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EPSOM & EWELL

TOWN HALL

EPSOM

5 December 2016

SIR OR MADAM

I hereby summon you to attend a meeting of the Council of the Borough of Epsom and Ewell which will be held at the Town Hall, The Parade, Epsom on **TUESDAY, 13 DECEMBER, 2016 at 7.30 pm**. The business to be transacted at the Meeting is set out on the Agenda overleaf.

Prayers will be said by the Mayor's Chaplain prior to the start of the meeting.

A handwritten signature in black ink, appearing to read 'S. Young'.

Head of Legal and Democratic Services

COUNCIL

Tuesday 13 December 2016

7.30 pm

The Town Hall, The Parade, Epsom

For further information, please contact Fiona Cotter,
tel: 01372 732124 or email: fcotter@epsom-ewell.gov.uk

FIRE PRECAUTIONS

No fire drill is planned to take place during the meeting. If an alarm sounds, members of the public should leave the building immediately, either using the staircase leading from the public gallery or following other instructions as appropriate. Do not use the lifts.

On leaving the building, please make your way to the Fire Assembly point on Dullshot Green.

AGENDA

1. DECLARATIONS OF INTEREST

To receive declarations of the existence and nature of any Disclosable Pecuniary Interests from Members in respect of any item to be considered at the meeting.

2. MINUTES (Pages 5 - 28)

To confirm the Minutes of the Ordinary Meeting and the Special Meeting (Annexe 1) of the Council held on 19 July 2016 and the Extraordinary Meeting (Annexe 2) of the Council held on 21 November 2016.

3. MAYORAL COMMUNICATIONS/BUSINESS

To receive such communications or deal with such business as the Mayor may decide to lay before the Council.

4. QUESTIONS FROM COUNCILLORS

To answer written questions from Councillors

Note: The deadline for questions is 5pm on Friday 5 February 2016(17.00 hours on the third clear working day before the meeting).

5. COMMUNITY INFRASTRUCTURE LEVY - CHARGING SCHEDULE (Pages 29 - 48)

This report highlights an issue in relation to the Council's Community Infrastructure Levy Charging Schedule, seeks Council's retrospective endorsement of the Charging Schedule attached at Annexe 1, agrees repayment of an overpayment of Community Infrastructure Levy, and notes the proposed review.

6. APPOINTMENT OF EXTERNAL AUDITOR (Pages 49 - 54)

This report sets out the proposals for appointing the external auditor to the Council for the 2018/19 accounts and beyond, as the current arrangements only cover up to and including the 2017/18 audits. The auditors are currently working under a contract originally let by the Audit Commission and the contract was novated to Public Sector Audit Appointments (PSAA) following the closure of the Audit Commission.

If the Council is to take advantage of the national scheme for appointing auditors to be operated by PSAA for the subsequent years, Full Council agreement is required.

7. CALENDAR OF MEETINGS 2017/18 (Pages 55 - 58)

This report sets out a proposed Calendar of Meetings for 2017/18.

8. MOTIONS TO COUNCIL (Pages 59 - 60)

In pursuance of the Council's Rules of Procedure, to consider any Motions submitted by the due deadline

Note: The deadline for Notice of Motions was 5.00pm on Wednesday 30 November 2016 (17.00 hours on the eighth clear working day before the meeting)

9. EXCLUSION OF PRESS AND PUBLIC (Pages 61 - 62)

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. MINUTE OF PREVIOUS MEETING - COMMERCIAL PROPERTY ACQUISITION (Pages 63 - 64)

This Minute from the Extraordinary meeting of the Council held on 21 November 2016 (Annexe 1) has not been published because the meeting was closed to the press and public on the grounds that the nature of the business to be transacted/nature of the proceedings dealt with information which related to the financial or business affairs of the Council and a third party.



EPSOM AND EWELL

Minutes of the Meeting of the COUNCIL of the BOROUGH OF EPSOM AND EWELL held at The Town Hall, The Parade on 19 July 2016

PRESENT -

The Mayor (Councillor George Crawford); The Deputy Mayor (Councillor Liz Frost); Councillors Chris Frost, Michael Arthur, Tony Axelrod, Richard Baker, John Beckett, Steve Bridger, Alex Clarke, Lucie Dallen, Neil Dallen, Hannah Dalton, Graham Dudley, Robert Foote, Rob Geleit, Eber Kington, Omer Kokou-Tchri, Jan Mason, Tina Mountain, Barry Nash, Peter O'Donovan, Martin Olney, Keith Partridge, Jane Race, David Reeve, Humphrey Reynolds, Guy Robbins, Vince Romagnuolo, Clive Smitheram, Alan Sursham, Mike Teasdale, Peter Webb, David Wood, Clive Woodbridge and Tella Wormington

Absent: Councillors Rekha Bansil, Kate Chinn, and Jean Steer

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

13 DECLARATIONS OF INTEREST

Councillor Liz Frost wished it to be recorded that her current employment within NHS England, could be said to give rise to a disclosable pecuniary interest under the Council's Local Code of Conduct for Members, but that the Council's Standards Committee did not consider that, in most circumstances, this would damage the public's confidence in the conduct of the authority's business and, for the avoidance of doubt, she has been granted a dispensation by the Standards Committee to speak and vote on matters related to health.

14 MINUTES

The Minutes of the Meeting of the Council held on 17 May 2016 were agreed as a true record and signed by the Mayor.

15 MAYORAL COMMUNICATIONS/BUSINESS

There were no matters which the Mayor wished to communicate to members.

16 QUESTIONS FROM COUNCILLORS

Questions had been submitted to Committee and Panel Chairmen and written answers had been provided as follows:

QUESTION 1**Question from Councillor Alex Clarke to the Chairman of the Environment Committee, Councillor John Beckett**

Litter collection in High Street/Market: Why is it we have only one person to cover the relatively large area of the Town Centre, who also is responsible for moving the big market bins in position – something which is complicated by the fact that, despite there being work phones provided, no system is in place for the truck team to give an advanced warning of their arrival?

Reply:

I understand that Councillor Clarke has spoken with officers prior to this question and answer and there appeared to be some confusion on roles which has now been clarified. The crews have also been briefed to ensure that all operatives are carrying out the correct procedures and tasks.

I would also like to mention Sean Winter who is our full time litter picking operative in the Town Centre. For many years he has done an absolute sterling job. He is backed up by the mechanical sweepers who sweep the Town Centre first thing in the morning and also a part time market cleansing operative.

In addition to this, the refuse collection crews provide two waste collections during the day (morning and afternoon) and a further collection is carried out at the end of the market. The large 1100litre bins used by stall holders should only be moved by the refuse collection crews.

I would therefore like to personally thank Sean and all the operatives in the town centre for their hard work in continuing to make Epsom a great place to live and shop.

QUESTION 2**Question from Councillor Tella Wormington to the Chairman of the Health Liaison Panel, Councillor Liz Frost**

I am sure that other Councillors were as concerned as I was to read about the outcome of the recent CQC report into Epsom & St Helier Hospitals. Can the chairman of the HLP let us know what part the Council plays in trying to ensure that services are satisfactory?

