housing & Regeneration), Brendan Bradley (Head of Finance), Judith Doney (Head of Digital and Service Transformation), Ian Dyer (Head of Operational Services), Gillian McTaggart (Head of Corporate Assurance), Mark Shephard (Head of Property and Regeneration), Sue Emmons (Chief Accountant), Tony Foxwell (Senior Surveyor), Phil Gall (ICT Manager), Tim Richardson (Democratic Services Manager) and Dan Clackson (Administrator)

52 QUESTION TIME

No questions were asked by members of the public.

53 DECLARATIONS OF INTEREST

Members of the Committee made the following declarations of interest in relation to items on the agenda:

The Wells Site

Councillor Kate Chinn, Other Interest: In the interests of openness and transparency Councillor Kate Chinn declared that she had been in communication with members of the Epsom Wells Community Association.

The Wells Site

Councillor Phil Neale, Other Interest: In the interests of openness and transparency Councillor Phil Neale declared that he had been in communication

with members of the Wells action Committee 2 years ago, but that he came to the meeting with an open mind.

Tennis in the Borough

Councillor Alex Coley, Other Interest: In the interests of openness and transparency, Councillor Alex Coley declared that as the Chair of the Community and Wellbeing Committee which had referred this item to the Strategy and Resources Committee for approval he would not participate in the vote on this item.

Tennis in the Borough

Councillor Julie Morris, Other Interest: In the interests of openness and transparency, Councillor Julie Morris declared that when this matter had been considered at other Committee meetings she had not participated in the debate or voted. Councillor Morris did not participate in the debate or vote on this item.

Tennis in the Borough

Councillor Steven McCormick, Other Interest: In the interests of openness and transparency, Councillor Steven McCormick declared that as he had acted as a substitute Member at the meeting of the Community and Wellbeing Committee which had referred this item to the Strategy and Resources Committee for approval, and that he would not participate in the vote on this item.

54 MINUTES OF PREVIOUS MEETING

The Minutes of the previous meeting of the Strategy and Resources Committee held on 27 January 2022 and were agreed as a true record and signed by the Chair.

55 THE WELLS SITE

The Committee received a report recommending that the Council grants a long lease of the former Wells Community Centre site to Epsom Wells Community Association (EWCA) to support their proposals for community use of the site by this association.

The following matter was considered:

- a) **Thanks to EWCA.** Members of the Committee expressed their thanks to the Epsom Wells Community Association for their work to produce the business case for the Wells centre, which was attached as Appendix 1 to the report.

Following consideration, the Committee unanimously resolved to:

- (1) **Note the Business Case, “Reimagining The Wells Centre” attached at Appendix 1 to the report as provided by Epsom Wells Community Association (EWCA).**

- (2) **Approve the grant of a Full Repairing & Insuring lease to EWCA of up to 125 years (subject to terms and conditions as set out in Appendix 2 to the report); to enable them to operate a community use from the former Wells Community Centre site (such lease term of up to 125 years to comply with the requirements of Your Fund Surrey and / or National Lottery bid criteria).**
- (3) **Agree a two year rent free period from the grant of the lease and thereafter, a rental reflecting a percentage of operating profit. The two year rent free period will provide EWCA the opportunity to secure their funding arrangements, undertake the initial works and open the Wells Centre.**
- (4) **In the event that the Centre becomes financially unviable after expiry of the two year rent free period or subsequently closes for a continuous period of 6 months, agree that the lease will terminate and the site will revert back to the Council.**
- (5) **Note that the Council and EWCA will be responsible for their own legal costs.**
- (6) **Authorise the Head of Property & Regeneration, in consultation with the Chief Finance Officer and Chair and Vice Chair of S&R Committee to progress the necessary legal documentation to completion.**

56 PROCUREMENT STRATEGY UPDATE

The Committee received a report requesting approval to amendments to the Procurement Strategy. The Procurement Strategy set out the Councils overall aim and objectives in relation to its procurement function in order to deliver value for money and our Future 40 vision and Four-Year Plan 2020-2024.

The following matters were considered:

- a) **Publication error, page 115 of the agenda.** The Committee noted that due to a publication error, the diagram on page 115 of the agenda was not included within the agenda pack. The missing diagram was the 'golden thread' triangle from the Council's Vision document. This error would be corrected in the final Procurement Strategy.
- b) **Actions to support the Climate Change Action Plan.** Following a question from a Member, the Head of Corporate Assurance informed the Committee that the Council's Climate Change Action Plan was supported by the Procurement Strategy and was referenced in paragraph 10.1 of the document.
- c) **Wording of Strategy.** The Committee considered that the wording "where applicable" should be removed from paragraph 8.3 of the Strategy. The Committee also considered that the use of the wording "where appropriate" should be reviewed throughout the Strategy and removed where it was not required.

Following consideration, the Committee unanimously resolved to:

- (1) Approve the amendments to the Procurement Strategy subject to further minor amendments to be detailed in the Minutes of the meeting.**

57 PLANNED MAINTENANCE PROGRAMME 2022-23

The Committee received a report providing an update on the approved 2021-22 planned maintenance programme and requesting approval for the planned maintenance programme for the next financial year 2022-23.

Following consideration, the Committee unanimously resolved:

- (1) To note the progress and anticipated spend at the end of the current year 2021-22 as shown in Appendix 1 to the report.**
- (2) To note the two projects and budgets carried over into 2021-22 planned maintenance programme.**
- (3) To approve the 2022/23 planned maintenance programme at an estimated cost of £498,000 as set out in Appendix 2 to the report.**
- (4) Subject to the Council's financial and contract requirements, to delegate authority to the Head of Property and Regeneration to make changes within the 2022/23 planned maintenance programme to cover unforeseen matters (such as tender price variances) of up to, but not exceeding £20,000.**
- (5) To agree to transfer the unspent budgets back to the planned maintenance reserve at the end of the financial year.**

58 ICT PROGRAMME OF WORKS

The Committee received a report providing details of the strategic plans for a rolling programme of ICT works in line with the Four Year Corporate Plan and the funding details for the 2022/23 financial year.

The following matters were considered:

- a) Wording of ICT Roadmap.** The Committee noted that the wording "where appropriate" was included within some elements of the ICT Roadmap 2020-24. Following a question from a Member, the Committee was informed by the ICT Manager that a decision on these matters would be taken by officers using the expert knowledge of external organisations and with consideration of the relevant costs.
- b) Delivery of CRM Replacement and website upgrade projects.** Following a question from a Member, the ICT Manager informed the Committee that the Council's project management toolkit was currently

being reviewed, and would be used to manage these projects to ensure that they were delivered to time, cost and quality.

- c) **Funding.** The Committee noted that it was estimated that the four year ICT Roadmap would require a continual investment of £250,000 per year, subject to annual approval by the Committee. The Committee also noted if further funding was required a further report would be presented to the Committee for consideration.
- d) **Capital expenditure.** Following a question from a Member, the Head of Finance informed the Committee that it was acceptable to use capital budget funds for the implementation of software systems where the Council would receive a benefit over a number of years. The annual software licensing costs would be funded from revenue budgets.
- e) **Platform for website upgrade.** Following a question from a Member, the ICT Manager informed the Committee that a decision on the platform for the website upgrade had not yet been taken.

Following consideration, the Committee resolved by majority vote, with 7 votes for, 1 against and 1 abstention to:

- (1) **Agree funding of £250,000 from the capital programme for the ICT programme of works for the 2022/23 financial year**

59 TENNIS IN THE BOROUGH

The Committee received a report presenting a non-repayable grant funding opportunity from the Lawn Tennis Association to refurbish and upgrade all tennis courts in the Borough. The report sought approval for £10,330 to be released from capital reserves to provide a 10% match funding contribution.

The following matters were considered:

- a) **Charges for court use.** The Committee noted that a schedule of charges for use of Tennis Courts would be presented to the next meeting of the Community and Wellbeing Committee for consideration.

Following consideration, the Committee resolved by majority vote with 6 votes for and 3 members not voting, to:

- (1) **Note the details of the grant funding opportunity from the Lawn Tennis Association to refurbish and upgrade all tennis courts in the borough.**
- (2) **Release £10,330 from capital reserves for a 10% match funding contribution from S106 funds.**

60 CONSTITUTION WORKING GROUP

The Committee received a report from the Constitution Working Group proposing the number of members for the Crime and Disorder Sub-Committee, changes to Advisory Panel Terms of Reference, and a Member Champion Role Description for agreement.

The following matters were considered:

- a) Amendment to Terms of Reference of Human Resources Panel.** Councillor Eber Kington proposed and Councillor Clive Smitheram seconded an amendment to the Terms of reference of the Human Resources Panel as follows:

That the wording “Proposal for any new staff pay deal” be deleted from the Terms of Reference for the Human Resource Panel.

Upon being put to the vote this amendment was agreed by a majority vote in favour.

- b) Composition of Constitution Working Group.** Councillor Eber Kington proposed and Councillor Steven McCormick seconded an amendment to the composition of the Constitution Working Group as follows:

That the composition of the Working Group be amended as follows:

That “Vice Chair of Standards and Constitution Committee” be deleted and “1 Member of Standards and Constitution Committee” be added.

Upon being put to the vote this amendment was agreed by a majority vote in favour.

- c) Member Champions.** Councillor Alex Coley proposed and Councillor Hannah Dalton seconded an amendment to the composition of the Constitution Working Group as follows:

That section 2.3 of the Member Champion Role Description in Appendix 3 to the report should be deleted to avoid ambiguity.

Upon being put to the vote this amendment was agreed by a majority vote in favour.

- d) Membership of Human Resources Panel and Health Liaison Panel.** The Committee considered that the allocation of Membership by political group for the Human Resources Panel and Health Liaison Panel detailed in Appendix 2 to the report should be deleted, as this will be calculated annually in accordance with proportionality requirements.

Following consideration, the Committee unanimously resolved to:

- (1) Note the Working Group Terms of Reference (Appendix 1 to the report) subject to the following amendment:**
 - **That the composition of the Working Group be amended as follows:**

That “Vice Chair of Standards and Constitution Committee” be deleted and “1 Member of Standards and Constitution Committee” be added.
- (2) Agree to the review of both the Health Liaison Panel and Human Resources Panel Terms of Reference during the 22/23 municipal year and subsequent recommendations made to full Council for ratification (Appendix 2 to the report), subject to the following amendments:**
 - **That the allocation of Membership by political group for the Human Resources Panel and Health Liaison Panel be deleted, as this will be calculated annually in accordance with proportionality requirements.**
 - **That the wording “Proposal for any new staff pay deal” be deleted from the Terms of Reference for the Human Resource Panel.**
- (3) Agree the make-up of the Crime and Disorder sub-committee and recommend to full Council for ratification.**
- (4) Agree the Member Champion profile and recommend to full Council for adoption (Appendix 3 to the report) subject to the following amendment:**
 - **That section 2.3 of the Member Champion Role Description be deleted.**
- (5) Note the update of the Working Group regarding the Workplan for the 22/23 Municipal year.**

61 EWELL COURT HOUSE

The Committee received a report seeking approval to award the service contract (including commercial lease) for a specialist weddings and events partner to manage the venues operation of Ewell Court House.

The following matter was considered:

- a) Climate change and sustainability.** Following a question from a Member, the Committee was informed by the Head of Property and Regeneration that the service provider had produced a comprehensive policy which met the Council’s requirements for climate change and sustainability.

Following consideration, the Committee unanimously resolved to:

- (1) Agree to award a 10 year service contract, with the option to extend for a further 5-years, to Bovingdons Catering Ltd on the confidential financial terms as set out in Appendix 1 to the report.**
- (2) Agree to award a 10 year commercial lease (co-terminus with the above service contract), to Bovingdons Catering Ltd.**
- (3) Authorise the Head of Property & Regeneration, in consultation with the Chief Finance Officer, to progress and complete the above legal documentation.**

62 EXCLUSION OF PRESS AND PUBLIC

Under Section 100(A)(4) of the Local Government Act 1972, the Committee passed a resolution to exclude the public from the meeting for Part Two of the Agenda on the grounds that the business involved the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Act (as amended) and that pursuant to paragraph 10 of Part 2 of the said Schedule 12A the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

63 COMMERCIAL TENANT UPDATE

The decision for this item is recorded in a separate (not for publication) restricted Minute.

The meeting began at 7.30 pm and ended at 9.00 pm

COUNCILLOR COLIN KEANE (CHAIR)

Minutes of the Meeting of the STRATEGY AND RESOURCES COMMITTEE held at the Council Chamber, Epsom Town Hall on 4 July 2022

PRESENT -

Councillor Neil Dallen (Chair); Councillor Hannah Dalton (Vice-Chair); Councillors Kate Chinn, Monica Coleman, Liz Frost, David Gulland, Graham Jones, Colin Keane and Eber Kington

In Attendance: Councillor Arthur Abdulin, Councillor Alex Coley, Councillor Chris Frost, Councillor Rob Geleit, Councillor Steven McCormick and Councillor David Reeve

Officers present: Olwen Brown (Monitoring Officer), Lee Duffy (Chief Finance Officer), Tim Richardson (Democratic Services Manager), Dan Clackson (Democratic Services Officer) and Stephanie Gray (Senior Democratic Services Officer)

1 QUESTION TIME

No questions were received from members of the public.

2 DECLARATIONS OF INTEREST

No declarations of interest were made in relation to items of business to be discussed at the meeting.

3 EXCLUSION OF PRESS AND PUBLIC

Under Section 100(A)(4) of the Local Government Act 1972, the Committee passed a resolution by majority decision to exclude the public from the meeting for Part Two of the Agenda on the grounds that the business involved the likely disclosure of exempt information as defined in paragraphs 1 and 3 of Part 1 of Schedule 12A to the Act (as amended) and that pursuant to paragraph 10 of Part 2 of the said Schedule 12A the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

4 CHIEF EXECUTIVE OFFICER RECRUITMENT

Following the recent resignation of the Chief Executive the Committee received a report requesting Members to decide on the preferred replacement route for that post.

The report set out the range and costs of available options Members were advised to consider and also covered suggested arrangements for temporary

cover until such a time as the recruitment was complete. The report covered the statutory functions of the Head of Paid Service and Electoral Returning Officer, roles to which the Council is legally required to appoint.

The following matters were considered:

- a) **Appointment of Returning Officer.** Following a question from a Member, the Monitoring Officer informed the Committee that the early release of the Chief Executive from her role as Returning Officer would not cause any validity issues for the West Ewell By-election on 7 July as long as the Council appointed a new Returning Officer at the same time.
- b) **Consideration of options.** The Committee considered the recruitment options presented by the report. Following debate of the benefits and disadvantages of each option, the Committee considered that a further option should be put forward. The additional option would involve the commencement of recruitment of a permanent Chief Executive Officer, and in the interim period the Director of Corporate Services should be appointed as the Interim Chief Executive Officer and Head of Paid Service with a 10% uplift to her salary. The Committee also considered that a budget of up to £50,000 should be provided from the Corporate Projects Reserve to provide additional support in whatever form the Interim Chief Executive decided. The Committee considered that this would provide continuity to the Council's Officer Team and support where needed.

Following consideration, the Committee resolved by majority vote with 5 votes for, 1 vote against, 2 abstentions and the Chair not voting:

To recommend that the Council:

- (1) **Agrees to go out to recruit a permanent Chief Executive Officer and that in the interim period appoints the Director of Corporate Services for a 6-month period as the Interim Chief Executive Officer and Head of Paid Service, with a 10% uplift to her salary, and provides a budget of up to £50,000 funded from the Corporate Projects Reserve to provide additional support.**
- (2) **Agrees to release the existing Chief Executive from her role as Head of Paid Service and Returning Officer from 4 July and to appoint the Director of Corporate Services as Returning Officer with effect from 5 July 2022 until a permanent Chief Executive Officer is recruited in accordance with recommendation (1).**

The Committee resolved unanimously:

That the Committee agreed:

- (3) **To establish a Member sub-committee in accordance with the terms of reference in Appendix 4 to the report, which will progress the necessary recruitment process, in conjunction with officers, and bring forward a recommended appointment in accordance with the preferred option to a future meeting of Full Council for ratification;**

- (4) That the Head of Paid Service Sub-Committee would be politically proportionate and that nominations to its Membership would be agreed by the relevant political groups.**

The meeting began at 7.30 pm and ended at 9.20 pm

COUNCILLOR NEIL DALLEN (CHAIR)

This page is intentionally left blank

**Minutes of the Meeting of the STRATEGY AND RESOURCES COMMITTEE held on
26 July 2022**

PRESENT -

Councillor Neil Dallen (Chair); Councillor Hannah Dalton (Vice-Chair); Councillors Kate Chinn, Alex Coley (Items 05-18 only) (as nominated substitute for Councillor Monica Coleman), Liz Frost, David Gulland, Graham Jones, Colin Keane, Eber Kington and Alan Williamson

In Attendance: Councillor Steven McCormick

Absent: Councillor Monica Coleman

Officers present: Jackie King (Interim Chief Executive), Clare Lawrence (Director of Environment, Housing & Regeneration), Brendan Bradley (Head of Finance), Victoria Potts (Head of Place Development), Gillian McTaggart (Head of Corporate Assurance), Mark Shephard (Head of Property and Regeneration), Sue Emmons (Chief Accountant), Will Mace (Business Assurance Manager), Ian Mawer (Planning Policy Manager), Prue Timms (Procurement and Contracts Manager) and Tim Richardson (Democratic Services Manager)

5 QUESTION TIME

No questions were asked by members of the public.