Reply:

I thank Councillor Tella Wormington for her question.

To look at the reports themselves, the CQC visits to both Epsom and St Helier Hospitals took place on seven days in November 2015 although the reports were not published until the end of May. There is a report covering the whole trust and one focussed on Epsom. Although the overall rating for Epsom is 'Requires Improvement', that is not the whole picture. It rates SWELEOC as Outstanding. Medical Care, End of Life Care, and Out Patients and Diagnostic Imaging were all rated 'Good'. Urgent and Emergency Services, Surgery, Critical Care, Maternity and Gynaecology, and Services for Children and Young People were rated as 'Requires Improvement'. I appreciate the concerns of fellow Councillors about the 'Requires Improvement' ratings, but understand that this is the rating given to the majority of hospitals. I would also point out that many of the criticisms of the services stemmed from the low levels of staff and the design and age of the estate. Since the inspections the Trust has had a major recruitment drive and their vacancy rates have fallen from 15% to 7%. A huge amount of work has gone into improving the state of the buildings, which in turn reduces the risk of infections and improves the feeling of wellbeing of both patients and staff.

The HLP normally meets 3 times per year and over the past few years at each meeting we have had a presentation by either the chief executive or a senior director of the Hospital Trust. At these meetings we are given an update on the hospital performance and other topical issues. There is the opportunity for members of the panel to question speakers and to put our views to them. In a departure from our normal format, the February HLP was held as an open public meeting so a good number of Councillors and other residents were able to ask about the services themselves.

Every year the hospital produces a Quality Account, which reports on the quality of healthcare services and declares their plans for improvements over the coming year. Local stakeholders, including both local borough and county councils, are invited to meetings and workshops to hear about the reports and to have input into the priorities for improvements for the next year. Both council officers and I have attended several of these meetings and contributed to the priorities. We have also held meetings with the Chief Executive to hear updates. I also endeavour to attend the other open and invitation meetings, such as the Trust Board briefing meetings, held by the hospital to ensure that they are aware of our desire to see excellent local health facilities for our residents.

Additionally, Councillor Tony Axelrod represents the Borough Council on Surrey County Council's Wellbeing and Health Scrutiny Board. Part of their remit is to look at the work our NHS Provider Trusts, suggesting ways that services might be improved.

As a borough council, we do not have commissioning or scrutiny powers over healthcare, however we believe that in the ways mentioned above, we are

playing an active part in influencing improvements in the quality of the services provided by our hospital.

QUESTION 3

Question from Councillor Clive Woodbridge to the Chairman of the Community and Wellbeing Committee, Councillor Barry Nash

Would you please update the members about the recent success in the Surrey Youth Games and could you please acknowledge the general development of sports provision within the Borough?

Reply:

Surrey Youth Games 2016

Team Epsom & Ewell were defending champions from 2015 and lost out by one point from retaining the trophy again in 2016. This year we came 2nd to Woking, who were placed 2nd last year.

We were also joint winners of the Highest Team Entry award with 30 teams entered across 15 sports. This is the 9th consecutive year that Epsom & Ewell have won the award.

This year we smashed through the 500 barrier with 523 young people registering to take part in the free trial and taster coaching sessions for the Surrey Youth Games.

These sessions were delivered by 19 team managers and their assistant coaches who represented 14 of our local sports clubs.

We also had a record number of Youth Games Ambassadors this year with 59 across the Borough's primary and secondary schools.

202 young people represented Team Epsom & Ewell at the Surrey Youth Games Weekend. We won gold medals in Girls Rugby, Lacrosse and Senior Table Tennis. Silver medals were won in Senior Badminton, Junior & Senior Squash and Touch tennis. Our Junior Badminton, Girls and Boys Hockey teams, High 5 Netball and Junior Boys Judo teams also secured bronze medals in another tremendous record haul for the Borough. There was also a host of individual medals secured in Judo.

The SYG presentation evening at Epsom Playhouse saw over 300 guests attend. Each of the SYG participants and the Young Ambassadors received a certificate for their efforts. There were also presentations to the most Supportive School, Club, Volunteer and Team Manager, as well as Young Ambassador.

Sports Provision in the borough

Following three successful funding bids to 'Inspired Facilities', we have upgraded Court Recreation Ground Astro pitch (Jan 2013), refurbished the changing rooms in Gibraltar Recreation Ground Pavilion (March 2013) and installed a new Skate Park facility in Long Grove Park (April 2014).

Following two successful bids to Surrey County Council's Community Improvement Fund, we have installed a new skate park facility in Cox Lane (Nov 2013) and upgraded and extended the playground in Gatley Avenue (March 2016).

Following seven successful funding bids to QEII: Fields in Trust (Aug 2015), we have resurfaced the tennis courts in Court Recreation Ground, added outdoor table tennis equipment in Alex Rec, installed a new outdoor gym in Gibraltar Recreation Ground installed a new outdoor gym and upgraded the play equipment in Warren Rec, upgraded the play equipment in Shadbolt Park, Upgraded the play equipment in Chessington Road Rec and added to play equipment in Rosebery Park.

In addition we have reinstated two tennis courts in Auriol Park (2014).

Next year there are plans to resurface the tennis courts at Alex Rec, along with the outdoor basketball court and plans to install an extension for beginners in the skate park in Long Grove Park. The latter project is part of the capital programme and funding has been identified and agreed. The former projects are currently going through the council process for approval.

Lastly, given the restraint on this council's budget and the cuts in Government grants, these completed schemes and planned improvements to our leisure facilities are an enormous achievement and a testament to the quality of our officer's grant funding bids, as well as this Council's effective use of developer funding with a limited capital budget.

QUESTION 4

Question from Councillor Guy Robbins to the Chairman of the Strategy and Resources Committee, Councillor Eber Kington

The Council Tax Support Scheme is an important element in managing the changes in welfare benefit in a way that reduces the impact on the most vulnerable in our community. When the Government passed the administration of Council Tax support to local authorities the funding was cut as part of the national cuts to welfare spending, and Epsom and Ewell Borough Council received £337,000 towards the administration of the scheme. Subsequently the cost of administering the scheme was incorporated within the Council's Revenue Support Grant – no longer identifiable as a separate sum of money.

The Conservative Government has determined that in 2019 this Council will not receive any Revenue Support Grant at all. Would the Chairman of Strategy and

Resources please give an estimate of the likely costs of the scheme in 2019 and clarify how the cost of running the Council Tax Support Scheme, without any Government grant, will be funded from 2019 onwards.

Reply:

In response to the two parts of your question:

What are the likely costs of administering the local council tax support scheme in 2019?

When the local council tax support scheme was introduced by Central Government it was done on the basis that it was being part funded by additional revenue support grant provided by Government. In subsequent years of RSG award the funding was not separated out and could not be individually identified, but as RSG was reduced year on year the Council has been required to find savings to meet the reductions in Government funding. Central Government announced in the last 4 year financial settlement that RSG support to this Council is to be withdrawn from 2017/18 onwards and it can be assumed that the Council will receive no financial support towards funding of the LCTS.