6 DECLARATIONS OF INTEREST

No declarations were made in relation to items of business to be discussed at the meeting.

7 MINUTES OF PREVIOUS MEETING

The Minutes and Restricted Minutes of the previous meeting of the Strategy and Resources Committee held on 5 May 2022 were agreed as a true record and signed by the Chair. It was noted that the Minutes of the Special Meeting of the Committee held on 4 July 2022 would be presented to the next meeting for approval.

8 RISK MANAGEMENT STRATEGY

The Committee received a report presenting an updated Risk Management Strategy for adoption to maintain and enhance the Council's corporate governance, and risk management in particular.

The following matters were considered:

- a) **Risk response.** A Member of the Committee suggested that the Risk response section (page 23 of the agenda) should be split to separate controls and mitigation. This was noted by Officers.
- b) **Financial risks.** A Member of the Committee suggested that the Financial risk section (page 33 of the agenda) should be split to separate income and costs. This was noted by Officers.
- c) **Correction to typing error.** The Committee noted a correction to a typing error on page 31 of the agenda in the "insignificant" level of risk column in relation to staff. This typing error read "Declining staff dissatisfaction..." and was corrected to read "Increasing staff dissatisfaction...".
- d) **Record of training.** In response to a question from a Member, the Business Assurance Manager informed the Committee that a record of all training sessions would be maintained.

Following consideration, the Committee unanimously resolved to:

(1) Approve the updated Risk Management Strategy.

9 UK SHARED PROSPERITY FUND

The Committee received a report requesting approval to the submission of the Epsom and Ewell Shared Prosperity Fund Intervention Plan to the Department for Levelling Up, Housing and Communities (DLUHC).

The following matters were considered:

- a) **Recommendations for projects to be considered for future years.** Members were informed that due to the timescales set by the Government for the submission of bids, there was not opportunity to amend the proposed schemes for 2022-23 and 2023-24 following this meeting. It was noted that there was some flexibility with regard to schemes for 2024-25 and that the views of the Committee could be used to guide the submission for 2024-25 and onwards. Members of the Committee identified the following projects for consideration for future submissions of the Prosperity Fund Intervention Plan:
 - Working with arts and cultural businesses to provide courses to young people to increase their skills.
 - A business start-up hub or small business venue.

- Capital schemes providing a long term benefit to the Borough, such as electric waste and refuse collection vehicles.
- b) **Amendment to recommendation.** Cllr Eber Kington proposed, and Cllr David Gulland seconded an amendment to the wording of the recommendation contained within the report. Following the amendment being moved, the Vice Chair proposed an alternative wording for the amendment, and this was accepted by the Councillor Kington prior to the Committee's vote. The amendment was as follows:

“(1) Agree the interventions set out in Paragraph 2.16-2.19 of the report to be included in the submission of the Epsom and Ewell Shared Prosperity Fund Intervention Plan to the Department for Levelling Up, Housing and Communities (DLUHC).

(2) To consider the further recommendations made by the Strategy and Resources Committee for future submissions.”

Following consideration, the Committee agreed with 7 votes for, 1 vote against 1 abstention and the Chair not voting to:

- (1) **Agree the interventions set out in Paragraph 2.16-2.19 of the report to be included in the submission of the Epsom and Ewell Shared Prosperity Fund Intervention Plan to the Department for Levelling Up, Housing and Communities (DLUHC).**
- (2) **To consider the further recommendations made by the Strategy and Resources Committee for future submissions.**

10 LAND CHARGES MIGRATION

The Committee received a report requesting authorisation to enter into a collaboration agreement to facilitate the migration of the Council's Local Land Charges service to HM Land Registry (HMLR).

The following matter was considered:

- a) **Project Management arrangements.** In response to a question from a Member, the Head of Place Development informed the Committee that a Delivery Plan would be agreed with the HMLR, and an internal working Group would be formed to monitor delivery of the project.

Following consideration, the Committee unanimously resolved to:

- (1) **Authorise the Head of Place Development, in Consultation with the Chief Legal Officer, to enter into a Collaboration Agreement and agree a Delivery Plan with HMLR and to enter into any other agreements necessary to facilitate the migration of the Council's Local Land Charges service to HMLR.**

- (2) **Agree to allocate up to £18,000 of the Part 1 HMLR Transitional Payment to fund additional staff resource to enable the migration process to be delivered within agreed timescales.**

11 2021-22 PROVISIONAL FINANCIAL OUTTURN

The Committee received a report summarising the Council's provisional financial performance for 2021/22 and detailing the capital budgets to be carried forward for schemes where costs will be incurred in 2022/23.

The following matter was considered:

- a) **Funding for Local Plan.** The Committee was informed that if allocated funding was not sufficient to meet the costs of Local Plan workstreams, a report would be presented to the Licensing and Planning Policy Committee, and if required, to the Strategy and Resources Committee.

Following consideration, the Committee resolved with 8 votes for, 1 abstention and the Chair not voting to:

- (1) **Receive the report on provisional financial outturn for 2021/22;**
(2) **Approve the carry forward £2.564m budget for capital schemes to be added to the 2022/23 capital programme.**
(3) **Note that the external audit of the 2021/22 Statement of Accounts is underway and expected to complete in the Autumn. Should any material changes to outturn arise from the audit, these will be reported back to members.**

12 2023/24 STRATEGIC FINANCIAL PLANNING

The Committee received a report providing an update on the Council's 2022/23 budget and recommending a financial planning approach for 2023/24 to 2025/26.

The following matters were considered:

- a) **Homelessness service.** The Committee noted that the report proposed £243,000 savings from homelessness services for 2023/24, based on the scenario of 58 households in paid overnight accommodation. It was also noted that a number of initiatives were being introduced by the Community and Wellbeing Committee to reduce the cost of homelessness and temporary housing. A Member expressed the view that the proposed savings might not be achievable and requested that the target for housing be kept under review. The Committee noted that the Minutes would record that the budget target for housing and homelessness would be kept under review and would be reviewed prior to the agreement of the 2023/24 budget.
- b) **Re-basing exercise.** Following a question from a Member, the Head of Finance informed the Committee that the re-basing exercise had been

identified in the Budget report agreed by Council in February 2022. The Head of Finance expressed the opinion that the re-basing exercise was in response to the once-in-a-generation event of the Covid-19 pandemic, and that he did not anticipate it being repeated in future years unless there was a further adverse event of similar scale.

- c) **Inflation.** In response to a question from a Member, the Head of Finance informed the Committee that the current assumptions for inflation were that the existing pay deal for staff, with a cap of 3%, would be honoured in 2023/24. The assumption for energy was that costs would double under a neutral scenario. The Committee noted that Officers would keep these under review, given the uncertainty over inflation.
- d) **Government Covid-19 grant support.** The Committee was informed that Officers had produced the report on the assumption that there would be no further Covid-19 grant support from government in the current year.
- e) **Ewell Court House.** A Member requested further information regarding the budgeted £10,000 saving at Ewell Court House. It was noted that officers would circulate this information following the meeting.

Following consideration, the Committee resolved to agree:

- (1) **The proposed changes to 2022/23 budgets following the re-basing exercise, as set-out in section 5 of the report;**
- (2) **The proposed contingency funding for the homelessness service in 2022/23, as set-out in paragraph 5.5 of the report;**
- (3) **The proposed strategy for setting the 2023/24 budget in Section 6 of the report, including:**
 - i. **That the funding options identified in Table 5 should be progressed;**
 - ii. **That a service-specific savings target of £243k should be set for homelessness;**
 - iii. **That Directors and Heads of Service should work to produce specific income generation and savings options to meet the remaining budget deficit of £1.704m.**
- (4) **That owing to the Council's projected budget deficit, any additional new growth items supported by Policy Committees will need to be fully funded from existing budgets.**
- (5) **The budget setting timetable at Appendix 2 to the report.**

Recommendations 1, 2, and 5 above were agreed unanimously.

Recommendations 3 i, 3 iii and 4 were agreed with 8 votes for, 1 abstention and the Chair not voting.

Recommendation 3 ii was agreed by the Chair's casting vote following 2 votes for, 2 votes against and 5 abstentions.

13 CAPITAL MEMBER GROUP

The Committee received a report requesting it to consider appointments to the Capital Member Group, and to agree the capital bidding process for 2023/24 to 2027/28.

The following matters were considered:

- a) **Joint Infrastructure Group.** It was noted that the Director of Environment, Housing and Regeneration would consider the governance arrangements for the Joint Infrastructure Group and provide a proposal to the Chair and Vice Chair of Strategy and Resources Committee.

Following consideration, the Committee unanimously resolved to:

- (1) **Appoint the following Members to the Capital Member Group: Cllrs Neil Dallen (Chair), John Beckett, Alex Coley, Nigel Collin and Kate Chinn.**
- (2) **Approve the increase in budget of £185,282 for the Disabled Facilities programme, in line with the allocation of central government grant funding;**
- (3) **Confirm the criteria for considering capital bids as set out in paragraph 9.1 of the report;**
- (4) **Confirm the criteria for assessing 'spend to save' capital bids as set out in paragraph 9.2 of the report.**

14 EWELL COURT HOUSE TEA ROOMS

The Committee received a report updating it on the Ewell Court House Tea Rooms letting and the subsequent requirement to upgrade the building's electricity supply.

Following consideration, the Committee unanimously resolved to:

- (1) **Agree a new electrical supply is taken from the public highway as described in this report at a cost of £60,000, to be funded from the Capital Receipts Reserve.**
- (2) **Authorise the Head of Property & Regeneration, in consultation with the Head of Finance and Legal Officer, to include the works in the Agreement for Lease and progress the electrical supply upgrade at the appropriate time.**

15 COUNTY DEAL - MEMBER/OFFICER WORKING GROUP

The Committee received a report advocating the establishment of a cross party Member/Officer Working Group to explore how the Council's views should be

represented in any submission to government (by Surrey County Council) of a proposed 'County Deal for Surrey'.

The following matters were considered:

- a) **Membership.** The Committee noted that the Surrey County Council (RA Group) representative on the Working Group was nominated to be Councillor Eber Kington.
- b) **Updates to Members.** It was noted that updates on the matters considered by the Working Group would be provided to all Councillors via email.

Following consideration, the Committee unanimously resolved to:

- (1) **Agree to set-up of a County Deal Working Group;**
- (2) **Agree the membership and Terms of Reference of the Working Group (Appendix 1 to the report);**
- (3) **Delegate authority to the Interim Chief Executive, in consultation with the Chair of the Working Group, to make representations to Surrey County Council and/or other parties in connection with the process for developing a 'Surrey County Deal' proposal to government.**

16 REPLACEMENT OF MAYORS CAR

The Committee received a report highlighting options available when replacing the civic car used solely by the Mayor and Deputy Mayor.

The following matters were considered:

- a) **Hybrid solution.** The Committee was informed that the proposed vehicle (a Skoda Superb Hybrid) would enable the majority of journeys to be made using only electric charge, rather than petrol.
- b) **Use for other Council duties.** The Committee was informed that Officers would consider whether the mayoral car could also be used for other Council duties when not in use by the Mayor.

Following consideration, the Committee unanimously resolved to:

- (1) **Agree to the recommendation of Option 2b, to lease a Skoda Superb Hybrid.**
- (2) **Agree to the installation of an electric charging point at a cost of £1,500.**
- (3) **Delegate to the Interim Chief Executive and the Chief Finance Officer, to proceed with the preferred option and agree terms.**

17 EXCLUSION OF PRESS AND PUBLIC

The Committee resolved to exclude the Press and Public from the meeting in accordance with Section 100A (4) of the Local Government Act 1972 on the grounds that the business involved the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Act (as amended) and that pursuant to paragraph 10 of Part 2 of the said Schedule 12A the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

18 FUTURE OF BUILDING CONTROL - AMENDED PROPOSAL

The decision on this item is recorded in a separate (not for publication) restricted Minute.

19 COMMERCIAL PROPERTY UPDATE

The decision on this item is recorded in a separate (not for publication) restricted Minute.

The meeting began at 7.30 pm and ended at 10.00 pm

COUNCILLOR NEIL DALLEN (CHAIR)

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

COMMUNITY & WELLBEING CENTRE BOILERS REPLACEMENT CAPITAL PROJECT

Head of Service:	Mark Shephard, Head of Property and Regeneration
Wards affected:	(All Wards);
Urgent Decision?(yes/no)	no
If yes, reason urgent decision required:	
Appendices (attached):	None

Summary

This report requests authorisation to increase the budget for the Community & Wellbeing Centre boilers replacement project.

Recommendation (s)

The Committee is asked to:

- (1) Authorise additional funding of £55,000 from the Capital Receipts Reserve to deliver replacement boilers and controls at the Community & Wellbeing Centre.**

1 Reason for Recommendation

- 1.1 The project is important for the delivery of the capital programme and support the Council's Climate Change Action Plan.
- 1.2 Once completed, it will reduce the Council's carbon footprint, provide revenue savings, upgrade our assets, reduce our maintenance costs and provide business continuity.

2 Background

- 2.1 Reflecting the current economic environment, EEBC has been experiencing very high levels of pricing for tendered projects. This has prevented some projects from proceeding due to insufficient budget allocation.

- 2.2 EEBC is not alone with both the public and private sectors experiencing unprecedented national and global inflationary pressures. Factors include a shortage of skilled labour in the building and engineering industries, increased material and transport costs, the energy crisis, Brexit supply issues and the continuing invasion of Ukraine.
- 2.3 The existing capital budget is insufficient to cover the unforeseen scale of these increases and exceeds officer delegation to accommodate minor budget adjustments.

3 Community & Wellbeing Centre – boilers replacement

- 3.1 The works include the replacement of the boilers and water heaters at the Community & Wellbeing centre. This is to reduce the energy consumption and provide a more efficient source of heating and hot water, to support the Council's Climate Change Action Plan.
- 3.2 The heating and hot water boilers are the inefficient non-condensing type and over 10 years old. The control panel is 20 years old and in need of replacement.
- 3.3 The building is used as a local support hub for the elderly as well as providing specific facilities for those clients unable to cope on their own. The building requires a specific level of heat for comfort and the replacement of the plant will ensure that continuity.
- 3.4 The replacement boilers are estimates to provide a gas saving of 25% and a reduction in electricity running costs by replacing the electric hot water cylinders with gas operated cylinders.
- 3.5 The expected reduction in costs will reduce the Council's energy expenditure at a time of rapidly rising energy prices.
- 3.6 The project has been tendered twice; the first tender was returned with only one tender received out of a requested four. Officers believed this tender to be high at £134,000 and the decision to re-tender was taken to obtain better value.
- 3.7 Following the second tender exercise, four priced tenders were returned out of the seven selected, with the cost ranging from £105,000 to £160,000.
- 3.8 The project was tendered on 100% price with no quality scoring matrix required. The lowest priced return will be awarded the tender as all suppliers are reputable mechanical and electrical companies.
- 3.9 Officers recommend awarding the contract to the lowest tender for the sum of £105,000.

- 3.10 The existing budget is £50,000 and therefore, additional funds of £55,000 are requested for the project to proceed.
- 3.11 The duration of the works is estimated to be 8 weeks but as the heating will need to be turned off while the works are undertaken, the project cannot be commenced until the Summer of 2023. This is due to the elderly residents at the centre being particularly vulnerable and need to be kept warm.
- 3.12 It is anticipated that the £55,000 additional funding could be taken from the Capital Receipts Reserve, in line with the original funding source for this scheme.

4 Risk Assessment

Legal or other duties

- 4.1 Equality Impact Assessment
 - 4.1.1 None for the purpose of this report.
- 4.2 Crime & Disorder
 - 4.2.1 None for the purpose of this report.
- 4.3 Safeguarding
 - 4.3.1 None for the purpose of this report.
- 4.4 Dependencies
 - 4.4.1 None for the purpose of this report.
- 4.5 Other
 - 4.5.1 None for the purpose of this report.

5 Financial Implications

- 5.1 The scheme meets the Council's agreed capital programme criteria as it is considered essential for business/service continuity.
- 5.2 Allocating an additional £55,000 from the Capital Receipts Reserve would reduce the reserve's balance available for other projects down to £3.3m. The reserve has an agreed minimum threshold of £1m, and is close to this level when considering future capital liabilities as set-out in the Council's Asset Management Plan.
- 5.3 **Section 151 Officer's comments:** Financial implications are set-out in the body of the report.

6 Legal Implications

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

7 Policies, Plans & Partnerships

- 7.1 **Council's Key Priorities:** The following Key Priorities are engaged:
- 7.1.1 Effective council – maximise opportunities to improve the use of our buildings.
 - 7.1.2 Safe & Well – improve the health and wellbeing of our communities, focusing in particular on those who are more vulnerable.
 - 7.1.3 Green & Vibrant - reduce our impact on the environment and move closer to being carbon neutral.
- 7.2 **Service Plans:** The matter is included within the current Service Delivery Plan.
- 7.3 **Climate & Environmental Impact of recommendations:** The scheme is specifically designed to be energy saving and will reduce the Council's carbon footprint, which is consistent with the Climate Change Action Plan.
- 7.4 **Sustainability Policy & Community Safety Implications:** The project assists with environmental sustainability by reducing carbon emissions.
- 7.5 **Partnerships:** None

8 Background papers

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

Previous reports:

- None

Other papers:

- None

BID BUSINESS PLAN AND BALLOT

Head of Service:	Victoria Potts, Head of Place Development
Wards affected:	Town, College, and Woodcote
Urgent Decision?(yes/no)	No
If yes, reason urgent decision required:	
Appendices (attached):	Appendix 1: BID Business Plan

Summary

The Epsom Business Improvement District (BID) was established in 2017 and has had its initial 5-year term. For the BID to continue its mandate must be renewed and it is envisaged that the formal ballot required will take place this autumn.