The cost of council tax support scheme for 2015/16 was £2.8 million with EEBC share being £308k, however, the cost to this Council going forward is difficult to predict with a number of variables that could affect our level of expenditure, some of these are:

The number of claimants (i.e. our caseload) – this has been falling as we slowly crawl out of recession, and has the effect of potentially reducing what we spend on CTS. However, we must wonder whether Brexit will have an adverse effect on the economy and increase claimant numbers. The above estimated figure is based upon no increase or decrease in caseload.

Pensioner caseload - they are 'protected' by being on the 'default/DCLG scheme' which we cannot amend. There's no sign of the DCLG making changes that would reduce the CTS we pay to pensioners. However the national review of CTS did recommend that government consider allowing LAs more say on how pensioner CTS was calculated. The above estimated figure is based on no increase or decrease in pensioner caseload and no significant change to the way their CTS is calculated.

Council Tax is likely to increase and this naturally increases CTS expenditure. Annual Council Tax increases of £5 per annum for a Band D equivalent property have been assumed.

Councillors might decide to change our local 2017, 2018 and/or 2019 CTS scheme, for example increasing the Minimum Payment from 20% to 25% or 30%. The above estimated figure is based upon the Minimum Payment remaining at 20%.

An increasing Council Tax charge whilst DWP benefit rates are frozen for the next 4 years is a recipe for higher demand on our Discretionary Fund. The cost of this is met directly by the council, but estimating what that demand will be and how much the council is wishing to provide for the fund will be very difficult.

With point 5 in mind, the contributions from recipients will surely reduce below (perhaps well below) the 82% recovery rate of 2015/16 for CTS customers.

It is therefore difficult to determine the cost of the scheme in 2019 but, for financial planning purposes, the MTFP plan is assuming a cost of £333K in 2019

How will the local council tax support scheme be funded in 2019?

In the absence of any revenue support grant the cost of the scheme, estimated at £333K, will have to be met by council tax receipts and other locally generated income. This means in effect that, from 2019, this previously national funded welfare benefit will, in Epsom and Ewell but not in most other parts of the country, have to be totally financed locally which I believe is an unfair and unacceptable burden on Epsom and Ewell council taxpayers and residents.

QUESTION 5

Question from Councillor Michael Arthur to the Chairman of the Environment Committee, Councillor John Beckett

The Environment Committee on 12 April agreed to terminate an agreement with Surrey County Council of management of highway trees effective from 1 April, 2017. The minute of that meeting did not specifically reflect involving the loss of new tree planting on the highway of around 120 small ornamental trees per annum.

Highway tree planting has always been a notable feature of this Borough. Its cessation will have a detrimental effect on the distinctive suburban leafy appearance so much appraised by residents particularly in the more urban northern wards, perhaps not immediately, but in years to come.

I wish to request that a meeting be set with the Chairman of Environment and members of the Borough's Tree Advisory Board to seek a way forward so that this important service is not lost.

Reply:

As Cllr Arthur has indicated the Environment Committee took the decision to terminate the agency agreement with the County Council back in April 2016. As part of the information before the Committee was a note that stated there would be no replacement tree planting by the Borough Council on SCC owned highway verges.

New tree planting within highway verges will be entirely a matter for the County Council from April 2017. It would therefore be appropriate for the Tree Advisory Board to contact SCC regarding all highway tree issues.

However the 2016/17 tree planting schedule for both SCC highways and EEBC parks is currently under way and is being managed by our tree officer, Mr Jeremy Young.

I would therefore personally like to thank Jeremy for all his hard work over the years dealing with the highway trees on behalf of Surrey County Council.

QUESTION 6

Question from Councillor Vince Romagnuolo to the Chairman of the Audit, Crime & Disorder and Scrutiny Committee, Councillor David Reeve

As we have seen with the tragic murder of Jo Cox MP, racially and politically motivated hate crimes are on the rise. We have already seen this in my own ward. On Saturday night, a resident reported to me that he had intervened and had come to the aid of an EU citizen who was being physically and verbally abused. It is important that this Council sends out a clear message that this will not be tolerated in our community.

With one of the highest number of residents from an ethnic and EU background in Surrey, can I ask what steps are being taken to work with the Police and other agencies to stamp out this intolerance?

Reply:

It is noted that there is already a Motion that addresses the above which will be debated, and hopefully agreed, during this Council meeting.

From information I have received, it seems that there has not been a material increase in this sort of crime in Surrey as a whole or in Epsom & Ewell. If any Member believes that there is an increase in his ward, can he or she ensure that any crime is reported to the Police so that they can take appropriate action(s).

The Council is committed tackling, wherever possible, any anti-social behaviour or crime against individuals, groups or property that is perpetrated because of hate. This would include victims of hate ASB or crime having differing race, religious or cultural beliefs, sexual orientation, political beliefs or perceived physical or mental capabilities.

The Council achieves this through its corporate objective of 'Supporting the Community' by participating in statutory partnerships such as the Community Safety Partnership, and specifically through the Community Incident Action Groups and Joint Action Groups that support victims and find ways to deal with perpetrators. This applies to individuals, identified community groups and places where such activity has been identified.

On a practical level the Council will, for example, remove any signage or graffiti that promotes intolerance.

The Council acts as a point of contact for the community who can report any incidents either involving them or that they have witnessed. These reports are logged and passed to the relevant agency within the council or our external partners. In addition to the powers available to the Police, the Council has the powers to issue Community Protection Notices on individuals, Public Spaces Protection Notices in areas and Closure Notices on properties where hate crimes and associated ASB is taking place. We will be looking at ways such powers can be used to best effect, whilst being mindful of the resources available.

The Council also has responsibilities under the PREVENT (Government Counter Terrorism) through the CHANNEL programme to identify individuals who may be drawn towards acts of aggression and violence against those of differing ethnic, cultural or religious groups. The CHANNEL panel is a tool available to the Council to bring together agencies in order to intervene and divert individuals from the influences that have generated the desire to take such actions.

QUESTION 7

Question from Councillor Tina Mountain to the Chairman of the Strategy and Resources Committee, Councillor Eber Kington

What was the cost of the last Council Meeting to inaugurate the Mayor? Please include administration, refreshments, flowers, maintenance of the robes, chauffeur and mayoral car.

Reply:

As Councillor Mountain will know it is a statutory requirement to hold an Annual Meeting and these are the associated costs.

Administration: There were no specific direct costs incurred in relation to the Annual Council meeting. In terms of administration, the meeting is simply one of the meetings which are administered by the Democratic Services team, supported by other colleagues. We do not specifically record the time spent on each meeting, so it is not possible to give a meaningful estimate of the notional costs.

Cost of the refreshments: £2,780 (funded from the Mayor's allowance).

Maintenance of the robes: £0 – no costs were incurred in relation to the Annual Council meeting.