The BID Steering Group have produced a Business Plan that defines the proposed scope and purpose of the BID. This document will inform the choice that businesses will have to make when determining whether or not they support the BID.

As a business within the BID boundary, the Borough Council will need to determine whether or not to support the BID as it will be eligible to vote in the ballot. This report recommends that the Council votes “Yes” in the ballot.

The Borough Council also has another specific role as the Billing Authority and as-such it can veto BID proposals. This report recommends that the Council does not exercise this veto.

Recommendation (s)

The Committee is asked to:

- (1) Consider the BID Business Plan as defining the scope on purpose of the BID**
- (2) Agree to support the proposed bid and authorise the Chief Executive to vote “yes” in the forthcoming ballot on behalf of the Council.**
- (3) Determine (commensurate with (2) above), in its capacity as Billing Authority, not to use its right of veto under Section 51(2) of the Local Government Act 2003**

1 Reason for Recommendation

- 1.1 The Epsom Business Improvement District (BID) was established in 2017 and has had its initial 5-year term. For the bid to continue, its mandate must be renewed and it is envisaged that the formal ballot required will take place this autumn.

2 Background

- 2.1 Business Improvement Districts (BIDs) are business-led, business-funded bodies that deliver on a business plan agreed through a formal ballot of all businesses in a defined area.
- 2.2 The funding for such activities comes from a levy on business rates – of usually between 1% and 2% (with the national average being 1.4%).
- 2.3 The levy amount and the activities preferred are set out in a Business Plan (that acts as a manifesto at a formal ballot of all businesses within a boundary). The BID boundary is also set out in the business plan.
- 2.4 Importantly, any funding raised must be for new services or activities – it cannot be used to replace funding currently provided through public service operators (county or borough council or the police).
- 2.5 Epsom Business Improvement District, better known as Go Epsom has had an initial term of 5 years. After 5 years its mandate must be renewed if it is to continue.
- 2.6 The process for the creation and renewed mandate of a BID is tightly defined within legislation.
- 2.7 For the past 5 years, the BID has been working on initiatives to strengthen the town's appeal and create reasons for more people to visit Epsom town. These include:
 - 2.7.1 Promoting Epsom
 - 2.7.2 Holding events and installing artwork
 - 2.7.3 Undertaking environmental improvements
 - 2.7.4 Working with partners to improve safety and security

3 Proposals

- 3.1 The BID Steering Group has prepared a Business Plan for the proposed BID including the defined boundary (Appendix 1).

- 3.2 The proposed levy rate proposed is 1.5% of rateable value (1.25% for Ashley Centre tenants because the Centre manager provides some of the services the BID do for other businesses), and the anticipated annual revenue would therefore be more than £300,000. Retail charities and businesses with charitable status will be eligible to pay the BID levy. BID levy contributions will be capped at £8,000 for the largest businesses and also those with multiple business premises. The BID levy will apply to all business classifications within the BID boundary with the exception of industrial and workshop premises
- 3.3 There would be a cap on contributions from any single business of £8,000 per annum and all businesses with a rateable value of less than £10,000 would be exempted from the BID levy. There are no exemptions e.g., for charities or empty properties.
- 3.4 The proposed Business Plan at Appendix 1 sets out the scope of the proposed BID activities. These would, of necessity be additional to anything that is currently being done by the Borough Council and there should be no conflict with the Council's policies.
- 3.5 The specific areas that the BID would cover are:
 - 3.5.1 Safety and security
 - 3.5.2 Marketing and promotion
 - 3.5.3 Events, arts, and culture; and
 - 3.5.4 Environmental improvements
- 3.6 The Council needs to formally decide whether it will support the BID in the ballot. In actuality it already supports the BID as demonstrated over the past 5 years. The decision at this stage is whether to agree to the continued mandate of the BID on the basis of the proposed Business Plan.
- 3.7 There is nothing in the Plan that would conflict with the Borough Council's objectives and there is no direct conflict with any of its policies. All of the proposed themes and actions would complement what the Council is trying to achieve. The Council would seek to continue to work with the BID to align activities to ensure that programmes meet both Council and BID objectives.
- 3.8 There is a provision in the BID regulations for the "Billing Authority" – the Council to veto Bid proposals if they are likely to either: materially conflict with any of the Council's formally adopted policies or lead to a significantly disproportionate charge on any person involved. The second of these is to prevent the BID boundary being manipulated to unfairly impact on a single business or simply to avoid any other inequitable financial impact from the levy.

- 3.9 While the proposed BID area broadly covers the area of Epsom Town Centre established for its first term in 2017, the boundary has been amended to remove a section to the north on Waterloo Road and it has been expanded to the west to include an area below West Street.
- 3.10 There is a balance to be struck between the financial impact that the BID levy may have on businesses/persons located within the BID boundary and the benefit that the BID can make to the economic vitality of the area. The Business Plan in Appendix 1 sets out some of the projects that the BID has delivered in the Town Centre during its first term which have undoubtedly encouraged visitors to the area, supporting trading and bringing economic benefits to the Town Centre. In line with the Business Plan set out in Appendix 1, it is not considered that there will be a significantly disproportionate financial burden on any person caused by the manipulation of the geographical area of the BID or by the structure of the BID levy. However, this will be a factor for businesses to independently through the ballot.
- 3.11 There are no material conflicts between the proposed business plan and Council policies. The Council should not therefore need to use this veto.
- 3.12 It is proposed that the ballot be held from 7 October to 3 November 2022.

4 Risk Assessment

- 4.1 There are limited risks entailed in the proposed recommendations.
- 4.2 The success of the BID itself is by-no-means certain. This will depend greatly on the BID Board, their ability to deliver on the plan and the BID Manager.
- 4.3 The Borough Council will want to continue to maintain close links with the BID to support it in its objectives. To this end clear channels of communication and a mutual understanding will need continue to avoid misunderstandings and to enhance the prospects of success.

Legal or other duties

- 4.4 Equality Impact Assessment
 - 4.4.1 There are no equality impacts associated with the contents of this report.
- 4.5 Crime & Disorder
 - 4.5.1 There are no specific Crime and Disorder considerations associated with this report.
- 4.6 Safeguarding

4.6.1 There are no specific safeguarding considerations associated with this report.

4.7 Dependencies

4.7.1 The proposal set out above, if supported, will allow Members to pursue their stated ambition of establishing an approach to service delivery as agreed at S&R Committee on 16 March 2021.

4.8 Other

4.8.1 None identified.

5 Financial Implications

5.1 The principal cost to the Council will be its levy contribution capped at £8,000 per annum. This sum is affordable and provided within existing 2022/23 budgets. The relevant costs of arranging for the necessary ballot and other support that the Council provides on an on-going basis are also all within existing budgets.

5.2 Costs incurred by the Council in collecting the levy under the business rate regime will be recharged to the BID. The total annual cost for collecting the levy from April 2023 will be £20,000; this sum will be recharged to the BID each year, with annual increases linked to CPI inflation.

5.3 There will also be a baseline exercise for costs to ensure that any additional Council services provided to support the BID, i.e., any additional operations costs for cleaning say, are met by the BID rather than from Council budgets.

5.4 **Section 151 Officer's comments:** Financial implications are included in the body of the report.

6 Legal Implications

6.1 The proposed arrangements for setting up a BID are all within the prescribed legislation. All necessary steps have been taken to comply with the relevant regulations.

6.2 The Council needs to decide whether it should use the veto allowed for under Section 51 of the Local Government Act 2003, read with Regulation 12 of the Business Improvement Districts (England) Regulations 2004. The circumstances in which the power of veto can be exercised are that the Council is of the opinion that the BID arrangements are likely:

6.2.1 to conflict to a material extent with any policy formally adopted by and contained in a document published by the authority; or

- 6.2.2 to be a significantly disproportionate financial burden on any person or class of persons caused by the manipulation of the geographical area of the BID or by the structure of the BID levy; and that burden is inequitable.
- 6.3 As it is recommended that the Council itself vote “yes” and having regard to the information in section 3 of this report it is not considered that there will be any need to consider vetoing the proposals.
- 6.4 **Legal Officer’s comments:** Section 49-53 Local Government Act 2003 (LGA 2003) and Business Improvement District (England) Regulations 2004 set out the procedure for a BID.
- 6.5 If the Council decides to exercise its power of veto, it must give notice of the exercise of the veto to the persons entitled to vote in the ballot (section 51(3) LGA 2003). The notice must set out the reasons for the exercise of the veto and must give details of the right of appeal under section 52 (section 51(5) LGA 2003). The notice must be sent to the Secretary of State (section 51(6) LGA 2003).
- 6.6 For the purposes of section 51(2) LGA 2003, the prescribed period for exercising the veto is 14 working days from the day of the ballot (Regulation 12 Business Improvement District (England) Regulations 2004).
- 6.7 For the purposes of section 51(3) LGA 2003, the prescribed matters to which the Council shall have regard in deciding whether to exercise its veto are- (a) the level of support (as evidenced by the result of the BID ballot or re-ballot of a BID ballot, as the case may be) for the BID proposals; (b) the nature and extent of the conflict referred to in paragraph (1) (a); (c.) in relation to paragraph (1)(b) , the structure of the proposed BID levy and how the financial burden of the BID is to be distributed amongst ratepayers in the geographical area of the BID; (d) the extent to which the BID proposer discussed the BID proposals with the authority before submitting the BID proposals to the authority under regulation 4; and (e.) the cost incurred by any person up to the end of the period prescribed in paragraph (2) in developing the BID proposals and canvassing in relation to the BID proposals.

7 Policies, Plans & Partnerships

- 7.1 **Council’s Key Priorities:** The Councils Four Year Plan sets six overall themes, reflecting the priorities until 2040. The key theme relevant to the BID proposal is “A successful place with a strong, dynamic local economy where people can thrive” which includes a priority of “work with partners to secure an attractive and vibrant high street and marketplace experience. The BID has also worked and is continuing to work to improve the security of the Town Centre meeting the Council’s Four Year Safe and Well theme in the Council’s Four-Year Plan.

- 7.2 **Service Plans:** The matter is not included within the current Service Delivery Plan.
- 7.3 **Climate & Environmental Impact of recommendations:** The proposed BID is intended to support environmental improvements. Any implications from this decision should therefore be positive.
- 7.4 **Sustainability Policy & Community Safety Implications:** The proposed BID is intended to support a safer Epsom. Any implications from this decision should therefore be positive.
- 7.5 **Partnerships:** The BID is a reflection of the Borough Council's commitment to strengthening the local economy in partnership with the business community.

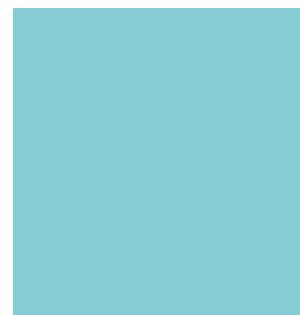
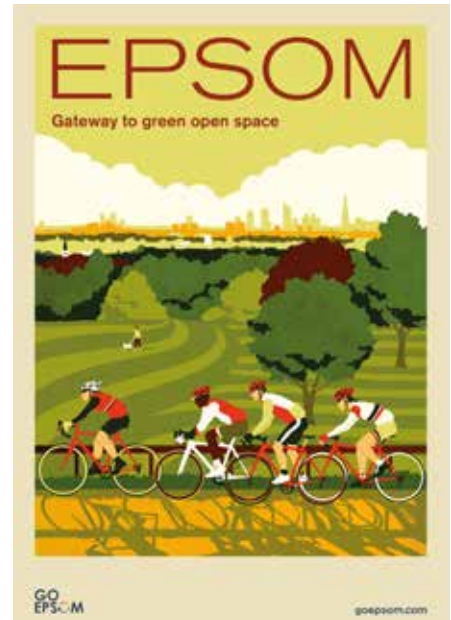
8 Background papers

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

Previous reports:

- Strategy and Resources Committee 26 September 2017 – BID Business Plan and Ballot.

This page is intentionally left blank



Business Plan

2023 - 2028



1620–1725

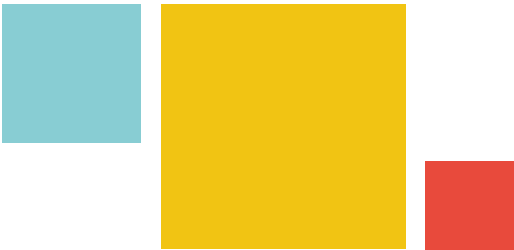
Epsom's Spa Town status attracted rich and famous visitors from all over Europe. Samuel Pepys, Nell Gwynn and Daniel Defoe were regular visitors





Contents

Introduction	03
About BIDs	04
Epsom BID Overview	05
Promoting Epsom	06-07
Events, Arts and Culture	08-09
Environmental Improvements	10-11
Safety and Security	12
Proposed BID Area	13
What Comes Next	14-15
Funding	16
The Ballot Process	17
Governance and Transparency	18
FAQ's	19

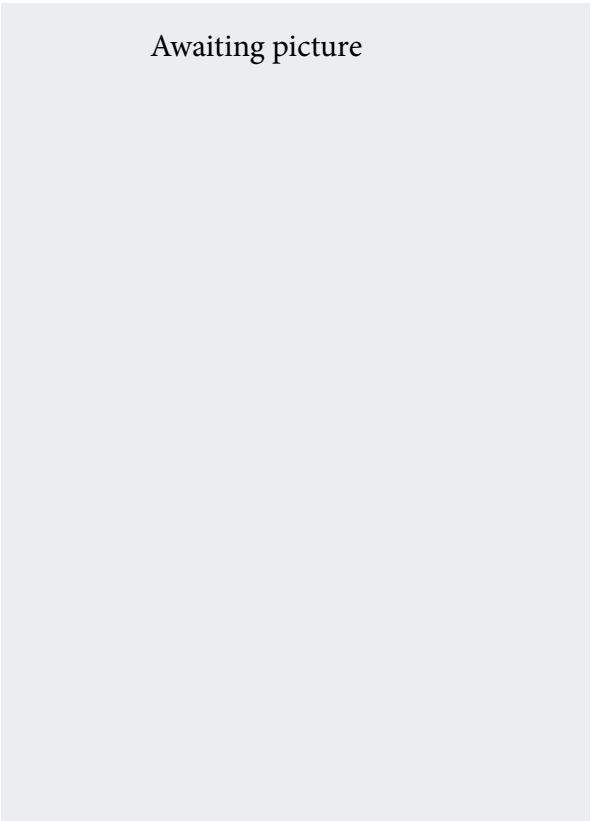


Introduction

Epsom Business Improvement District Ltd, better known as Go Epsom has achieved a lot in its first term, delivering footfall and vibrancy in the BID area via events, art installations, environmental improvements and promotion. Groundwork has been done tackling issues to do with safety and security and attracting inward investment into Epsom.

There is no doubt that the past 3 years have been challenging with whole swathes of the UK's economy literally closed down. It's also clear that the next couple of years will be equally tough but Epsom will be undergoing transformative change in the next 3 years via successful government funding bids that have been supported by the BID. Epsom & Ewell has been granted a sum of £1 million under the Shared Prosperity Fund and a successful bid for Home Office funding to replace Epsom's CCTV will be a cornerstone of the BIDs work on Safety and Security.

The UCA will be expanding the Epsom campus with more students and a whole fashion and textiles faculty being based here. The town's footfall is nearly back to pre Covid levels and with expansion and investment, Epsom's future looks bright!



Having an effective BID, working to represent and support local businesses, focusing on vitality and vibrancy can only be a positive thing. Take a moment to see what the BID has managed to deliver even with a pandemic, numerous stoppages and lockdowns. An ambitious drive forwards for the next 5 years will be fantastic news for the town and the business community.



About BIDs

A Business Improvement District (BID) is a 100% business-led and business-managed body formed specifically to make agreed improvements to a defined commercial area - in this case Epsom.

Local businesses within the area choose the improvements and initiatives they want to see introduced to boost their trading environment and benefit their business sector. Businesses then vote on the proposal and pending a successful ballot, the initiatives go ahead managed by a Board of local businesses. Quite simply, a BID is a 5-year business plan for Epsom that has been written for and by local businesses.

Since the legislation was introduced in 2003 there are more than 325 established BIDs in towns, cities and business parks across the UK. BIDs work, it's a sign of their value that more than 95% of BIDs are re-elected after their first 5-year term. You now have the opportunity to say yes to another 5 year term for Go Epsom.



Epsom BID OVERVIEW

Epsom Business Improvement District (BID) has brought 350+ local businesses together to form a business partnership.

For the past 5 years, we have working on initiatives to strengthen the town's appeal and create reasons for more people to visit Epsom time and again.

A further 5 year term for the BID will deliver £1.5 million+ of additional investment in Epsom and allow the BID to deliver high quality and visible improvements to Epsom's town centre.

Your opinions shape the way Go Epsom works

Go Epsom exists to benefit and support the local business community, we deliver the priorities you set us.

Your views have been critical in helping us plan the next steps.



To create a 5 year plan, we established your priorities by;

- One-to-one meetings with businesses and stakeholders, ensuring your opinions are heard.
- Visits to local businesses to discuss local issues and projects.
- Hand delivering 'Have Your Say' surveys to all businesses.
- Sending survey links out in our Headlines newsletter.



PROMOTING Epsom



Our social media reach is huge!
We promote your business.