Chauffeur and mayor's car: £0 – there are no such costs associated with the Annual Council meeting itself.

Flowers: £220 (paid for out of the Council's Civic budget)

QUESTION 8**Question from Councillor Neil Dallen to the Chairman of the Licensing and Planning Policy Committee, Councillor Graham Dudley**

Has there been any Government reaction so far to the responses (including from Epsom and Ewell Borough Council) to the Government's consultation on Crossrail2?

Reply:

Overall there were nearly 21,000 replies to the Government's consultation on Crossrail2. The Government's initial response was published as recently as 7 July 2016 and for those who wish to study it the response is available on the Crossrail2 website. The document is too long and detailed to summarise here but in a quick reading I noted in particular paragraph 2.2 (which deals with services to Waterloo) paragraph 3.2 (concern about loss of green space during construction), and paragraph 13.3 (services between Epsom and Worcester Park) all of which are of local interest. The response also acknowledges that some of the more complex challenges require further work.

I have therefore concluded that rather than bring a further report to the Licensing and Planning Policy Committee at this stage it may be prudent to wait until further details emerge.

QUESTION 9**Question from Councillor Alex Clarke to the Chairman of the Environment Committee, Councillor John Beckett**

Can it please be it be clarified what is being done to keep Epsom & Ewell a Green (in terms of arboreal verdance etc.) Borough i.e. what is the current budget for planting, and what scheme is currently being implemented?

Reply:

The greenness of the Borough is a widely recognised and valued asset. The Council promotes its protection and improvement through its policies, plans and maintenance contracts. Maintaining the greenness of the Borough remains one of our key priorities.

All of our largest open spaces operate under agreed management plans and these include extensive woodland management. In addition we have the Borough-wide Biodiversity Action Plan that assists in both supporting our management plans and in laying firm foundations for the continued protection and enhancement of biodiversity across the Borough.

Through locally adopted planning guidance developers are required to take every opportunity to ensure a net benefit to the Borough's biodiversity, including the implementation of new landscaping on new development sites.

Planning policies also seek the protection of existing trees and hedgerows.

Green Belt policies protect 42% of the Borough from inappropriate urban sprawl. A new nature reserve is being created by Surrey Wildlife Trust on 41 hectares of land at Priest Hill.

New tree planting is carried out annually within parks and open spaces and within the street. Within the urban area, this has included more than 200 trees annually planted within the highway and parks.

It is important to remember that our success in keeping the Borough green is greatly enhanced by the commitment and dedication of many volunteers.

In conclusion, the work being done to maintain the greenness of the Borough is extensive and substantial but cannot be defined in terms of a single scheme or a particular budget.

QUESTION 10

Question from Councillor Tella Wormington to the Chairman of the Strategy and Resources Committee, Councillor Eber Kington

As a Town Ward Councillor I, along with my two ward councillors, have been updating residents and businesses regarding the impending highway works under the Plan E Project, based on the information provided by Surrey County Council who is responsible for delivery. We informed our residents that work was due to start this month and after Derby week. However, we now understand that this will not be the case. Please could I ask the Chairman of S&R for an update on the highway work, in the absence of any public communications from Surrey County Council, as it is extremely important to both residents and businesses to be able to plan around these major works and for there to be certainty with regard to delivery?

Reply:

I am sorry that delays by, and lack of information from, Surrey County Council have led to changes in the timescale for the start and delivery of the highway improvements in the town centre. I fully understand your frustration when information that is given in good faith to residents and businesses is changed without notice and without any public comments on the matter.

As a result of the delay, and to ensure that the planning of these key Epsom and Ewell Borough Council/Surrey County Council joint projects are better managed, Epsom and Ewell Borough Council and Surrey County Council have set up a Joint Place Team, meeting monthly, to monitor the progress of the town centre and other joint schemes. Key officers from both Councils are expected to attend.

Unfortunately the timescale for the start of the work has now slipped and the latest information is a start date for the main works in January 2017. However some smaller elements of the scheme may start earlier.

As part of the work of the Joint Place Team, a clear time line for the town centre highway and public realm works will be produced and made publicly available as soon as possible.

QUESTION 11

Question from Councillor Vince Romagnuolo to the Chairman of Strategy and Resources, Councillor Eber Kington

Following last year's review and the decision to close the Wells the playgroup was offered a year's extension. Unfortunately this was too late to make the playgroup viable so they have now closed. Sadly the Girl Guides held their last session on Tuesday 12 July. Could the Chairman of Strategy and Resources provide an update of the current use of the Wells, the future plans and the expected timescales of those plans?

Reply:

The decision to close the Wells Centre, fund an enhanced adult services centre in Sefton Road, develop the land for much needed housing, build a new self-managed community facility and achieve financial savings, is progressing. However, an offer by SCC to undertake a site development brief was not forthcoming and has delayed that aspect of the work. The Council has now entered into an arrangement via Woking Borough Council to obtain a development brief, but until that is received and the options considered it is not possible to give a forecast of exact future plans and timescales.

Although the original proposal was to end all use of the current building on December 31st 2016 the working party of members overseeing the project have now agreed to extend this to July 2017. There are seven regular hirers currently using the Wells Centre on a self-caretaking basis.

QUESTION 12

Question from Councillor Tina Mountain to the Chairman of the Environment Committee, Councillor John Beckett

The County spends a great deal of time and money painting yellow lines in order to keep our residents safe, yet traffic wardens do not keep them free of cars. How many parking tickets were issued last year as a result of illegal parking?

Reply:

The County doesn't spend a great amount of money on painting yellow lines as Cllr Mountain should know. The majority of the expenditure on a parking review goes on the public consultation and officer time.

The majority of yellow line requests come from residents to stop commuter, shopping or school traffic and have little to do with resident safety. Whilst some drivers do deliberately ignore a waiting restriction, there are many reasons why a vehicle can park on restrictions such as:-

- Vehicles completing a loading/unloading activity
- Vehicles carrying out domestic or commercial removals
- For as long as is necessary to pick up or set down passengers. The driver should remain with the vehicle unless evidence of assisting young or disabled passengers
- Whilst displaying a valid Blue Disabled Badge with clock for up to 3 hours
- Whilst it is evident to the CEO that a security gate/barrier at the entrance to premises, to which the vehicle requires access to or from which it has emerged, is being opened or closed, in circumstances when no other practical waiting area available
- When a valid dispensation is clearly displayed within the vehicle whilst the vehicle is parked within the confines granted
- Royal Mail used in conjunction with the carriage of mail under their universal postal license and as such attract an exemption whereby there is no time limit
- Local Authority vehicles carrying out statutory duties
- Vehicles considered to be parked for ambulance purposes, police purposes, or fire brigade purposes
- Vehicles parked for the purpose of erecting or dismantling scaffolding.
- All of the above plus the central Governments 10minute grace period makes the Civil Enforcement Officers job virtually impossible to keep all waiting restrictions free of vehicles at times.

However our CEO's still issued 7,976 on street parking tickets last year showing this Council's commitment to try and keep our roads clear as far as legislation allows.