Promoting Epsom, attracting visitors and footfall was a key priority for the BID in its first 5 year term and we want to continue to promote the town, attracting new and regular visitors.

The story so far...



Safe shopping, social distancing and hygiene messaging was prominent, widespread and ongoing throughout every wave of the Covid pandemic.

Go Epsom hand delivered materials to every business. Having cohesive, identical messaging in many businesses help to get the message across. Our footfall held up and bounced back quickly.

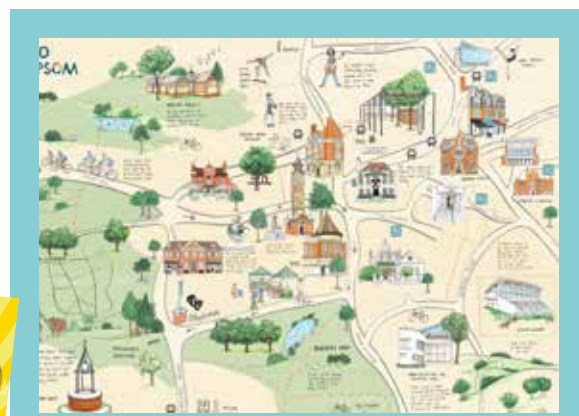
As Covid receded, Go Epsom promoted Epsom as the perfect destination for remote business hubs, and businesses looking for a new home outside London. An eye catching advertising campaign and digital campaign ran in national press and was backed up by a themed website and email marketing campaign.



Ongoing, eye catching promotions of events in Epsom in Surrey lifestyle magazines.



Go Epsom has been busy promoting Epsom as a destination, not just locally but further afield. 15,000 eating out and What's on Guides are now distributed across Surrey and South West London every 3 months. They are available in hotels, libraries, transport hubs and coffee shops.



Go Epsom worked with a Surrey Artist to create a stunning map for visitors to the town. These are available at Epsom Station, more than 10,000 have been picked up and distributed.

Go Epsom sponsored a special Epsom category in Time & Leisure Magazine's Food & Culture awards – our amazing businesses gained valuable exposure to a new audience.

To drive footfall in quieter months, Go Epsom started celebrating Heritage Open Days in September. The Vintage Mobile Cinema, vintage buses and well promoted attractions attracted lots of visitors.



Go Epsom invests in Visit Surrey to encourage out of area visitors – we encourage local businesses to promote themselves on www.visitsurrey.com

Easter Bunnies, hat making, Halloween and Christmas – Go Epsom holds regular free of charge arts and crafts days in the atrium of Epsom Library. They draw children, their families and footfall into Epsom.



Seasonal events such as Easter and Christmas attract visitors. Go Epsom has arranged trails for Easter, the Jubilee, Halloween and Christmas – encouraging families and children to explore Epsom.



EVENTS, ARTS and CULTURE

Events were a key priority for the BID's first 5 year term, Covid understandably put a temporary stop to proceedings but your BID has stepped up since then, attracting visitors into the town centre.

The BID organised and managed this years Platinum Jubilee Family festival, attracting thousands of visitors and driving Epsom's footfall up by 55%.



Go Epsom invests in high quality entertainment and attractions, whether it's bringing the totally unique Vintage Mobile Cinema and Vintage Buses through to amazing still walkers and puppetry elephants.



Throughout lockdown, Go Epsom established Music in the Marketplace as a Covid safe activity to bring smiles to the faces of shoppers.



This summer for the first time, Go Epsom has organised and managed Family Fridays – maintaining and driving footfall upwards in what is usually a quiet month.

Permanent artwork installations in Epsom Station have been given rave reviews by all that have seen them, Go Epsom commissioned them and has distributed limited edition postcard sets to local businesses for their customers.



A stunning new and unique wildflower meadow mural has been finished outside T K Maxx, transforming a blank space.



Go Epsom has partnered up with the University for the Creative Arts to create fantastic window displays.



ENVIRONMENTAL Improvements

Businesses wanted Epsom to look good as well as having access to money saving opportunities. Go Epsom have delivered a FREE commercial waste recycling service, an Award Winning Epsom in Bloom display and permanent public art installations.



Go Epsom entered Epsom into South and South East in Bloom for the first time in 2021 and we scooped a Silver award! A grot spot was transformed on South Street, beautiful planters were purchased and installed. Volunteers planted up flower beds and the displays will increase every year.



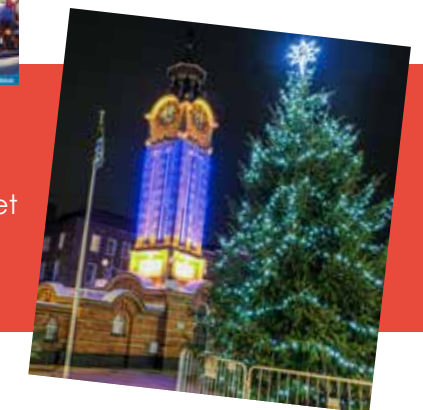
The best viewpoint in the South of England deserved a proper beacon! Go Epsom delivered one in time for this year's Platinum Jubilee. It's a striking structure that will be used in the future for major nationwide commemorations.

Go Epsom commissioned an outdoor art gallery mural on East Street railway bridge walls. Finished in time for this year's Platinum Jubilee, it was a collaboration with the University for The Creative Arts and provides Epsom with a huge site for future themed artworks. **Watch this space!**



BID levy payers are entitled to FREE recycling waste collections.

Go Epsom works with Epsom & Ewell Borough and Surrey County Council to ensure that Epsom's display of Christmas Lights is impressive and ever expanding. Go Epsom has renewed and expanded the display with street trees, festoons, new Clocktower lights and new giant motifs all in place to welcome shoppers at a key time.



Permanent public art attracts visitors and attention to a place. Go Epsom was not only a chief contributor to the fundraising effort for the statue of Emily Davison, Oracle PR, a local business was commissioned to ensure that the unveiling got the exposure it deserved on TV, Radio and National press. Epsom was in the headlines for all the right reasons!



Epsom's retail vacancy rate is amongst the lowest in the UK! Go Epsom is committed to installing bright, colourful and interesting window displays in any vacant units.



4.5 miles of personalised, biodegradable bunting was just one of the elements of the Platinum Jubilee Packs that were delivered and used all over Epsom this year.

SAFETY and SECURITY

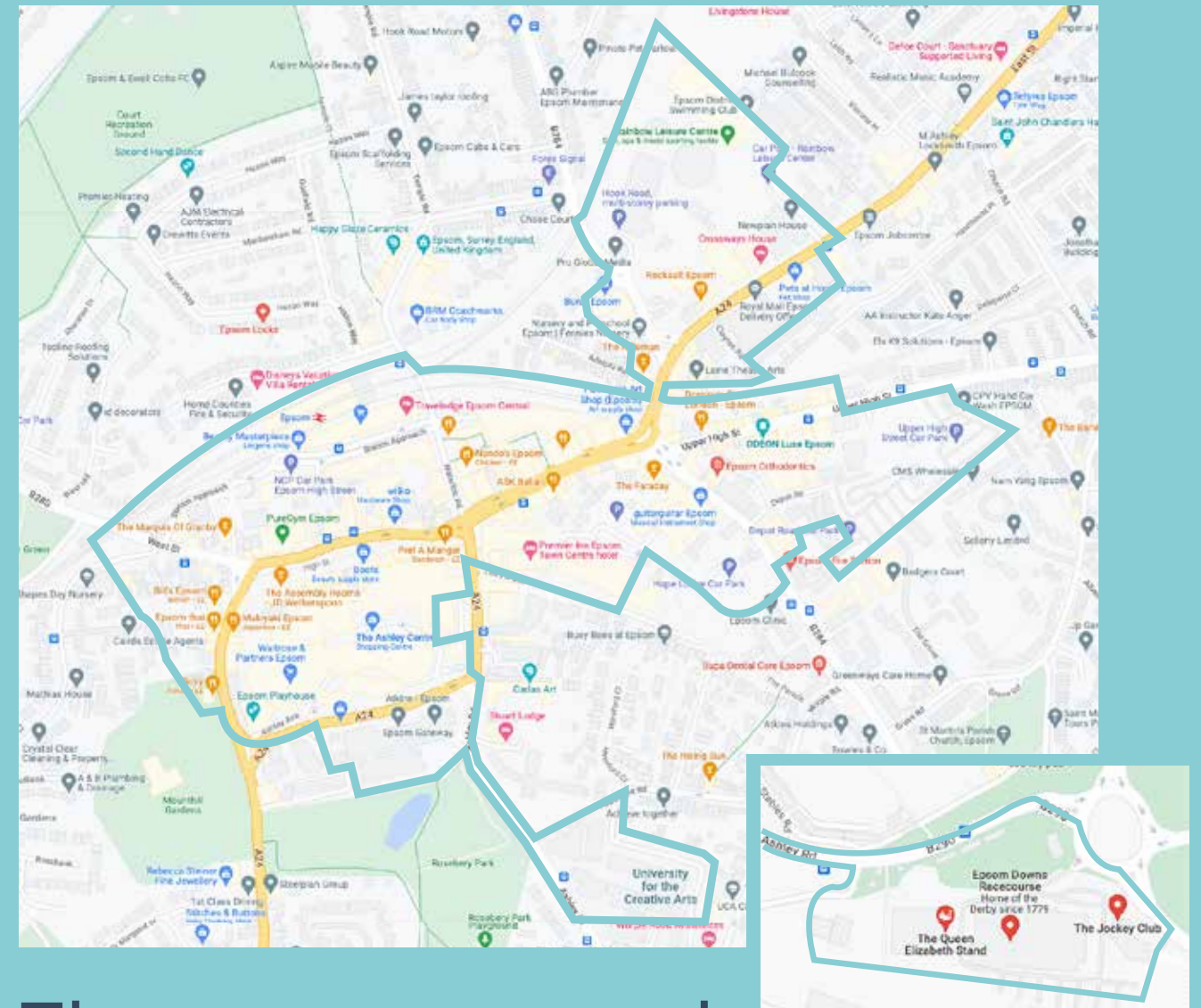
The BID has done the groundwork and is ready to form a Business Crime Reduction Partnership immediately after a successful outcome in the ballot.

The BID supported and countersigned a funding application to the Home Office for a new, digital CCTV system for Epsom's town centre. The bid has been successful and a new CCTV system is in the process of being purchased and installed.

The BID funds Epsom Pubwatch insurance.

The BID commissioned a senior ex police officer to provide advice on crime prevention.

The BID arranged for access funds to be sought to install lighting in Station Way – transforming a dark and intimidating space into a well lit space for pedestrians.



The proposed BID AREA

BID boundary includes the following streets / areas:

ASHLEY AVENUE	HOOK ROAD	THE OAKS SQUARE
ASHLEY ROAD	KINGS SHADE WALK	THE PARADE
ASHLEY SQUARE	SOUTH STREET	THE QUADRANT
CHURCH STREET	SPREAD EAGLE WALK	UPPER HIGH STREET
DEPOT ROAD	STATION APPROACH	WATERLOO ROAD
EAST STREET	THE ASHLEY CENTRE	WEST STREET
EPSOM DOWNS	THE DERBY SQUARE	WORPLE ROAD
HIGH STREET	THE EBBISHAM CENTRE	



What comes next?

A Second Term for Go Epsom

Voting Yes for a second BID term this autumn means that Go Epsom can continue promoting Epsom, attracting visitors and delivering the improvements businesses have asked for. More events, more promotion of events, more footfall, better Christmas Lights, a safer town, a greener town and a town that is working hard, not just to maintain vibrancy and footfall but to increase it.

Go Epsom will continue lobbying councils and government to deliver benefits for Epsom, the BID will

identify opportunities and funding streams that can be exploited to benefit the town.

Here's just a few of the projects and initiatives that the BID will deliver if you Vote Yes this autumn.



Safety

- A Business Crime Reduction Partnership will be formed immediately to work on reducing retail loss and ASB
- Active, local CCTV monitoring will be fully funded for the whole BID term
- Regular, improved information sharing meetings for businesses to proactively reduce crime
- Integration of Pubwatch and Shopwatch radio schemes and intelligence sharing to ensure that prolific and repeat offenders are identified
- Proactive pursuit of town wide banning orders against repeat offenders will be pursued

Environmental Improvements

- FREE daily recycling waste collections
- New Pocket Parks and green areas will be created
- Revamped, safe and well lit entry points into Epsom on West Hill and East Street
- Bloom planting schemes, tree and shrub planting and greening up in every possible location in and around the BID area
- Old, broken and unnecessary signage and street furniture will be removed
- Regular, enhanced cleaning over and above current council cleaning
- Increases in the quantity and displays of Christmas Lights

Promotion

- Go Epsom will continue printing and distributing Epsom promotional guides across SW London and Surrey every quarter, attracting more visitors from further afield
- Levy payers will be included in promotional offers to UCA students
- Eye catching seasonal campaigns in Surrey Lifestyle press to attract footfall
- A focus on independent businesses and a new town wide loyalty app
- 'Visit Epsom' Social Media campaigns targeted at SW London residents and visitors
- More collaboration and promotion of Epsom via Visit Surrey
- Regular, ongoing social media training and promotion for BID members
- Literature racks and distribution points at Epsom Station

Events, Arts and Culture

- Go Epsom will work with Virgin, BT and Surrey Highways to bring more innovative artwork installations to the town centre
- Go Epsom will continue to organise summer and winter family festival events to deliver significant footfall
- Go Epsom will seek Arts Council England funding to enhance and match fund cultural activities
- Seasonal, fully funded family fun days throughout summer holidays will increase footfall
- Creation of arts and sculpture trails

FUNDING

BIDs are funded through a levy, which is typically calculated at between 1-2% of a business premises rateable value (not business rates).

In Epsom the BID has been, and will continue to be, funded through a 1.5% levy on the rateable value of all eligible business premises in the BID boundary shown on page 13, this generates a realistic and workable income to deliver the projects set out in this business plan.

The BID levy will apply to all persons or organisations liable to pay the non-domestic rates for eligible hereditaments located within the BID area.

The BID levy (1.5% of rateable value) will apply to all non domestic hereditaments with a rateable value of £10,000 and above.

You can check your rateable value at www.voa.gov.uk or contact info@epsombid.co.uk to find out your exact contribution to the BID.

Businesses with a rateable value below £10,000 will be exempt from both the BID ballot and the levy, but may choose to be involved through voluntary BID membership.

The BID will also help generate additional funds over and above those received from the levy, as BID's provide a mechanism for accessing grants, match-funding, sponsorship and other funding streams.

Retailers within The Ashley Centre will receive a discount in view of additional fees already paid by them through their service charges. They will contribute 1.25% of their business premises rateable value.

Retail charities and businesses with charitable status will be eligible to pay the BID levy as we believe that all businesses will directly benefit from Epsom BID initiatives.

BID levy contributions will be capped at £8,000 for the largest businesses and also those with multiple business premises. The BID will apply to all business classifications within the BID boundary with the exception of industrial and workshop premises.

The Epsom BID will generate £300,000+ per annum of ring-fenced funds to invest in projects within the proposed BID area. This amounts to £1.5 million of new investment in Epsom over the 5-year term.

The Ballot PROCESS

1. Epsom & Ewell Borough Council will send a ballot paper, to those responsible for eligible properties or hereditaments entitled to vote for the BID, prior to Friday 7th October 2022.
2. Each property or hereditament subject to the BID will be entitled to one vote in respect of this BID proposal in a 28-day postal ballot which will commence on Friday 7th October 2022 and close at 5pm on Thursday 3rd November 2022. Ballot papers received after 5pm on that day will not be counted.
3. In order for the proposal to be successful at ballot the result will need to meet, as a minimum, two independent criteria which are:
 - (a) of those ballots returned by the close, those voting in favour of the proposal must exceed those voting against it, and
 - (b) of those ballot papers returned by the close, the total rateable value of those properties or hereditaments which vote in favour, must exceed the total of those voting against.
4. The result of the ballot will be announced as soon as practically possible after the close of ballot.
5. If successful at ballot, the new BID will commence delivery of services on 1 April 2023 and will continue for a period of 5 years to end 31 March 2028.



Proposed 5-year budget

1st April is the chargeable day each year between April 2023 – March 2028. BID Levy to be paid in one instalment.

Any residual funds from the BID's first term will be carried forward into the second term and invested in projects

The BID will focus on obtaining additional income from a voluntary membership scheme, sponsorship, inward investment and grants.

The budgeted income from levy collection in the first year is approximately £315,000.

A contingency provision of 5% of BID Levy is as per industry guidelines

Operating costs of the BID are estimated as 25% of total expenditure.

An annual financial statement will be sent to BID levy payers, included with levy bills.

	Year 1	Year 2	Year 3	Year 4	Year 5	Totals
BID Levy	315,000	315,000	315,000	315,000	315,000	1,575,000
Additional income	10,000	10,000	10,000	10,000	10,000	50,000
Total Income	325,000	325,000	325,000	325,000	325,000	1,625,000
EXPENDITURE						
Operating & overhead costs	80,000	80,000	80,000	80,000	80,000	400,000
Promotion & Marketing	50,000	50,000	50,000	50,000	60,000	260,000
Events and footfall	70,000	70,000	70,000	70,000	70,000	350,000
Environmental Improvements	35,000	35,000	35,000	35,000	35,000	175,000
Safety	55,000	55,000	55,000	55,000	55,000	275,000
Levy Collection costs	17,000	17,000	17,000	17,000	17,000	85,000
Total Expenditure	307,000	307,000	307,000	307,000	317,000	1,545,000
Contingency/Surplus	18,000	18,000	18,000	18,000	18,000	90,000

How to VOTE

1. You should receive one ballot paper for each property that you are eligible to vote for, by post.
2. If you do not, or if you require a replacement ballot paper please email karen.pengelly@epsombid.co.uk
3. Please check that each ballot paper has its own return envelope.
4. Complete the ballot paper putting a cross (X) beside your choice to retain the BID for a new 5 years BID term.
5. Write your name in BLOCK capitals, your position in the business and your signature.
6. Each ballot paper must be returned in its own separate envelope.
7. Return your completed ballot paper(s) by post in the prepaid envelope.

GOVERNANCE and TRANSPARENCY

Go Epsom BID recognises the importance of accountability and transparency within its governance arrangements.

- The Proposer of the new BID and the BID Body is Epsom BID Ltd, (t/a Go Epsom) (Company Number 11319899), a not for profit organisation, limited by guarantee.
- The Directors of the BID (the 'Board') shall continue to be representative of levy-paying businesses. The Board will continue to meet 8 times per annum, with responsibility for governance matters such as financial arrangements, contractual obligations, human resources, standards, performance and compliance. The Board of the BID may nominate and appoint Directors.
- The BID Committee, (available to all levy payers) comprised primarily of levy payers and with a reserved position for the local authority, shall continue to advise upon operational matters.
- The Board shall appoint a Chair, with the current Chair continuing into the new BID term. The Chair will also Chair the BID Committee and shall not be a Council representative.
- The Board shall have the ability to vary service delivery and expenditure allocation according to the changing demands of levy payers. However, any change to the BID boundary or to the levy rate proposals would require an alteration ballot.
- The BID will file annual accounts at Companies House. The accounts will be available to all levy payers.
- The Company shall meet with the Council, as the Billing Authority, quarterly to monitor service delivery, levy collection and financial management issues.
- The BID will monitor performance against annual objectives and targets and will report to levy payers at least once a year. Regular updates through email bulletins, social media, drop in sessions and door to door visits will keep businesses informed. An annual report and business meeting will provide information to businesses on the activities of the BID, including finances. A financial statement will be distributed to businesses along with the BID levy invoice annually. A mid term review will take place to monitor the BID's performance against its objectives.
- An Operating Agreement, which includes the Council's Baseline service commitments, has been agreed with the Council. A copy can be found at: www.goepsom.com.
- Notification of the intention to hold a ballot was sent to the Secretary of State on 27th May 2022.



FAQ'S

What happens if most businesses vote 'yes'?

Just like a political election there is no minimum turnout required during the 28 day postal ballot. If a majority of businesses (both in terms of total number and overall rateable value) vote 'yes' Epsom will achieve 'Business Improvement District' status and join the 325+ established BIDs across the UK.

All eligible businesses (with a business rateable value of £10,000 and above) will be asked to contribute to the BID, even if an individual voted 'no'.

What if the majority vote 'no'?

Very simply, none of the projects or initiatives set out in this BID Business Plan will go ahead.

Who has to pay BID levy?

If Epsom achieves a 'yes' vote, all eligible occupiers of a business premises with a rateable value of £10,000 and above within the BID area would pay the levy. This applies to both occupied and non-occupied business premises. Property landlords only become liable where the property is empty and a lease does not exist. All business premises with a rateable value below £10,000 will not be eligible to vote at ballot or pay the BID levy. The Epsom BID has a voluntary BID membership scheme to ensure all businesses can take advantage of the BID benefits.

What will the BID cost me?

The amount you pay will be based on your individual business rateable value (not your business rates) and so smaller businesses will pay less than larger businesses. Find out more by emailing info@epsombid.co.uk.

Is this a way for councils to save money?

No, legally BIDs cannot replace existing or proposed public services provided by bodies such as a local Council, Police and others. In this way, the BID only improves current standards and does not subsidise or replace them. In order to ensure this is the case, all BIDs are legally required to draw up Baseline Services Agreements that set out the services the public sector currently provide and will deliver during the 5-year BID term; this ensures the BID is only delivering additional value to businesses. You can view the Baseline Service Agreements at www.goepsom.com.

Who will I pay my BID levy to?

The BID is an independent organisation, led and managed by local businesses but local authorities possess statutory powers to invoice and collect levy. You will receive a BID invoice from Epsom & Ewell Borough Council on behalf of Epsom BID Limited. Funds collected by the local authority are ring-fenced in their entirety and transferred directly to the BID Company.

Will the Council and other public sector bodies pay the BID levy?

Yes, they will pay BID levy on properties / car parks / premises within the BID area for which they are liable to pay non-domestic rates.

Exemptions & who can vote?

All eligible businesses within the BID boundary shown on page 13 with a rateable value of £10,000 and above (with the exception of workshops and light industrial units) will be entitled to vote during the 28 day postal ballot.

Can BID projects be altered?

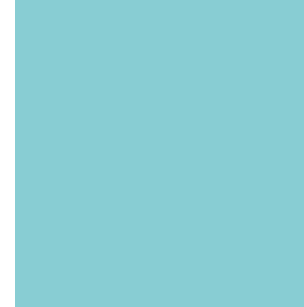
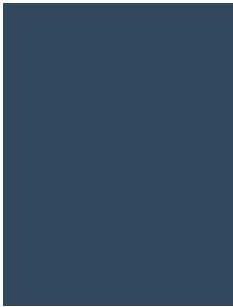
BID projects can be altered, subject to approval from the BID company's Board, providing they fall within the resources available. In this way the BID can be responsive and flexible during the 5-year BID term. The minutes of all Board meetings will be published on the BID's website.

Will my levy contribution change?

The levy rate to be paid by each property or hereditament will be 1.5% of its rateable value, using the 2017 non-domestic ratings list as at 31st March 2023 and for the full five year term.

BID levy will apply from 1st April each year between 2023-2028. 1st April will be the 'chargeable day', BID levy will be payable in one annual instalment. No refunds will be given where a business vacates part way through the billing year or if a property is taken out of the ratings list. Where a new assessment is brought into the ratings list the BID levy will apply from the 1st April in the following year based on the rateable value effective at that time.

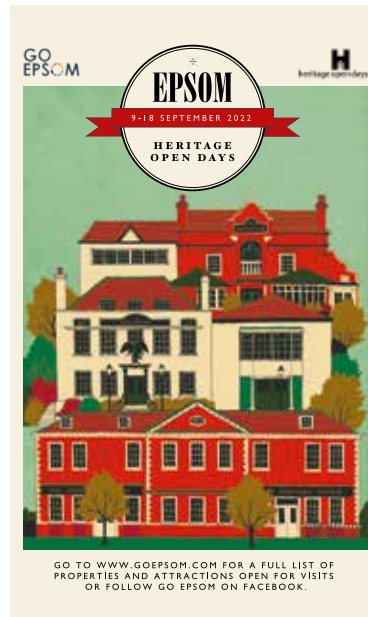
GO EPSOM



Ashley Centre Annexe,
Ashley Road,
Epsom, Surrey,
KT18 5AB

Tel: 01372 878524

www.goepsom.com



This page is intentionally left blank

IT STRATEGY REVIEW

Head of Service:	Jackie King, Interim Chief Executive
Wards affected:	(All Wards);
Urgent Decision?(yes/no)	No
If yes, reason urgent decision required:	
Appendices (attached):	Appendix 1 – 2022-26 Revised ICT Roadmap Appendix 2 – IT Strategy Review Summary

Summary

This report provides details of the IT strategic plan and its accompanying programme of digital transformation, to improve end user experience for Residents/Members/Officers, simplify the infrastructure/applications and increase digital skills of all users. The strategy will provide Members/Officers with improved ways of working, that increases collaboration and reduces the requirement for physical servers located at Council premises. This report outlines the funding required to enable Committee to decide on whether it wishes to follow the strategic direction and progress the priority recommendations made in the strategy review.

Recommendation (s)

The Committee is asked to:

- (1) Agree the revised IT strategic direction and plan to invest in digital transformation as set out in the revised roadmap.**
- (2) Agree the indicative funding implications, as detailed in paragraph 5.1**

1 Reason for Recommendations

- 1.1 Strategy and Resources Committee agreed the ICT Programme of Works capital funding for 2022/23 on 29th March 2022. Subsequently, an IT Strategic review has been performed and recommendations made to improve end-user experience and Member/Officer digital skills; alongside continuing to reduce application and infrastructure complexity and moving services to the Cloud.
- 1.2 To fulfil the recommendations it will require an increased capital investment in IT for a period of 4 years; over time there will then be a shift from capital funding to revenue funding, as we consume more subscription-based services.

- 1.3 There are several risks should the decision be to not increase investment in IT. These include loss of income from a system outage and an increased risk from a successful cyber-attack.

2 Background and Proposed Strategy

- 2.1 Historically, each year ICT have made a capital bid to enable the IT systems to be improved in line with the agreed strategic direction and to replace obsolete applications/hardware. As opportunities have arisen, key applications have been moved to the cloud.
- 2.2 The current revenue budget delivers a complex IT estate which has grown organically over many years, including:
- Support/maintenance on complex infrastructure
 - Support/maintenance on numerous applications
 - Cloud hosted websites/applications
 - Town Hall and Remote site connectivity
 - Telephony, including mobile phones
 - Business Continuity Datacentre at remote site
- 2.3 The agreed ICT roadmap and strategic direction supports the Four-Year Corporate Plan including moving to Cloud hosted energy efficient solutions. Examples of work undertaken includes the introduction of Microsoft 365, which has enabled the Council to operate more efficiently.
- 2.4 The ICT roadmap has been amended to reflect the desires identified by stakeholders in the IT strategy review.
- 2.5 The IT Strategy Review has highlighted that action is required to improve the end user experience. A key piece of work to deliver this is the CRM Replacement Project, with the objective of moving more Council services and transactions online. The current CRM system is out of support and contains several workarounds resulting in the system being inefficient for both officers and residents.
- 2.6 The current Replacement of CRM and Datawarehouse project capital funding is sufficient to move all existing CRM services onto the My Council Services Platform and reduce application complexity. Once completed, residents will use a customer portal to raise and track all their transactions online, which will improve the end-user experience.

- 2.7 To date, capital funding has been agreed to upgrade the website in 2022/23, as it becomes obsolete in November 2023. A recommendation from the IT Strategy Review is to utilise shared services in certain scenarios and an example of this is to use the Local Gov Drupal code base to deliver the new website and contain costs. A Digital Content Editor is required to ensure only high-quality relevant content is published on the website. Successful delivery of this project will improve the end-user experience. This position would be filled by contractor resource until the completion of the project, which is envisaged to be a maximum of 6 months.
- 2.8 Delivery of the priority IT Strategy Review recommendations within 4 years will require an increased investment in IT. Over time, there will be a shift from capital expenditure to revenue expenditure before costs can ultimately be reduced once the IT estate is simplified.
- 2.9 To deliver the recommended priorities, it is expected that the following proposed changes to planned capital and revenue budgets will be required:

Table 1 - Capital Budgets (£)	Current IT Capital Budgets		Proposed Changes	Total Indicative Capital Budgets
	IT Programme of Works	CRM Replacement		
2022/23	300,000	165,000	0	465,000
2023/24	250,000	100,000	+75,000	425,000
2024/25	250,000	100,000	+40,000	390,000
2025/26	250,000	0	+25,000	275,000
2026/27	250,000	0	-150,000	100,000
Total Capital Budget Changes			-10,000	

Table 2 - Revenue Budgets (£)	Current IT Revenue Budgets		Proposed Changes			Total Indicative Revenue Budgets
	Staff	Other - software & hardware	Staff	Other - software & hardware	Sub-Total Changes	
2022/23	710,000	804,000	0	0	0	1,514,000
2023/24	710,000	804,000	+30,000	+35,000	+65,000	1,579,000
2024/25	710,000	804,000	-10,000	+144,000	+134,000	1,648,000
2025/26	710,000	804,000	-10,000	+304,000	+294,000	1,808,000
2026/27	710,000	804,000	-130,000	+304,000	+174,000	1,688,000
Total Revenue Budget Changes					+667,000	

- 2.10 All figures are at today's prices, and future budgets will be subject to re-approval each year through the Council's budget setting process.
- 2.11 The tables show that over the five year period, the proposed budget changes will result in a £10,000 reduction in capital expenditure, but require additional revenue resources of £667,000. However, by 2026/27, annual recurring costs are expected to be just £24,000 higher than current budgets, as the £174,000 increase in annual revenue expenditure is substantially offset by the expected £150,000 reduction in annual capital expenditure. Potential funding for these net additional costs is set-out in section 5.
- 2.12 The proposed budget changes would be used to deliver the following summarise priorities:
- New Website - End User Experience
 - Member Device Refresh - End User Experience
 - Increase Member/Officer Digital Skills – Cyber / End User Experience
 - Move Infrastructure to Cloud and simplify - Cyber / Climate Change
 - Move Applications to Cloud and simplify - Cyber/End User/Climate Change
 - Officer Device Refresh - End User Experience
 - Data Fabric – End User Experience
- 2.13 Once this work is completed, annual capital expenditure will reduce as high priority infrastructure and applications will be cloud hosted, so paid from revenue budgets. The simplification is expected to reduce the required ICT headcount by 25% by 2026/27.
- 2.14 A recurring theme on the ICT roadmap is to improve the cyber security posture. Recent examples of expenditure include installing an additional cloud hosted backup solution and the introduction of a third-party Security Operations Centre (SOC) to protect systems. These measures protect the systems from a cyber-attack and should one be successful, there would be a reduction in the system unavailability time. The IT Strategy Review has recommended that EEBC should continue with its programme of continuous cyber improvements.
- 2.15 The IT Strategy Review has recommended that training is provided to increase the digital skills of Members and Officers. The ICT Team does not have the capacity or skills to undertake this, so a part-time IT trainer at a cost of £20,000 per year would be required to deliver basic, bespoke IT training, cyber security training and SharePoint training. However, there are free cyber security training modules available online, and it is proposed that these are utilised alongside hiring an external trainer.

2.16 The current strategic direction and ICT roadmap includes work to move key infrastructure and applications into the Cloud. This work will continue and will include telephony, Citrix infrastructure and high priority applications such as those used in Revenues & Benefits, Planning, Environmental Health and Licensing. Moving to the Cloud supports the Climate Change Action Plan with solutions running from carbon neutral large-scale Datacentres.

2.17 The proposed strategic direction is:

2.17.1 Enable and support residents to perform secure digital transactions using high speed connectivity through modern systems that are intuitive and easy to use, from any device.

2.17.2 Enable Officers and Members to perform digital work efficiently from a variety of locations.

2.17.3 Ensure Members and Staff are sufficiently well trained to effectively use the IT services.

2.17.4 Reduce risk through using proven resilient technologies with no unacceptable vulnerabilities. Continuously improve the cyber position.

2.17.5 Where appropriate, move infrastructure to the Cloud, utilising carbon neutral datacentres.

2.17.6 Where appropriate, move high priority applications to the Cloud, utilising carbon neutral solutions.

2.17.7 Use established providers with a proven track record of delivering services. Where appropriate use Government and Local Authority shared initiatives, to reduce cost and deliver excellent services for residents, Members and staff.

2.17.8 Simplify the IT estate through moving legacy applications into strategic applications and reduce unnecessary infrastructure complexity.

2.17.9 Where possible, solutions will be implemented and supported by the in-house ICT Team.

3 Practical implementation

3.1 A four-year ICT Roadmap, as proposed, has been created in line with the IT Strategy Review. This contains the priority recommendations agreed by the individual stakeholder groups. To minimise the cost increase not all recommendations are being progressed.

- 3.2 The proposed overall reduction in size of the ICT Department will occur through natural turnover. In the last 12 months half of the ICT Team have resigned or retired and it is envisaged natural staff turnover will continue in future years and at an appropriate rate, vacant roles will not be replaced.
- 3.3 The reduction of on-premises infrastructure, a full move to MS Teams and supplying officers with a laptop would ease any future move to another office. This would also make increased working from home seamless.
- 3.4 All work items being performed will be supported by a business case, which will include assessment on the suitability of using a shared service, to be agreed by Strategic Management Team and procured using the agreed contract standing orders.
- 3.5 Progress against the work items will be regularly tracked through the Project Management Board and will be incorporated into the Service Delivery Plan.

4 Risk Assessment

Legal or other duties

4.1 Equality Impact Assessment

Procurement of IT works will follow the Council's Contract Standing Orders.

4.2 Crime & Disorder

None for the purposes of this report

4.3 Safeguarding

None for the purposes of this report

4.4 Dependencies

None for the purposes of this report

4.5 Other

None for the purposes of this report

5 Financial Implications

- 5.1 The proposed capital and revenue budget implications are detailed in Tables 1 and 2.
- 5.2 The tables show that for the period 2022/23 to 2026/27:

5.2.1 Capital investment totalling £1,655,000 is expected to be required to fund the proposed ICT capital programme;

5.2.2 Increased revenue costs of £667,000 are expected over the five year period.

Funding of Capital Expenditure

5.3 IT capital budgets are currently funded by an annual contribution from the revenue budget, which is £400,000 in 2022/23 (plus £215,000 carried forward from previous years) and expected to increase to £700,000 by 2025/26.

5.4 The capital programme from 2022/23 to 2026/27 can be fully funded from these budgeted revenue contributions.

Funding of Revenue Expenditure

5.5 Delivery of the IT Strategy is expected to increase revenue expenditure by a total of £493,000 until 2025/26. To fund these revenue costs, the council will need to factor a contingency for IT transformation into its medium-term financial plans.