QUESTION 13**Question from Councillor Alex Clarke to the Chairman of the Environment Committee, Councillor John Beckett**

Can the business case & relevant research used to justify the continued car park charging increases please be given to Councillors, especially its relationship with the business plan that must exist to continue the growth and regeneration of Epsom & Ewell's shopping areas?

Reply:

Over the past 4 years EEBC car park charges had not continually increased prior to the recent changes in April 2016. In the last 4 financial years the Council has reinvested an average of 67% of the total income back into our car parks through revenue and capital expenditure. This expenditure is crucial to continue running the overall car park service and undertaking essential repairs and remedial works.

Every year all Council fees and charges are reviewed by officers, these include car park charges. The proposals and relevant research also considers prices charged by neighbouring boroughs or those with a similar retail offering. Other factors include car park usage, length of stay and occupancy levels at varying times of day for each individual car park, where data was available to do so.

A report proposing the new charges was presented and discussed at the Environment Committee in October 2015. At that Committee the proposed new charges were agreed in principle, and it was also agreed to constitute a cross party car park working group to look at matters related to car parks in EEBC. As well as Councillors Beckett, Dallen, Arthur, Race and Geleit the working group also includes the Head of Customer Services and Business Support, the Parking Manager, the Senior Accountant and the Town Centre Manager.

The Cross Party Working Group proposed amendments to the car park fees which were approved at the January 2016 Environment Committee and subsequently at the full Council Meeting in February 2016.

Discussions have also taken place at the Cross Party Working Group towards a longer term strategy of charging according to the designated purpose of each car park i.e. long, medium, short term. Initial discussions have indicated that the Town Hall and Hope Lodge car parks are to be designated as short stay premium car parks, the Ashley Centre as short to medium term, Depot Road and Upper High Street as medium to long term with Hook Road as the primary longer term parking option for commuters and workers within Epsom.

The Borough Council's adopted Parking Strategy (2012) states that there is a balance to be made, to ensure that the continued economic vitality and viability of the Borough's retail environment is maintained. The cost of parking is one of a number of factors of where people choose to park. Proximity of ease to

destination, habit, personal safety and a safe environment are all key factors. The Strategy incorporates an off-street parking charge and management regime that carefully balances the continued economic prosperity of the Town Centre, the demand from residents, businesses and shoppers. The Council is committed to working with retailers and the business community to ensure that the necessary measures introduced to manage car parking across the Town Centre do not have a long term adverse impact on trade. As part of this strategy, the Cross Party Working Group has recently approved a consultation with Epsom retailers to establish their views and requirements whilst balancing the continued pressures on Council resources and finance. The findings from the consultation will be reported at Environment Committee late 2016/early 2017.

Given the information had been discussed, several times, at the Cross Party Working Group, Environment Committee and full Council, there have been numerous opportunities for individuals to discuss the proposals and raise questions with either the Chairman of Environment Committee, any Member of the Cross Party Working Group or with the relevant officers.

QUESTION 14

Question from Councillor Alex Clarke to the Chairman of the Licensing and Planning Policy Committee, Councillor Graham Dudley

What efforts are being made to discern the level of impact that there might be on Epsom & Ewell of the new Mayor of London's housing plan?

Reply:

In order to fully discharge the duty to co-operate in the Local Plan making process, the Borough Council continues to engage with neighbouring local planning authorities and other partners on strategic matters, including planning for future housing growth. This includes our neighbouring London Boroughs (the Royal Borough of Kingston upon Thames and the London Borough of Sutton) and the Greater London Authority. Inter alia, this provides an opportunity for them to inform us of their objectives so that we can consider the potential impact on our policy making process. This process has in the past taken account of the London Plan and the local plans of our neighbours', and we foresee that it will continue to do so.

QUESTION 15

Question from Councillor Tina Mountain to the Chairman of the Environment Committee, Councillor John Beckett

Residents only parking is in great demand because of the lack of affordable parking. How did the increase in the parking charges alleviate this problem?

Reply:

The demand for residents only parking has generally been driven by commuter, business or school parking not due to the lack of affordable parking in shopper orientated car parks.

The problem has been growing over several years and in the town centre the council has changed the designation of hook road car park specifically for the purpose of catering for commuter and business parking to alleviate such pressures on local residential roads. This RA led Council also supports the night time economy, as in the evenings many of our car parks have a standard set fee which is considerably lower than that of the daytime charge. I am also aware that residents who do not or cannot park outside their house take advantage of this evening rate to park their vehicles.

QUESTION 16

[Question 16 was withdrawn]

QUESTION 17**Question from Councillor Tina Mountain to the Chairman of the Planning Committee, Councillor Humphrey Reynolds**

On at least three occasions recently changes to plans or changes to actual building has taken place without consulting affected residents. Why does the Residents Association run Council not consult its residents?

Reply:

The Borough Council, in its role as Local Planning Authority, fully discharges its statutory duty to notify and consult on planning applications. The Council is committed to consultation and takes care in the exercise of its responsibilities. Whilst errors may occasionally occur I am satisfied that our residents are duly informed where appropriate, in the vast majority of cases. Any dissatisfaction on an individual case should be addressed in the normal fashion using the established procedures of the Council.

QUESTION 18**Question from Councillor Tina Mountain to the Chairman of Strategy and Resources Committee, Councillor Eber Kington**

Why are the Committee minutes incorrectly recorded? The Conservative Group ask that should agreement not be unanimous that the word 'most' or 'majority' be inserted.

Reply:

1. The minutes are not recorded incorrectly.
2. No

17 RECOMMENDATIONS FROM COMMITTEES

The recommendations arising from the meeting of the Strategy and Resources Committee held on 21 June 2016 were received.

Upon being put, recommendation **1 A (Revision of Contract Standing Orders)** was **CARRIED** without a division.

RESOLVED

That the Council approve the new Contract Standing Orders and that the Constitution be updated accordingly.

18 REPORTS FROM OFFICERS

Council received a report from the Head of Legal & Democratic Services regarding the Appointment of the Independent Remuneration Panel. Upon being put the recommendations in the report were **CARRIED** without a division.

RESOLVED

That the Head of Legal and Democratic Services, in consultation with Group Leaders, be authorised to confirm appointments to the Independent Remuneration Panel.

19 ANNUAL REPORT OF THE AUDIT, CRIME AND DISORDER AND SCRUTINY COMMITTEE

The Annual Report of the Audit, Crime & Disorder and Scrutiny Committee was received and noted.

20 MOTIONS TO COUNCIL

Pursuant to FCR 79, Councillor Alex Clarke **MOVED** and Councillor Jane Race **SECONDED**, the following Motion:

“That this Council commend the efforts of Epsom General, especially the Doctors, Nurses, and Administrators of Emergency Care department, for the support and care they provide to the community of Epsom & Ewell. They are as such a vital part of community and deserve our thanks for all their efforts.”

In accordance with the advice given by the Chief Executive, the Council **RESOLVED** (without a division) to debate the motion.