5.6 From 2026/27, the underlying increase in revenue costs is expected to be £174,000 per annum. Delivery of the IT Strategy should enable the council to fund these increased revenue costs through reducing, by an equivalent sum, the budgeted revenue contributions to capital projects.

5.7 While re-purposing a portion of the Council's budgeted revenue contribution to capital would reduce funds available to invest in other capital projects from 2026/27, this would be mitigated as the requirement for IT capital expenditure is expected to reduce from 2026/27.

5.8 **Section 151 Officer's comments:** Financial implications are set-out in the body of the report.

6 Legal Implications

6.1 None for the purposes of this report

6.2 **Legal Officer's comments:** None for the purposes of this report.

7 Policies, Plans & Partnerships

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

Effective Council - Improve access to services through technology

Smart and Connected - Increase digital connectivity for all

7.2 **Service Plans:** The ICT roadmap is included within the current Service Delivery Plan.

7.3 **Climate & Environmental Impact of recommendations:**

Climate Change Action Plan Theme 6 - Use of technology & information systems. Will be able to utilise electronic systems and change the working practices further.

7.4 **Sustainability Policy & Community Safety Implications:**

None for the purposes of this report

7.5 **Partnerships:**

None for the purposes of this report

8 **Background papers**

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

Previous reports:

None for the purposes of this report

Other papers:

None for the purposes of this report



ICT Roadmap 2022-26

	2022/23	2023/24	2024/25	2025/26
Infrastructure	<div>Security Operations Centre (SOC)</div> <div>WAN Resilience & Refresh</div> <div>WiFi Refresh</div> <div>Switch Refresh</div>	<div>Citrix Cloud</div> <div>SOC _ Network Detection and Response</div> <div>Firewalls Refresh</div>	<div>Refresh Firewalls and DMZ</div> <div>Cloud Backup / Restore / BC</div>	<div>Remote/Cloud Datacentre</div> <div>Data Fabric</div> <div>Comms Room</div>
	<div>Member Device Refresh</div> <div>Telephony Simplification</div>		<div>Telephony Cloud</div> <div>Officer Device Refresh</div>	
Applications	<div>CRM Replacement</div> <div>SharePoint</div> <div>Civica Cloud</div> <div>New website</div> <div>R&B DMS</div>	<div>Application Rationalisation</div> <div>Academy Cloud</div> <div><u>Uniform Cloud</u></div>	<div>Application Rationalisation</div> <div>Parking Cloud</div>	<div>Application Rationalisation</div> <div>Power BI</div>

Infrastructure

Mobile

Page 64

Applications

Agenda Item 6
Appendix 1

IT Strategy Review Management Summary

Epsom & Ewell Borough Council





Document Control

Document type	Confidential - Customer Facing	
Company	Maple Networks	
Address	The Metal Box Factory Great Guildford Street Southwark London SE1 0HS	
Telephone	0203 858 0048	
Primary contact	Graham Tetley	CTO/Lead Consultant

The information contained herein is the property of Maple Networks and may not be copied, used, or disclosed in whole or in part except with the prior written permission of Maple Networks.

Revision History

Issue date	Author	Version	Revision description
04/05/2022	Graham Tetley	0.1	Initial Release
31/05/2022	Graham Tetley	0.2	Updates following customer review ahead of second review
06/06/2022	Graham Tetley	1.0	Updates following customer feedback and final release
08/06/2022	Graham Tetley	1.1	Updates following further customer feedback

Contact Details

Name	Company	Title	Email Address
Graham Tetley	Maple Networks	CTO/Lead Consultant	gtetley@maplenetworks.co.uk
Rebecca Gilmour	Maple Networks	Account Director	rgilmour@maplenetworks.co.uk
Phil Gall	Epsom and Ewell Borough Council	Head of IT	pgall@epsom-ewell.gov.uk
Judith Doney	Epsom and Ewell Borough Council	Head of Service	jdoney@epsom-ewell.gov.uk



1. Management Summary

Epsom and Ewell Borough Council, (EEBC) like many organisations have become more reliant upon technology to drive business and service improvement across the organisation. Following several factors both globally and locally that are out of the control of the council, it is felt that a full review of the IT strategy is required to ensure that it remains fit for purpose and meets the needs of all stake holders across the council.

EEBC engaged the team at Maple to produce this report which incorporates a review of the current IT strategy and provide recommendations and consideration for strategic changes. The Maple Team were selected due to our extensive experience and understanding across all layers of the IT landscape, including infrastructure as well as end user compute and applications. Our CTO, who was the lead consultant on this report, has worked within the public sector himself. He therefore understands first-hand the processes, governance, budgets, and challenges specific to public sector organisations including local government and health care.

Maple compiled this report utilising a proven methodology of engaging with key stakeholders and understanding the current strengths, weaknesses, aspirations, and potential risks for the organisation. This allowed Maple to understand the current position and what the future goals for IT are. Maple also looked to understand the current IT strategy and identify recommendations for improvement across all areas of the strategy, aligning to the information requested and gathered during the workshops with key line of business stakeholders, elected Members, and the Staff Consultative group. Some stakeholders across all groups were not able to provide feedback.

The current EEBC IT Strategy aligns with both industry trends and sector trends. There are several key focus areas that need to be considered moving forward, and to fully achieve the strategic goals of the council. The council has some clear and defined goals when it comes to the future of the council's digital assets.

- The infrastructure should be highly available, highly secure, and highly performant, providing the flexibility and agility for the council to deliver services from wherever and whenever, as quickly as possible.
- The application landscape should be simplified, centralised and easy to use, with particular focus on resident facing applications including the website and obtaining access to their data.

The focus has, in recent years been on “keeping the lights on”. This is due to the organic nature in which the council's IT infrastructure has grown and developed over many years, and as the council becomes more reliant upon technology, which will further increase in the coming months and years. Maintaining the availability of the platform, providing support to end users, whilst ensuring that the environment is patched and maintained. Due to the small amount of budget, resources and skills that is in place across the council, this has meant that minimal time has been afforded to innovation and improvement. Culminating in the council having a significant number of applications, technologies, and tools, that are engrained within the core services and procedures used to deliver high quality service to members and residents. This results in a complex environment, and in many areas, lack of efficiency, duplication of activity and no single source of truth for council data.



The key technological priorities of the IT strategy and the recommendations to achieve the wider goals of the council should be:

- Application rationalisation and standardisation
- Data consolidation
- A single point of truth for data
- Continuous Cyber Security improvement
- Improved end user and resident experience for public facing IT services (such as the council websites)
- IT infrastructure consolidation
- Increased system agility and choice

A major area of focus moving forward, which should become the foundation of an updated strategy, is on engagement from IT, the key council end users and stakeholders. As the council becomes more reliant on technology to deliver services to the residents, it is important that stakeholders across the business are engaged with the IT team and digital strategy, where appropriate aligning key line of business services to the IT strategy and vice versa. Engagement, and buy in across the council will be vital in delivering a successful IT Strategy, that is fit for purpose and meets the needs of all.

The council stakeholders who took part during the review identified that the digital skills across the council (including members and residents) was of a low standard and as a result should be addressed as soon as possible. With digital skills being low, this can have an adverse effect on the trust in the current IT and digital platforms, while also stifling innovation due to a potential resistance to change. Something that Maple see regularly across various sectors.

The council should look to invest in IT training skill, and knowledge sharing to improve skills and capabilities. This should begin at induction and be regularly refreshed for employees and members. While online training should be made available to residents in the long term.

The council and stakeholders across the organisation should also engage with the IT team to drive requirements. Identification of “power users” or “super users” from across the business units, members and residents can help drive innovation, and efficiencies. Without such engagement the value of technology will be difficult to leverage, and success will be challenging to measure.

Regular Digital and IT user training and engagement, coupled with stakeholder engagement and requirement setting will improve trust, visibility and awareness, and enable innovation, cost saving and efficiencies through the power of technology.

Maple can see from the feedback provided and a complete review of the strategy, that the council IT team have become siloed, meaning that it is seen as an expensive cost centre to the business rather than an enabler. This is due to lack of engagement and the management overhead of a complex IT infrastructure and application portfolio that has been built over many years.

While the current strategy is aligned to both industry and sector trends, the focus should be shifted to engagement driven from the senior leadership team, other key stakeholders and across the council. This will allow the non-IT related decisions and dependencies to be



Agenda Item 6 Appendix 2

understood and confirmed, requirements to be defined and agreed, a realistic cost-effective budget to be aligned, appropriate resourcing to be put in place and realistic timelines to be set. Some of which may include shared services or outsourcing, like the strategic decision that has been taken by the council to partner with an experienced cyber security partner.

As part of this engagement, Maple will provide a presentation to discuss the roadmap in more detail. This presentation will also be shared with the relevant project stakeholders and Maple will be on hand to answer questions that arise, as well amend recommendations in collaboration with feedback on this report.

This page is intentionally left blank

APPOINTMENT OF MEMBERS AND CHAIR OF THE SHAREHOLDER SUB-COMMITTEE

Head of Service:	Jackie King, Interim Chief Executive
Wards affected:	(All Wards);
Urgent Decision?(yes/no)	No
If yes, reason urgent decision required:	
Appendices (attached):	Appendix 1 – Shareholder Sub-Committee Terms of Reference

Summary

To agree the appointment of Members and a Chair to the Shareholder Sub Committee for the 2022-23 Municipal Year.

Recommendation (s)

The Committee is asked to:

- (1) Appoint Members and a Chair for the Shareholder Sub Committee as required by its Terms of Reference, and set out in paragraph 3.3 of this report.**

1 Reason for Recommendation

- 1.1 This report requests the Committee to appoint Members and a Chair of the Shareholder Sub-Committee for the 2022-23 Municipal Year, in accordance with the Sub-Committee's Terms of Reference.

2 Background

- 2.1 The Council established a Local Authority Property Investment Company (EPPIC) at an Extraordinary Meeting on 19 September 2018.
- 2.2 At that meeting, Council ratified Strategy and Resources Committee's decision to establish a Shareholder Sub-Committee to discharge the functions of the Council as the Shareholder in the Company.

3 Proposals

- 3.1 The Terms of Reference of the Sub-Committee are attached at **Appendix 1**.
- 3.2 The Sub-Committee comprises five members, and is required to comply with the Political Balance Rules in Section 15 of the Local Government and Housing Act 1989. Accordingly, four members of the Sub-Committee are to be appointed by the Residents' Association Group and one member appointed by one of the Minority Groups. The proportionality calculation allocates the seat to Labour.
- 3.3 The Committee is asked to appoint the Membership of the Sub-Committee. In accordance with the wishes of the relevant Groups, it is proposed that the following nominated Members are appointed:
 - 3.3.1 Councillor Neil Dallen (Chair) (RA)
 - 3.3.2 Councillor Hannah Dalton (RA)
 - 3.3.3 Councillor Graham Jones (RA)
 - 3.3.4 Councillor Colin Keane (RA)
 - 3.3.5 Councillor Kate Chinn (Labour)
- 3.4 The Committee is asked to appoint the Chair of the Sub-Committee from amongst the Sub-Committee's Membership, in accordance with the Terms of Reference of the Sub-Committee.

4 Risk Assessment

Legal or other duties

- 4.1 Equality Impact Assessment
 - 4.1.1 None.
- 4.2 Crime & Disorder
 - 4.2.1 None.
- 4.3 Safeguarding
 - 4.3.1 None.
- 4.4 Dependencies
 - 4.4.1 None.
- 4.5 Other

4.5.1 None.

5 Financial Implications

5.1 There are no specific financial implications for the purposes of this report.

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

6 Legal Implications

6.1 There are no legal implications arising from the contents of this report.

6.2 **Legal Officer's comments:** None arising from the contents of this report.

7 Policies, Plans & Partnerships

7.1 **Council's Key Priorities:** The following Key Priorities are engaged:
Effective Council

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

7.3 **Climate & Environmental Impact of recommendations:** None.

7.4 **Sustainability Policy & Community Safety Implications:** None.

7.5 **Partnerships:** None.

8 Background papers

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

Previous reports:

- Restricted report and Minutes of meeting of Council, 19 September 2017.

Other papers:

- None.

This page is intentionally left blank

The Shareholder Committee – Delegation and Terms of Reference

1. The Strategy & Resources Committee will establish and maintain a Shareholder Sub-Committee to act in accordance with the terms of reference so far as they relate to any company established as a wholly owned company of the Council.

Membership

2. The Sub-Committee will comprise five Members and will comply with the Political Balance Rules in Section 15 of the Local Government and Housing Act 1989.

Meetings of the Committee

3. Scheduled Meetings will take place at least once per annum.
4. Additional meetings will be arranged as required to consider exceptional items.

Chairman

5. The Strategy & Resources Committee shall appoint the Chair of the Shareholder Sub-Committee at its first meeting in the municipal year, who shall hold office until the next such meeting.
6. If the Chair resigns by giving written notice of resignation to the Chief Executive, the sub-committee shall, as the first item of business at its next meeting, elect a successor, to hold office until a replacement can be appointed by the Strategy & Resources Committee.
7. The Chair, if present, shall preside.
8. If the Chair is absent Sub-Committee shall elect one of the members present as Chair of the meeting.

Delegation and Terms of Reference

9. The authority and terms of reference of the Shareholder Sub-Committee are as follows:-
 - a. Power to remove and appoint company directors.
 - b. Approve the annual company business plan, ensuring that it aligns with the corporate objectives of the Council.
 - c. Periodically evaluate financial performance of a company, and performance against the current business plan

- d. Consider any recommendations to cease trading by a company
- e. Monitor compliance with relevant legislation.
- f. Approve any Shareholder Agreement with the company, or any variation to such agreement.
- g. Consider such other matters, as require prior consultation with shareholders or as are reserved to the Shareholders in general meeting, and make such decision on those matters as they think fit.

HORTON CEMETERY

Head of Service:	Mark Shephard, Head of Property and Regeneration
Wards affected:	(All Wards);
Urgent Decision?(yes/no)	No
If yes, reason urgent decision required:	
Appendices (attached):	Appendix 1 - A clear, impartial guide to compulsory purchase (RICS) Appendix 2 - Confidential Budget Breakdown Appendix 3 - Confidential Counsel's Opinion

Summary

This report considers a formal request from a local charity for the Council to exercise its compulsory purchase powers to acquire Horton Cemetery.

Recommendation (s)

The Committee is asked to:

- (1) Decline the formal request for the Council to use its statutory powers to compulsorily purchase Horton Cemetery.**
- (2) Agree for officers to act as a third-party facilitator to explore if the owner would be willing to sell the site to the FHC.**

1 Reason for Recommendation

- 1.1 The Council has been asked by a local charitable organisation, The Friends of Horton Cemetery ("the FHC"), to exercise its statutory powers to compulsorily purchase Horton Cemetery for the benefit of the community.
- 1.2 The FHC has now requested confirmation of the Council's official position in the use of a Compulsory Purchase Order (CPO).

2 Background

- 2.1 Horton Cemetery is a derelict 5-acre cemetery historically linked to Epsom's five former psychiatric hospitals comprising the Manor, Horton, St Ebba, Long Grove and West Park Asylums, collectively known as the "Epsom Cluster".
- 2.2 The site has not been used for burials since the 1950s and was sold by the Department of Health & Social Care in 1983 to a private property company. Since private ownership, the rectangular site has reverted to its natural state, a woodland, as shown in the photograph below.



- 2.3 As a natural woodland (and given the rural setting of the surrounding area), the land is not considered to be inherently untidy.
- 2.4 Above ground, the only evidence today of the former hospital cemetery are the boundary railings and a number of original trees (the previous chapel and gravestones all removed). Below ground, Epsom & Ewell History Explorer's website confirms approximately 8,450 patient burials.

- 2.5 At its 9 September 2021 meeting, the Council's Licensing and Planning Policy Committee agreed to the Local Listing of Horton Cemetery, including the boundary railings and a war memorial built in 2004 outside the railings and facing onto Horton Lane. The Local Listing will aid in protecting the site from development which would be considered harmful to its historic significance.

- 2.6 The FHC is active in raising the site's historic profile and their stated goal is to:

"Bring dignity and respect to the thousands of mental health patients, including war heroes, who died within the Epsom Cluster of asylums and are buried, forgotten and unmarked on a neglected piece of land in Surrey, England."

"Our ambitious plans include reclaiming the derelict site and transforming it into a beautiful, calming garden-arboretum, with a lasting memorial and 'book of the dead' containing the names and details of all known burials."

The FHC were instrumental in securing the Local Listing. They have also tried repeatedly, without success, to acquire ownership of the site.