Councillor Tony Axelrod **MOVED** and Councillor Liz Frost **SECONDED** an amendment to substitute the following wording for the wording of the above motion:

“That this Council commend the efforts of all staff and volunteers working in Epsom Hospital for the support and care they provide to the community of Epsom & Ewell. They are such a vital part of our community and deserve our thanks for all their efforts.”

Upon being put the amendment was **CARRIED** unanimously, and upon being put the motion as amended was also **CARRIED** unanimously.

Pursuant to FCR 79, Councillor Alex Clarke **MOVED** and Councillor Tina Mountain **SECONDED**, the following Motion:

“That this Council commend Prince Harry and the other organisers of the Invictus Games, for their service to veterans, especially those whom have spent time at Headley Court, for example Nathan Cumberland and Andy Kelsey (to name but two). “

In accordance with the advice given by the Chief Executive, the Council **RESOLVED** (without a division) to debate the motion.

Councillor Tony Axelrod **MOVED** and Councillor Martin Olney **SECONDED** an amendment to substitute the following wording for the wording of the above motion:

“That this Council commend Prince Harry and the organisers of the Invictus Games for their service to veterans, especially those whom have spent time at Headley Court, and further commend and thank our service charities and all Epsom and Ewell residents who volunteer for them, organise collections and donate many thousands of pounds year on year, in support of all veterans.”

Upon being put the amendment was **CARRIED** unanimously, and upon being put the motion, as amended, was also **CARRIED** unanimously.

Pursuant to FCR 79, Councillor Eber Kington **MOVED** and Councillor Peter O'Donovan **SECONDED**, the following Motion:

“This Council notes the outcome of the referendum on membership of the European Union and accepts there will be new and different challenges for local government and for our communities. In light of the decision this Council agrees to:

- i. put in place processes and teams to ensure that nationally agreed changes affecting the powers and duties of local government can be analysed and, where appropriate, implemented as soon as practicable*

- ii. *seek support and advice from the Local Government Association as well as the national Government on transitional arrangements*
- iii. *respond quickly and in detail to any consultation requested by the national Government*
- iv. *work with local partners and groups in our community to ensure a smooth, efficient and supportive transition over the next few years*

This Council also notes the recently reported national rise in racism, xenophobia and hate crimes following the referendum result. This Council condemns such behaviour, and Members and Officers will work with local partners and groups to combat and prevent racism and xenophobia and to ensure that all in our community feel safe and supported.”

In accordance with the advice given by the Chief Executive, the Council **RESOLVED** (without a division) to debate the motion.

Upon being put the motion was **CARRIED** unanimously.

The meeting began at 7.30 pm and ended at 9.06 pm

COUNCILLOR GEORGE CRAWFORD
(MAYOR)

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EPSOM AND EWELL

Minutes of the SPECIAL Meeting of the COUNCIL of the BOROUGH OF EPSOM AND EWELL held at the Town Hall, The Parade, Epsom on 19 July 2016

PRESENT -

The Mayor (Councillor George Crawford); The Deputy Mayor (Councillor Liz Frost); Councillors Chris Frost, Michael Arthur, Tony Axelrod, Richard Baker, John Beckett, Steve Bridger, Lucie Dallen, Neil Dallen, Hannah Dalton, Graham Dudley, Robert Foote, Rob Geleit, Eber Kington, Omer Kokou-Tchri, Jan Mason, Barry Nash, Peter O'Donovan, Martin Olney, Keith Partridge, Jane Race, David Reeve, Humphrey Reynolds, Guy Robbins, Vince Romagnuolo, Clive Smitheram, Alan Sursham, Mike Teasdale, Peter Webb, David Wood, Clive Woodbridge and Tella Wormington

Absent: Councillors Rekha Bansil, Kate Chinn, Alex Clarke, Tina Mountain and Jean Steer

21 DECLARATIONS OF INTEREST

In the interests of openness and transparency, Councillor Michael Arthur declared an interest in that he was the subject of one of the proposals before the meeting. It was not considered that this represented a disclosable pecuniary interest.

22 CONFERMENT OF THE TITLES OF HONORARY FREEMAN AND HONORARY ALDERMAN

In accordance with the provisions of Section 249 of the Local Government Act 1972 the Council considered the following proposals, relating to the conferment of the titles of Honorary Alderman and Honorary Freeman. In relation to each proposal the Council considered an amended citation, reciting the service of each proposed recipient to the Council and to the Borough.

It was **MOVED** by Councillor Clive Woodbridge and **SECONDED** by Councillor Clive Smitheram that:

"The title of Honorary Freeman of the Borough of Epsom and Ewell be conferred upon Councillor Michael Arthur."

It was further **MOVED** by Councillor Michael Arthur and **SECONDED** by Councillor Clive Woodbridge that:

“The title of Honorary Alderman of the Borough of Epsom and Ewell be conferred upon former Councillor Jean Smith.”

It was further **MOVED** by Councillor Humphrey Reynolds and **SECONDED** by Councillor Clive Smitheram, that:

“The title of Honorary Alderman of the Borough of Epsom and Ewell be conferred upon former Councillor Nigel Pavey.”

RESOLVED (unanimously)

To confer the title of Honorary Freeman on Councillor Michael Arthur and to confer the title of Honorary Alderman on former Councillors Jean Smith and Nigel Pavey, with scrolls to be presented at a ceremony on a date to be agreed, at such cost as the Chief Executive shall consider appropriate.

The meeting began at 9.12 pm and ended at 9.18 pm

COUNCILLOR GEORGE CRAWFORD
(MAYOR)



EPSOM AND EWELL

Minutes of the EXTRAORDINARY Meeting of the COUNCIL of the BOROUGH OF EPSOM AND EWELL held at the Town Hall, The Parade, Epsom on 21 November 2016

PRESENT -

The Mayor (Councillor George Crawford); The Deputy Mayor (Councillor Liz Frost); Councillors Michael Arthur, Tony Axelrod, Richard Baker, Steve Bridger, Kate Chinn, Alex Clarke, Lucie Dallen, Neil Dallen, Hannah Dalton, Graham Dudley, Robert Foote, Chris Frost, Rob Geleit, Eber Kington, Omer Kokou-Tchri, Jan Mason, Tina Mountain, Barry Nash, Peter O'Donovan, Martin Olney, Keith Partridge, David Reeve, Humphrey Reynolds, Guy Robbins, Clive Smitheram, Jean Steer, Alan Sursham, Mike Teasdale, Clive Woodbridge and Tella Wormington

Absent: Councillors Rekha Bansil, John Beckett, Jane Race, Vince Romagnuolo, Peter Webb and David Wood

23 DECLARATIONS OF INTEREST

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

24 COMMERCIAL PROPERTY ACQUISITION FUND

The Council received and considered a report from the Chief Executive regarding the Property Investment Strategy 2016-17 and which sought to create a £20m Commercial Property Acquisition Fund resourced from prudential borrowing.

Upon being put, it was **RESOLVED** that the Council:

- (1) **Endorse the Property Investment Strategy 2016-17, attached as Annexe 1 to the report, for all commercial property investment acquisitions;**
- (2) **Approve the creation of a Commercial Property Acquisition Fund of up to £20m, financed from prudential borrowing in 2016/17 and future years;**

- (3) Approve the creation of a dedicated Investment Property Group (IPG) with delegated authority to make all property investment decisions in compliance with the Property Investment Strategy.**

25 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.

Note: Members of the Committee were reminded of the need for confidentiality in respect of those items not considered in public.

26 COMMERCIAL PROPERTY ACQUISITION

The Committee agreed a way forward as set out in the Minutes

Note: The details are considered officially sensitive at this time and the Minute for this item will be exempt from publication.

The meeting began at 7.30 pm and ended at 8.19 pm

COUNCILLOR GEORGE CRAWFORD
(MAYOR)

COMMUNITY INFRASTRUCTURE LEVY – CHARGING SCHEDULE

Report of the: Head of Place Development
Contact: Mark Berry/Simon Young
Annexes/Appendices (attached): **Annexe 1** - Published Charging Schedule
Annexe 2 - Charging Schedule as approved
Other available papers (not attached): None stated

REPORT SUMMARY

This report highlights an issue in relation to the Council's Community Infrastructure Levy Charging Schedule, seeks Council's retrospective endorsement of the Charging Schedule attached at Annexe 1, agrees repayment of an overpayment of Community Infrastructure Levy, and notes the proposed review.

RECOMMENDATION (S)

Notes

That Council:

- (1) endorses the Charging Schedule set out in Annexe 1 which was issued and published by the Council**
- (2) Agrees that £79,660.62 be repaid forthwith to Edificio Headley Limited in respect of the CIL charged in connection with planning permission reference 14/00606/FUL**
- (3) Notes the proposed review of the Charging Schedule, and requests the Licensing & Planning Policy Committee to initiate the review at the earliest opportunity.**

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

- 1.1 The Local Plan is intended to provide the spatial planning mechanism for the vision set out in the Sustainable Community Strategy, and it will assist in the achievement of all the Council's Key Priorities. The Community Infrastructure Levy (CIL) is the mechanism that will ensure that future developments contribute towards the community infrastructure that is needed to support growth.

2 Background

- 2.1 In September 2013, the Council began the formal processes of implementing the Community Infrastructure Levy in Epsom & Ewell.
- 2.2 An examination in public before an Examiner (a Planning Inspector) was held and the Examiner's report was published on 9 April 2014. The Examiner concluded that the submitted Charging Schedule should be approved without changes.
- 2.3 On 29 April 2014, a report was presented to Council seeking approval to the Charging Schedule. The report was and remains published in the normal way. A copy of the submitted Charging Schedule was Annexed to the report. Full Council resolved (unanimously) as follows:
 - “(1) to adopt the Epsom & Ewell CIL Charging Schedule;
 - (2) to note that CIL would be introduced from 1 July 2014 and that payment would be sought from all liable development proposals determined after that date;
 - (3) to note that appropriate publicity would be given to the adoption and publication of the CIL Charging Schedule.”
- 2.4 On 12 June 2014 a notice was displayed in the Epsom Guardian which announced the approval of the Charging Schedule and stated that Community Infrastructure Levy (CIL) would be collected from 1 July 2014, albeit the notice did not fulfil all the requirements of the legislation with regard to notification.
- 2.5 On 4 June 2014 Officers had signed off a number of related documents, including documents setting out a definition of the CIL chargeable area, the consequences of non-payment, and a social housing relief statement.
- 2.6 On an unknown date in April 2014 officers produced a further version of the Charging Schedule. This version became the published version. It differs from the submitted Charging Schedule which was approved by Full Council on the 29 April 2014 in a number of respects. Most of these differences are immaterial – a large part of the explanatory narrative text was removed; the date of approval was added, as was the date CIL was to take effect. However, it differed from the approved version in a number of respects which are material. Firstly, it differs in setting out the exemptions which are available. Some exemptions are optional under the legislation. It also differed in that against the description of the categories of development against which CIL would be charged, it included “Use Classes” to qualify the development types that would be liable for the different rates of CIL.

- 2.7 The revised Charging Schedule was not reported to Council or any Committee. It was published on the Council's website in the week commencing 23 June 2014, and has remained published there ever since. It was also made available at other locations, including libraries. It was sent to the Secretary of State and to Surrey County Council.
- 2.8 From 1 July 2014, the Council began to collect CIL on liable developments.
- 2.9 In the vast majority of cases, the addition of the Use Classes as a qualification of the types of development in respect of which CIL would be charged, would make no difference. In some cases, the change would, if anything, reduce the amount of CIL due from developments. However, there are some theoretical categories in which it could make a difference, and one case has been identified where it seems the difference is material, and CIL ought not to have been charged at all.
- 2.10 Having identified the issue, officers sought advice from leading counsel. He has advised in detail on the subject. That advice is considered to be exempt from publication. In summary, however, Counsel advised that he considered the document issued and published by the Council to meet the legal requirements for a Charging Schedule, and that it should therefore be treated as valid, unless and until struck down by the Court. Counsel recommended that Council be made aware of the issue, and that Council be asked to endorse the published Charging Schedule.
- 2.11 It is expected that charging schedules will be reviewed, in order to ensure that the rates of CIL remain appropriate, in light of changing circumstances. In her report in 2014, the Examiner clearly anticipated that the Council's Charging Schedule would be reviewed within 2-3 years. Officers had intended to do so in any event, but the matters highlighted in this report emphasise the need to do so.
- 2.12 In light of the advice, officers have reviewed all of the developments where CIL has been levied. There are no other developments which are considered to be in the same position as the matter referred to in paragraph 2.9.
- 2.13 Officers' actions in amending the schedule were intended to remove extraneous text and only to clarify the chargeable development and to reflect good practice in this respect. The CIL Regulations and associated guidance are complex and were relatively new at the time. Officers did not realise that the amended schedule as published could potentially compromise the levy but acted out of the best of motives. As noted in the advice from Counsel, some of the implications are theoretical; they have not so far, and are not likely to occur in practice.

3 Proposals

- 3.1 It is proposed that Council endorse the published Charging Schedule, as set out in Annexe 1.
- 3.2 Under the CIL Regulations, the Council has a positive duty to repay, with interest, any sums received which exceed the sum properly due. In the case referred to in paragraph 2.9, the entirety of the CIL paid was not properly due, and must therefore be returned with statutory interest, calculated from the day the sum was received.
- 3.3 It is proposed that the Licensing & Planning Policy Committee should initiate a review of the Charging Schedule, and that officers be instructed to undertake the work necessary to facilitate the review, including the formal consultation and examination processes and obtaining such external advice as may be required.