Further information on the FHC and the history of Horton Cemetery can be found on their website:

<https://hortoncemetery.org/>

3 Site value – indicative market value

- 3.1 The site is both a former cemetery and a woodland.
- 3.2 Market value is an estimate of the likely price an asset will sell at or more technically; *"The estimated amount for which an asset will sell between a willing buyer and a willing seller in an arm's length transaction after property marketing where the parties had each acted knowledgeably, prudently and without compulsion."*
- 3.3 It therefore follows that where an asset has several uses or functions, a seller will likely achieve the best sale price by ensuring the marketing includes the most valuable use.
- 3.4 The definition of a woodland by The Oxford English Dictionary is; *"land covered with trees"*. Horton Cemetery is clearly woodland and supported by the site's Tree Preservation Order (TPO) 319/A1 dated 8 May 1996; *"For land at former cemetery, Hook Road, Epsom – area comprising Poplars, Horse Chestnuts, Sycamores, Sweet Chestnuts, London Plane, Ash, Acacia, Copper Beech, Oak, Lime, Maple and Lawsons Cypress."*

- 3.5 As a former cemetery, the site has nominal commercial development value as the costs associated in preparing the site (mass exhumation and associated remediation) would almost certainly render it financially unviable.
- 3.6 Furthermore, the former cemetery is protected from commercial development by the Disused Burial Grounds Act 1884. Section 3 of the Act provides; *"It shall not be lawful to erect any buildings upon any disused burial ground, except for the purpose of enlarging a church, chapel, meeting house, or other places of worship."*
- 3.7 However, this does not prevent Horton Cemetery deriving value as an amenity woodland. An amenity woodland is; *"typically small areas of woodland, such as shelter belts, not managed as either commercial woodland or short rotation coppice."*
- 3.8 In contrast to a commercial woodland, the site is left in its natural state for the owner to enjoy the amenity woodland's wellbeing benefits. Activities of a commercial nature and which would ordinarily require planning consent (such as tree harvesting, paintballing, off road biking, etc) do not take place.
- 3.9 In its Amenity Woodland Spotlight dated October 2021, Savills mention:
"According to Forest Research, around 50% of people who have visited local woodlands as a result of Covid-19 restrictions reported an increase in their level of happiness when in the woods."
- 3.10 They go further to state that:
"Since the lockdowns, we have seen an increase in demand for amenity woodland – clients are coming to us wanting to buy pockets of woodland as places to escape the city and reconnect with nature."
- 3.11 Savills report that the average price for a woodland (under 5 ha) across the UK from 2017 – 2021 is £45,000. The report is assessable in the link below:
- 3.12 https://www.savills.co.uk/research_articles/229130/320470-0
- 3.13 Amenity woodlands for sale are available on many public websites including:
<https://www.woodlands.co.uk/>
<https://www.woods4sale.co.uk/>
- 3.14 South East woods recorded as sold on the above websites were marketed with the following guide prices:

Garrison Copse, near Guildford	3.16 acres	£54,500
--------------------------------	------------	---------

Waddler Wood, near Guildford	2.23 acres	£38,000
Buffers Wood, near Winchester	5 acres	£89,000
Saddle Wood, Tundbridge Wells	4 acres	£75,000
Cradle Wood, Rye, East Sussex	5 acres	£95,000

4 Compulsory Purchase Order - site acquisition compensation

4.1 The basis of compensation payable for the compulsory acquisition of land is based on the principle that the owner should be paid neither less nor more than their loss.

4.2 There are several components to CPO compensation but the relevant one to Horton Cemetery is market value under the Land Compensation Act 1961, section 5, rule 2:

“5(2) The value of land shall, subject as hereinafter provided, be taken to be the amount which the land if sold in the open market by a willing seller might be expected to realise.”

4.3 The determination of Horton Cemetery’s market value would form an important element of the CPO process and be assessed on the Council’s behalf by specialist valuers. The process further allows for the market value to ultimately be determined by the Upper Tribunal (Lands Chamber) in the absence of agreement between the respective specialist valuers.

4.4 Based on Horton Cemetery being a 5-acre Surrey site and with due regard to the publicly available information contained in paragraphs 3.10 to 3.13, it is reasonable to assume that its market value could be in excess of £100,000 as amenity woodland. The total cost of land acquisition could be even higher if the case went to Tribunal.

4.5 A consumer guide published by the RICS – *A clear, impartial guide to compulsory purchase* – is attached at Appendix 1. Attention is drawn to page 11 which explains compensation is paid to reflect the market value of the land / property that is being compulsorily acquired.

5 Land acquisition using compulsory purchase powers

5.1 The use of a CPO is one of last resort and there must be a compelling case in the public interest for the Council to use the powers.

5.2 In promoting a CPO the Council should be sure that the purposes for the CPO justify interfering with the human rights of those with an interest in the land affected. The Council must also take into account its public sector equality duty contained in the Equality Act 2010.

- 5.3 There are a range of enabling statutory powers depending on the purpose for which the land is being acquired. In its latest guidance update (July 2019) to acquiring authorities, the Department for Levelling Up, Housing and Communities (DLUHC) reiterates best practice to use the most specific power available for the purpose in mind, and to only use a general power when a specific power is not available.
- 5.4 A general power to acquire is contained in section 121 Local Government Act 1972 and the Act further allows under section 214, a single specific power to acquire land for a statutory function, including the operation of cemeteries.
- 5.5 Previously in April 2018, the Committee considered a paper seeking authority to use a CPO to extend Epsom Cemetery to provide further burial capacity in the Borough. A CPO would have been pursued as a last resort but fortunately, was not required as agreement was reached with the private landowner.
- 5.6 The Council does not consider section 214 would apply to Horton Cemetery as the purpose of the acquisition is not for the statutory function to provide burial capacity. In contrast, the purpose as proposed by FHC is to acquire the land for its environmental, historical and cultural significance.
- 5.7 To acquire Horton Cemetery using a CPO would therefore require reliance on a general power and Section 226 of the Town and Country Planning Act 1990 is typically used to acquire land compulsorily for development and other planning purposes. This broad power can be used where no single specific compulsory purchase power is appropriate.
- 5.8 To exercise its compulsory purchase powers under section 226, the Council would need to consider whether there is a public interest in acquiring Horton Cemetery. Under section 226(1A), the acquisition would need to satisfy the following:

“(1A) But a local authority must not exercise the power under paragraph (a) of subsection (1) unless they think that the development, re-development or improvement is likely to contribute to the achievement of any one or more of the following objects—

- the promotion or improvement of the economic well-being of their area;*
- the promotion or improvement of the social well-being of their area;*
- the promotion or improvement of the environmental well-being of their area.”*

- 5.9 An acquiring authority must dedicate extensive resource both in terms of time and cost to successfully exercise a CPO. Secretary of State approval (DLUHC) is required before any CPO can be exercised. It is very process driven and specialist external legal and CPO property advice would be required by the Council.
- 5.10 External legal and property consultants would advise on procedure, justification and valuation, draft orders and represent the Council in any proceedings.
- 5.11 The Council does not have in-house property or legal resource to prepare or undertake a CPO. To coordinate the various external appointments, the Council would require a temporary internal project management resource.
- 5.12 For the Council to be in a position to seek DLUHC consent would take at least 18 months and would almost certainly include a public inquiry. The government's target for deciding compulsory purchase orders is 20 weeks from the close of a public inquiry with the remaining cases to be decided within 24 weeks. It is therefore likely that the whole process could take 2 – 3 years to complete.
- 5.13 Furthermore, there is no guarantee that the CPO will be confirmed by the DLUHC. If it is not confirmed, the reasonable costs of remaining objectors will need to be met by the Council.
- 5.14 The RICS consumer guide at Appendix 1 explains the CPO application process on page 4 and the necessity to obtain DLUHC approval. It is the Secretary of State who will decide if the CPO should be authorised and not the local authority.
- 5.15 A total project budget requirement of £342,000 is considered necessary to pursue a CPO acquisition of Horton Cemetery. There would also be a need to identify further annual savings or additional income to fund the estimated annual maintenance requirement of £22,000 per annum.
- 5.16 A full confidential breakdown of the estimated acquisition costs is attached at Appendix 2. It is considered commercially sensitive due to the inclusion of untendered external consultancy fees.

6 Counsel's Opinion

- 6.1 As explained in paragraph's 5.12 to 5.14 above, it is not the Council that determines whether a CPO is ultimately progressed, it is the Secretary of State that issues the authorisation.
- 6.2 To assess whether approval would be forthcoming from the Secretary of State, the Council has taken Counsel's opinion from a specialist chambers in planning and CPO law.

- 6.3 Counsel is in agreement that an applicable statutory power to undertake a CPO has been identified. However, this is a separate question from whether a compelling case for compulsory acquisition exists.
- 6.4 Counsel confirms that there are several significant impediments to the Secretary of State receiving the assurance necessary to authorise a CPO.

These include:

- 6.4.1 **Human Rights** – *“Whether the landowner is a human individual or a limited company, they have human rights protected by Article 1 of the First Protocol to the European Convention on Human Rights. This protects property and prevents deprivation of property otherwise than in accordance with the law and which is necessary for specified purposes and proportionate. If there is no compelling case for acquisition when tested against the policy requirements in the CPO Guidance, then it is likely that the compulsory acquisition would be found to be an impermissible disproportionate interference with the rights given qualified protection by the Convention.”*
- 6.4.2 **Attempts at Voluntary Acquisition** - Compulsory purchase is intended to be used as a last resort after all attempts at negotiation have failed. Correspondence sent to the owner from the FHC clearly states the Charity’s intentions and ambitions for the site. However, this approach has failed to induce negotiations between the parties. *“Trying to promote a CPO with no attempt at acquisition would fail, save in the most extreme or urgent situations, of which this is not one.”*
- 6.4.3 **Funding** – *“The CPO guidance makes it plain that the Secretary of State is unlikely to consider that a compelling case for compulsory acquisition exists unless the scheme underlying the CPO is going to be funded so as to make it deliverable”.*

The FHC has provided no evidence of the funds required to indemnify the Council for its CPO acquisition costs or the ongoing maintenance liability. The FHC maintains its intention to pursue fund raising once the Council has acquired the land and transferred it to the Charity.

If the Council funded the CPO from its Corporate Projects Reserve, it would substantially reduce the funds available for other corporate and capital priorities.

The Council has no budget identified to fund the estimated recurring post CPO maintenance costs of £22,000 per annum. To fund this liability on an ongoing basis, either additional recurring income or savings from services would need to be identified.

To reiterate the comments in paragraph 10.4 (Section 151 Officers Comments); *“In general terms, Councils shouldn’t enter into unfunded future commitments. No budget has been identified to fund any future annual maintenance costs associated with the cemetery, and with the Council already facing a projected revenue budget deficit of £1.8m from 2023/24 (as reported to Strategy and Resources in July 2022), the Council’s reserves are already likely to come under substantial pressure in future years. As such, unless funding*

can be identified, the Council’s budget does not appear to support a CPO acquisition and the future annual associated maintenance liability of the cemetery.”

- 6.5 The FHC has stated; *“The point of a CPO is to open the Cemetery to the public and to properly respect the dead.”*
- 6.6 Counsel concludes; *“There is no convincing justification for compulsory purchase under the 1990 Act (or any other power) at present. I accept that providing and maintaining a respectful setting for the dead is an important matter but that will not be a determinative factor in itself.”*
- 6.7 Counsel’s opinion is attached at confidential Appendix 3.

7 Proposal

- 7.1 It is not recommended the Council exercises its statutory powers to compulsorily purchase Horton Cemetery for the FHC because:
- There is insufficient statutory justification available to the Secretary of State to authorise a CPO;
 - There is no identified revenue funding from either the FHC or the Council;
 - There is no identified capital funding from the FHC and the Council’s limited reserves are already likely to come under substantial pressure in future years.
- 7.2 Notwithstanding the above, the Council is sympathetic to the FHC’s objective and in this regard, has tentatively engaged with the private owner of the site.
- 7.3 It is therefore recommended the Council offers the FHC its support by acting as a third party facilitator to explore if the owner would be willing to sell the site to the FHC.

8 Risk Assessment

Legal or other duties

8.1 Equality Impact Assessment

8.1.1 Not applicable.

8.2 Crime & Disorder

8.2.1 Not applicable.

8.3 Safeguarding

8.3.1 Not applicable.

8.4 Dependencies

8.4.1 None.

8.5 Other

8.5.1 None.

9 Financial Implications

9.1 To avoid incurring costs in relation to Horton Cemetery, the Council can decide to decline the request at this stage, as per recommendation 1.

9.2 If the Council decided to pursue a CPO, the estimated one-off costs of £342,000 could be funded from the Corporate Projects Reserve (revenue element) and the Capital Receipts Reserve (capital element). However, this would reduce the funds available for other corporate and capital priorities. While the capital receipts reserve holds an estimated balance of £3.3m, the reserve is already close to the minimum threshold of £1m when considering future capital liabilities as set-out in the Council's Asset Management Plan.

9.3 The Council has no budget identified to fund the estimated recurring post-CPO maintenance costs of £22,000 per annum. To fund this liability on an ongoing basis, either additional recurring income or savings from services would need to be identified.

9.4 **Section 151 Officer's comments:** In general terms, Councils shouldn't enter into unfunded future commitments. No budget has been identified to fund any future annual maintenance costs associated with the cemetery, and with the Council already facing a projected revenue budget deficit of £1.8m from 2023/24 (as reported to Strategy and Resources in July 2022), the Council's reserves are already likely to come under substantial pressure in future years. As such, unless funding can be identified, the Council's budget does not appear to support a CPO acquisition and the future annual associated maintenance liability of the cemetery.

10 Legal Implications

- 10.1 An acquiring authority should be sure that the purposes for which it is making a compulsory purchase order sufficiently justify interfering with the human rights of those with an interest in the land affected. In making this assessment an acquiring authority should have regard, in particular, to the provisions of Article 1 of the First Protocol and Article 6 of the European Convention on Human Rights (“the Convention”), and Article 1 states that:
- “...Every natural or legal person is entitled to peaceful enjoyment of his possessions... no one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by the law and by the general principles of international law...”*
- 10.2 Although the owner of the land will be deprived of their property if the CPO is confirmed, this will be in accordance with the law and appropriate financial recompense will be made. However the acquisition of land “in the public interest” is specifically allowed by the Convention and if there is a compelling case in the public interest for the compulsory acquisition of land which outweighs the Convention rights and the use of compulsory purchase powers in this matter must be proportionate.
- 10.3 The Council is empowered under s 226(1)(a) of the Town and Country Planning Act 1990 (TCPA) as amended, to acquire any land in its area if it is satisfied that the proposed acquisition will facilitate the carrying out of development, redevelopment or improvement on or in relation to the land. The Council may utilise its compulsory purchase powers under section 226 of the TCPA:
- A if it thinks the acquisition will facilitate the carrying out of development, or redevelopment or improvement on, or in relation to the land or
 - B which is require for a purpose which is necessary to achieve in the interests of the proper planning of an area in which the land is situated
- 10.4 In order to make an acquisition under section 226(1)(a) of the TPCA, the Council must also consider that the development, redevelopment or improvement will contribute to the promotion or improvement of the economic social or environmental well-being of its area.
- 10.5 The Acquisition of Land Act 1981 governs the procedures which apply to compulsory acquisition. The Compulsory Purchase Act 1965 governs post confirmation procedures and the Land Compensation Act 1961 governs the amount and assessment of compensation.
- 10.6 The Council must pay due regard to its Public Sector Equality Duty (PSED) as set out in section 149 of the Equalities Act 2010
- 10.7 **Legal Officer’s comments:** As set out above and in the body of the report.

11 Policies, Plans & Partnerships

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

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

11.3 **Climate & Environmental Impact of recommendations:** An acquisition of the land using its CPO powers would give EEBC the right as landowner to ensure the site remains open and the historic asset retained. However, this is currently addressed through the Council's planning powers assisted by the recent Local Listing.

11.4 **Sustainability Policy & Community Safety Implications:** Not applicable.

11.5 **Partnerships:** None.

12 Background papers

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

Previous reports:

- Horton Cemetery, Strategy & Resources Committee Special meeting 5 May 2022 (Paper withdrawn prior to meeting and not discussed)

<https://democracy.epsom-ewell.gov.uk/ieListDocuments.aspx?CId=132&MId=1370>

- Local Listing of Horton Cemetery, Licensing and Planning Committee 9 September 2021

<https://democracy.epsom-ewell.gov.uk/ieListDocuments.aspx?CId=131&MId=1170>

- Epsom Cemetery Extension, Strategy & Resources Committee 17 April 2018

<https://democracy.epsom-ewell.gov.uk/ieListDocuments.aspx?CId=132&MId=420>

Other papers:

- Guidance on Compulsory purchase process and The Criche Down Rules, Department for Levelling Up, Housing & Communities July 2019



A clear, impartial guide to compulsory purchase

rics.org/consumerguides

Contents

What is compulsory purchase?..... 2

Basic steps..... 3

What you can do about compulsory purchase 5

What to do if you’re served with a notice 7

Seeking professional advice 9

Available compensation and how to claim it11

Further information..... 13

Find a Surveyor 13

Free RICS guides 14



What is compulsory purchase?

‘Compulsory purchase’ is a legal process where the state allows your property (this means land and/or buildings) to be acquired in the public interest, even if you do not agree.



Compulsory purchase may be used when all or part of your property is needed for new infrastructure such as a road, railway, or utilities, or to regenerate an area to provide new housing and amenities that better meet the needs of the area and in limited other circumstances.

Compensation will be paid to you for any property or rights taken from you.

Any compulsory purchase must be authorised by the government. For very large-scale schemes, an Act of Parliament may be passed just for one project. This process has been used for the High Speed One and Two railways for example. Most projects rely on laws that allow compulsory purchase in principle for certain purposes (such as housing or roads). These powers cannot be used until an Order authorising the specific project to use compulsory purchase has been approved by the Secretary of State.

There are different types of Order for different types of project but the most common are:

- Compulsory Purchase Order (CPO)
- Development Consent Order (DCO)
- Transport and Works Act Order (TWAO).

Basic steps

Although the procedures differ for each, they all have the same basic steps.



1 Consultation and engagement

The body seeking compulsory purchase powers (the 'acquiring authority') will contact all affected parties and explain the scheme, how the compulsory purchase process works, and any early purchase or mitigation schemes they are offering. You may receive letters, brochures or invitations to meetings or events to learn about the scheme and how it affects you.