4 Financial and Manpower Implications

- 4.1 As at 25 November 2016 £2,844,546 has been collected in CIL, with a further £551,196 invoiced, and other sums falling due as approved developments are built out. CIL has been committed to support a number of key infrastructure projects.
- 4.2 In the case of the planning application referred to in paragraph 2.9, the sum of £79,280.76 was collected in terms of CIL. The sum was received on 8 January 2016.
- 4.3 Under the CIL Regulations 2010, where a person is entitled to a repayment, they are entitled to receive the sum plus an additional sum by way of interest from the date they paid to the date of the repayment at a rate which is the higher of-
 - 4.3.1 0.5% per annum, and
 - 4.3.2 A percentage per annum equal to the Bank of England base rate less one percentage point.
 - 4.3.3 Assuming a repayment date of 22 December 2016, the total sum repayable will be £79,660.62
- 4.4 Repayment of the sum above will not, of itself, endanger any of the current projects which are proposed to be supported by CIL funds, nor will it endanger prospective CIL funded schemes.

4.5 **Chief Finance Officer's comments:** *Based upon the advice of Leading Counsel, this matter was deemed not to give rise to a contingent liability and as such no disclosure was made within the 2015/16 final accounts. A contingent liability arises where an event has taken place that gives the authority a possible obligation whose existence will only be confirmed by the occurrence of otherwise of uncertain future events not wholly within the control of the authority.)*

4.6 *Members are urged to agree the recommendations to ensure that future monies are collected under an approved Charging Schedule.*

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

5.1 The legal implications are considered in the body of the report.

5.2 **Monitoring Officer's comments:** *Full advice on this matter has been sought from Leading Counsel; the Council is strongly advised to act in accordance with that advice, and agree the recommendations in this report.*

5.3 *It will be important to ensure that, when the Charging Schedule is reviewed, keen attention is paid to the detailed requirements of the regulations as to approval, issue, publication and notification of the new charging Schedule.*

6 Sustainability Policy and Community Safety Implications

6.1 There are no Sustainability or Community Safety Implications arising from this report.

7 Partnerships

7.1 There are no direct partnership arrangements arising from this report. The repayment of the CIL referred to in this report is likely to be reported as part of our Annual Monitoring Reporting process.

8 Risk Assessment

8.1 There are risks arising as a result of what has happened in this matter. However, Leading Counsel has advised both that, in all the circumstances it would seem unlikely that a challenge would be brought, and the prospects of someone succeeding and obtaining a substantial remedy at this stage would be remote. However, there is a residual risk that a challenge might be brought and might succeed, and the Council will have to accept this. Unfortunately, if a challenge succeeded, it could void the Charging Schedule, and this could have consequences for all the CIL collected by the Council since July 2014. This residual risk will gradually become more remote, especially if the Charging Schedule is reviewed and a new schedule adopted following all necessary statutory procedures.

9 Conclusion and Recommendations

- 9.1 In conclusion, an issue has been identified around the Charging Schedule issued and published by the Council. This cannot be entirely remedied retrospectively, but advice from Leading Counsel indicates that the Charging Schedule under which CIL has been charged since July 2014 is and should be treated as valid. He advised that this matter be drawn to the attention of full Council, and that we move to review the Charging Schedule at the earliest opportunity.

WARD(S) AFFECTED: All Wards

Community Infrastructure Levy: Charging Schedule



This schedule sets out the Community Infrastructure Levy (CIL) charging rates adopted by Epsom & Ewell Borough Council on 29 April 2014 following approval by an independent examiner. The schedule has been issued, approved and published in accordance with the Community Infrastructure Levy Regulations 2010 (as amended) and Part 11 of the Planning Act 2008.

Scope of CIL

CIL will be chargeable on the net additional floorspace (gross internal area) of all new development apart from those exempt under the Community Infrastructure Levy Regulations 2010 (as amended). Those exempt from the charge are as follows:

- development of less than 100 square metres (see Regulation 42 on Minor Development Exemptions) - unless this is a new residential unit, in which case the levy is payable;
- buildings into which people do not normally go (see Regulation 5(2));
- buildings into which people go only intermittently for the purpose of inspecting or maintaining fixed plant or machinery (see Regulation 5(2));
- structures which are not buildings, such as pylons and wind turbines;
- vacant buildings brought back into the same use (see Regulation 40);
- where the levy liability is calculated to be less than £50, the chargeable amount is deemed to be zero so no levy is due; and
- mezzanine floors of less than 200 square metres, inserted into an existing building unless they form part of a wider planning permission that seeks to provide other works as well.

The Council will also accept applications for the following exemptions in accordance with the Community Infrastructure Levy Regulations 2010 (as amended):

- houses, flats, residential annexes and residential extensions which are built by 'self builders' (see Regulations 42A, 42B, 54A and 54B, inserted by the 2014 Regulations);
- social housing that meets the relief criteria set out in Regulation 49 or 49A (as amended by the 2014 Regulations); and
- charitable development that meets the relief criteria set out in Regulations 43 to 48.

Date of Commencement

This schedule shall take effect from 1 July 2014.

CIL Charging Rates

The charging rates for development across the Borough of Epsom & Ewell are set out as follows:

Development Type	CIL Rate (per square metre)
Residential dwellings (C3)	£125
Convenience ¹ Retail (A1)	£150
Student Accommodation (C2)	£30
Care Home (C2)	£20
All other uses	Nil

Calculating the chargeable amount

The Council will calculate the amount of CIL payable (“chargeable amount”) in respect of a chargeable development in accordance with the relevant formulae in the Community Infrastructure Levy Regulations (as amended).

Further Information

More detailed information on the application of CIL in Epsom & Ewell is available on the Council’s website.

¹ A convenience unit is a shop or store where the planning permission allows selling wholly or mainly everyday essential items, including food, drinks, newspapers/magazines and confectionary.

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Community Infrastructure Levy: Draft Charging Schedule



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Community Infrastructure Levy Draft Charging Schedule

1. Introduction

- 1.1 This consultation document sets out the Council's approach to setting a Community Infrastructure Levy (CIL) charge. It contains the proposed CIL charging schedule, sets out the general principle of CIL and the method and evidence used to identify the proposed charging rates.
- 1.2 The Draft Charging Schedule has been issued, approved and published in accordance with Part 11 of the Planning Act 2008 (as amended) and the Community Infrastructure Regulations 2010 (as amended).

What is CIL?

- 1.3 A CIL allows local authorities to raise funds from new local development to pay for local infrastructure or strategic cross boundary infrastructure projects where numerous local authorities may contribute.
- 1.4 The levy is a standardised, non-negotiable charge. The rates are expressed as pounds per square metre, and are charged on the net additional floorspace generated by a development. Mandatory exemptions include development which is less than 100sqm (internal gross new build) except for new dwellings, affordable housing and developments occupied wholly or mainly for the purpose of charitable activity by a registered charity. CIL is imposed upon the granting of planning permission and paid in accordance with any instalments policy.

How will CIL relate to section 106 payments?

- 1.5 Currently financial contributions from new development are obtained through legal agreements, known as S106 agreements. From April 2014, it will no longer be possible to raise financial contributions through legal agreements as the Government intends CIL to be the mechanism through which such contributions are sought. However, developers will still be expected to pay, through a section 106 agreement, for