2 Land referencing

The acquiring authority checks who owns and occupies the land. You will receive letters or legal notices asking you to fill in and return details of the ownership and occupation of your property and any tenants you let it to. It is important to respond promptly and accurately to ensure that you receive the right notifications and information later in the process.

3 Order application

The acquiring authority submits the Order application to the Secretary of State for authorisation. You will receive a notice informing you that this has been done. It will include a copy of the Order or details of where you can access it.

4 Objections and inquiry

You will have a limited period from receiving the notice above to make a written objection against the Order. You can ask for the Order not to be authorised, to be changed, or you can write in support of the Order if you wish. There are limited grounds on which an objection can be submitted so you should take professional advice if considering objecting.

If you make a qualifying objection, you will be entitled to make representations at the inquiry where the arguments for and against the Order are heard. You can do this in person, by letter or employ an adviser to make your case for you. If you have objected, you will receive a notice telling you where and when the inquiry will take place.

5 Authorisation

After the inquiry, the arguments of all the parties are considered and the Secretary of State will decide if the Order should be authorised. This can take several months.

6 Acquisition of land

If the Order is authorised the acquiring authority will send you a notice to inform you this has happened. They may use the powers to acquire your land straight away, or if the project is not ready there may be a delay before the powers are used. The Order must be used within a limited time, usually three years, or it will expire.

When the acquiring authority use the powers to acquire your land you will receive a legal notice triggering the acquisition. This also triggers your compensation entitlement and requires you to leave the property. Ordinarily, negotiations to acquire your interest will have started on a voluntary basis at a much earlier stage. The minimum notice period to leave the property is three months. If the land is to be used temporarily rather than being acquired permanently there may be a shorter notice period.

What you can do about compulsory purchase

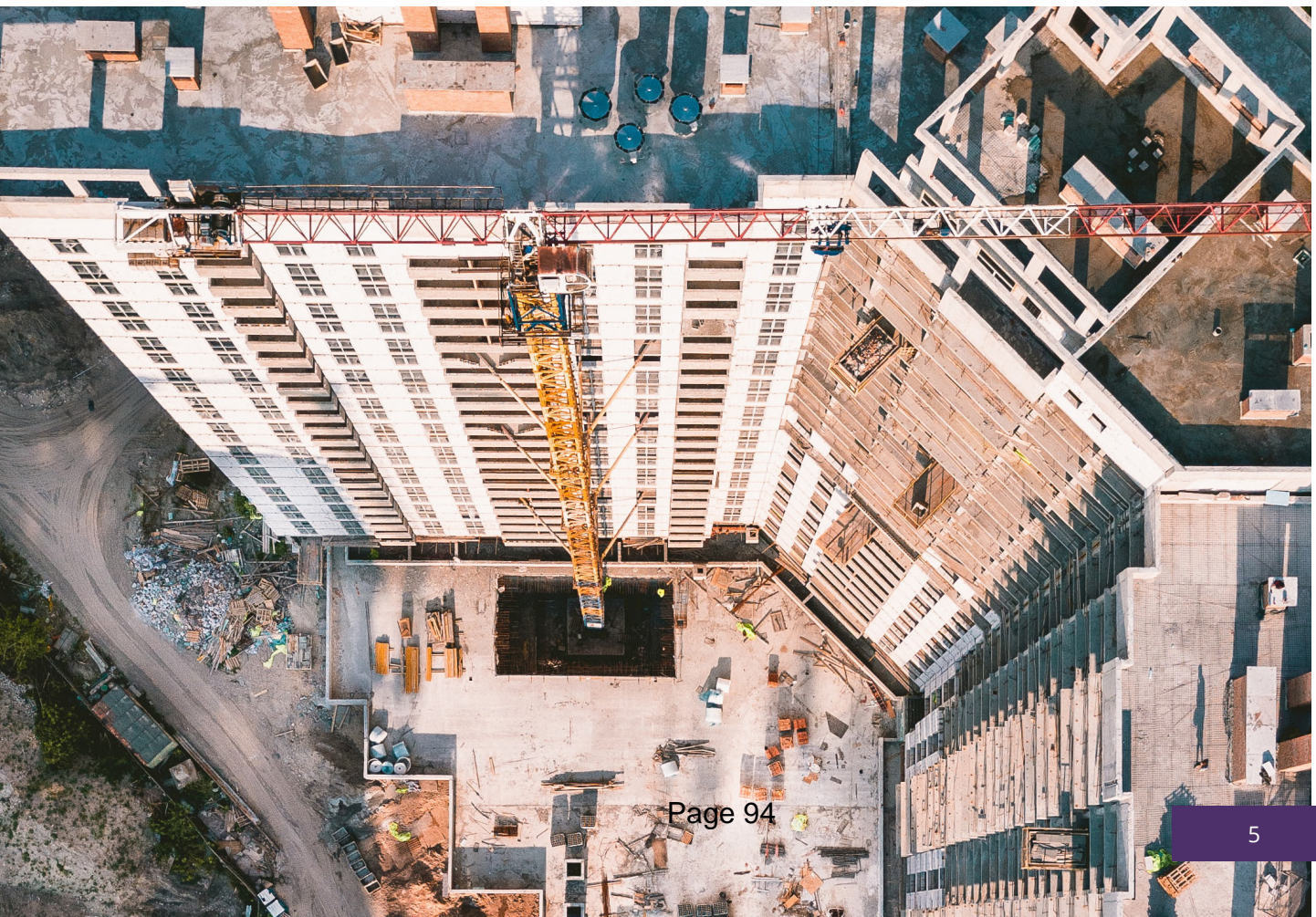
Before any CPO or similar Order is issued the 'acquiring authority' will have to do a number of things. This includes publicly advertising the project they are proposing.

If you think you may be affected by a compulsory purchase it is important to engage in the process to ensure that you understand the impact, timing and your rights.

At the engagement and consultation stage you will be able to speak to the acquiring authority or their advisers to find out about the project and the compulsory purchase process.

At this early stage, they may not be able to give definite answers on timing, but they will be able to describe the need for the scheme and its benefits and impacts. They should also be able to explain any processes they are offering to help affected owners and occupiers move to replacement properties when the time comes.

You will also be able to make an objection or representation (depending on which type of Order is being used) to give your views on whether the Order should be authorised.





There will be a limited period of time to submit an objection or representation. If your property is to be included in the Order, you will receive a notice at the appropriate time telling you how to object and when the objection period closes.

If your property is to be included in the Order you should consider getting professional advice as early as possible. See page 9 for more details on seeking professional advice.

Although it is a good idea to get professional advice, you do not have to do so to make an objection. You can make an objection or representation by writing to the address given in the appropriate notice. You can also attend the inquiry and make your points in person if you wish. If you do not wish to attend the inquiry, the inspector will still consider your written objection.

What to do if you're served with a notice

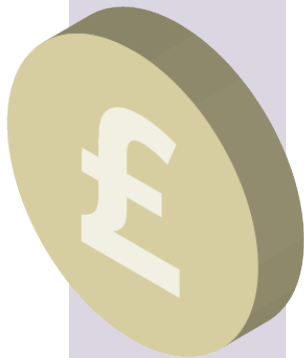
If the acquiring authority needs your property, they will be obliged to send you legal notices at various points in the process. These are important and you should pay attention to them.



Throughout the compulsory purchase process, the acquiring authority will be required to send you various notices, as described in the table on page 3. It is good practice for the acquiring authority to send a letter with the notice explaining in clear language what it is for and what you have to do.



If you have any concerns or questions you should contact the acquiring authority in the first instance and ask them to explain the process to you.

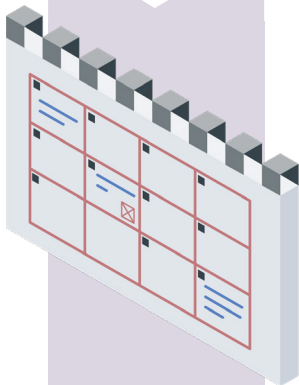


You should also ask whether the acquiring authority will meet the cost of professional advice for you*.

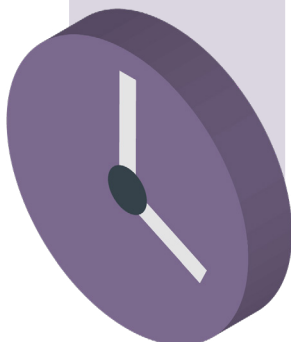
**See page 9 for more information on seeking professional advice.*



If you do receive a notice you should deal with it promptly – don't ignore it. Some of the notices have a fixed deadline to respond.



For example, there will be a prescribed deadline by which any objections must be submitted to qualify.



There will also be a time limit to submit information about your ownership or occupation at the land referencing stage.

Seeking professional advice

If your property may be affected by compulsory purchase it is important to seek professional advice at an early stage. When seeking advice you should consider the points below.



What advice do I need? You may need advice on the compulsory purchase process, your compensation rights, help to negotiate with the acquiring authority, how and when to look for a property to move to, or how to make an objection against the Order. A qualified and experienced advisor will be able to guide you through the process and undertake negotiations on your behalf.



How will I know whether I am getting good advice? Seeking advice from a qualified RICS member (Chartered Surveyor) will ensure that your adviser is a trained property professional. All RICS members must abide by the rules and regulations of RICS. Ask your adviser about [Surveyors advising in respect of compulsory purchase and statutory compensation](#), RICS professional statement. This sets out the standards your RICS adviser must meet when advising you.

All RICS members must also have a complaints procedure that you can use if you are not happy with the service you have received. If you are not able to resolve your complaint with the adviser's complaints procedure you can make a complaint to RICS.



How will my professional advice be paid for? Your RICS adviser must clearly set out the basis of their fees to you in writing before they start work on your behalf. As the client, you will be responsible for paying the adviser's fees but there may be help available with the cost.

The compensation payable for compulsory purchase includes the reasonable costs you incur in seeking professional advice to negotiate a fair compensation settlement. This is in addition to the compensation for your property. However, this only applies at the end of the process when your property is actually acquired.

For the earlier parts of the process it is good practice for the acquiring authority to reimburse the reasonable cost of professional advice incurred by people affected by the scheme. Your RICS adviser will be able to discuss this with the acquiring authority before starting work for you.

- > You should check with your adviser whether the acquiring authority has agreed to reimburse (or directly pay) fees before they start work.
- > You should also be aware that you will remain responsible for any fees that the acquiring authority does not agree to reimburse.
- > Note that the acquiring authority may agree to reimburse fees relating to engagement and negotiation at an early stage but will not usually meet the cost of advice relating to an objection to the Order.
- > In many instances, acquiring authorities will agree to pay fees directly to the adviser, but you are still the client and ultimately responsible for any fees the acquiring authority does not agree to pay.
- > The professional statement mentioned above contains guidance on fees for compulsory purchase work.

Available compensation and how to claim it

Compensation is paid to reflect the market value of your interest in the property that is being compulsorily acquired.

The assessment of compensation for compulsory purchase is governed by the 'Compensation Code'. This is not a single 'code' but the combination of various Acts of Parliament and legal decisions. It is a very complex body of law that affects the way in which compensation is to be assessed and who can claim it. You are advised to get specialist advice from a professional.

Where a property is acquired through Compulsory Purchase, the principles are fairly straightforward. The compensation will be the market value of the property concerned, disregarding any increase or decrease in value caused by the effect of the scheme which underlies its acquisition. Sometimes, additional schemes such as new rail or tube stations can be disregarded as well so please do take professional advice.

Compensation may be paid to reflect losses which are particular to you as the claimant.

Compulsory purchase affects different claimants in different ways. As a business, you may be entitled to what is often referred to as disturbance compensation to cover costs and losses such as relocating expenses, redundancy payments and temporary or permanent loss of trade. As a homeowner, you may be entitled to Disturbance compensation for removal expenses, costs relating to buying elsewhere and for items you are unable to take with you when you move. The devil is in the detail so please do take professional advice from a Chartered Surveyor on exactly what you are entitled to claim and also on how to mitigate your losses so you are compensated appropriately.

You will have to provide evidence to support your compensation claim, especially costs incurred in preparing to move so seeking advice early will allow your adviser to assist in keeping appropriate records to support your claim.

You may also receive a further 'loss payment' as extra compensation to reflect the element of compulsion.

In most cases, claimants are entitled to a statutory loss payment (do not apply in Scotland), reflecting 2.5%, 7.5% or 10% of the market value of your interest in the property.

There are caps to these payments, which can periodically change so you should take professional advice from a Chartered Surveyor on your circumstances. In some limited circumstances, loss payments are not available.

You may be entitled to compensation for land that you do not lose to compulsory purchase.

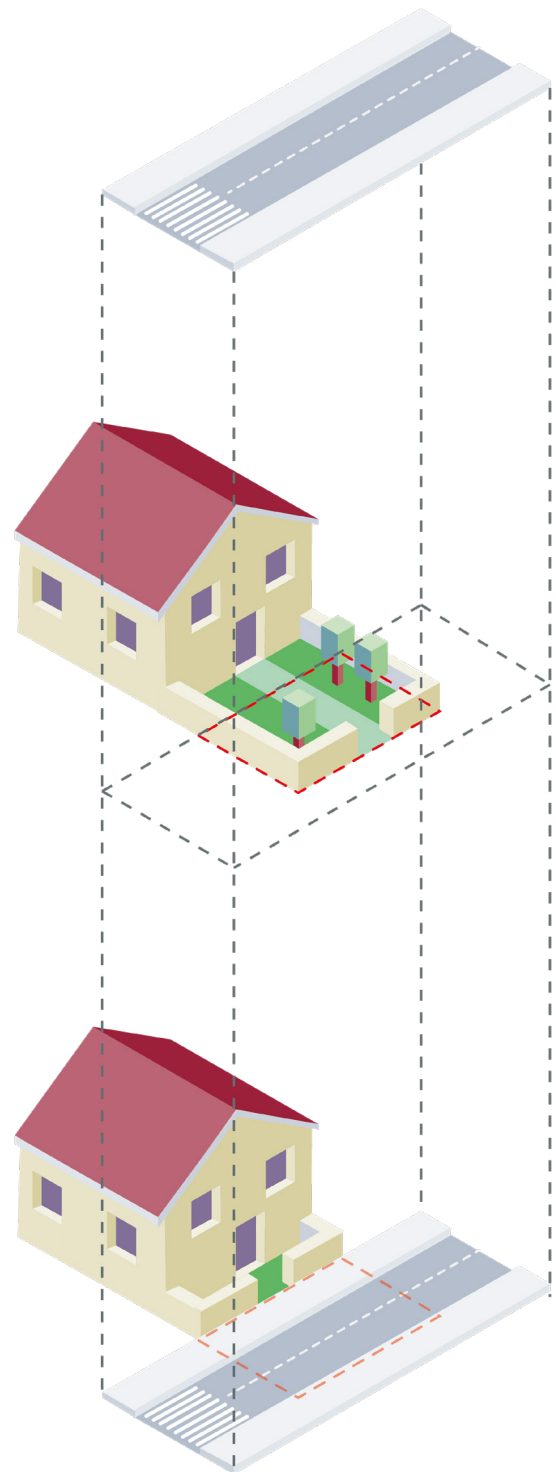
If only part of your property is acquired, you will also be entitled to the loss in value of your retained land together with the value of the land that has been taken.

In some circumstances, you can compel the acquiring authority to buy the remaining land (including buildings) from you but the test for this is quite stringent, including that you would need to prove a material detriment to the use or occupation of the land.

This can be difficult to assess and requires specialist advice from a professional such as a chartered surveyor.

If you are not losing any part of your property but are still affected by noise or certain other physical factors or interference (such as loss of access to your property) you may also be entitled to claim compensation. Your professional adviser will be able to provide more information about this.

In all cases, if you are affected by compulsory purchase you must act reasonably and not undertake actions that will unnecessarily increase compensation.



Further information

We hope this guide is useful to you. If you'd like to know more about compulsory purchase, or how RICS can help, please contact us.

Find a Surveyor

[Contact us](#) if you want to find independent, impartial advice from a qualified professional with good local knowledge.

Consumer helplines

[Contact one of our regulated firms](#) for a 30 minute initial consultation.

Surveying firms that are regulated by RICS are easy to spot as they use 'Regulated by RICS' on their stationery and promotional material.

Visit our website

[Visit the RICS website](#) for more information.

Free RICS guides

RICS has a range of free guides available for the following property issues:

Development issues

Compulsory purchase

Home extensions

Home hazards

Fire safety

Dilapidations

Flooding

Subsidence

Neighbour issues

Boundary disputes

Party walls

Right to light

Residential

Buying a home

Buying and selling art and antiques at auction

Home surveys

Letting a property

Property auctions

Renting a property

Selling a home

Visit [our consumer guides website](#) or [RICS' public website](#).

Delivering confidence

We are RICS. Everything we do is designed to effect positive change in the built and natural environments. Through our respected global standards, leading professional progression and our trusted data and insight, we promote and enforce the highest professional standards in the development and management of land, real estate, construction and infrastructure. Our work with others provides a foundation for confident markets, pioneers better places to live and work and is a force for positive social impact.

Americas, Europe, Middle East & Africa
aemea@rics.org

Asia Pacific
apac@rics.org

United Kingdom & Ireland
contactrics@rics.org

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

EXCLUSION OF PRESS AND PUBLIC

Under Section 100(A)(4) of the Local Government Act 1972, the Committee may pass a resolution to exclude the public from the Meeting for Part Two of the Agenda on the grounds that the business involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A to the Act (as amended) and that pursuant to paragraph 10 of Part 2 of the said Schedule 12A the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank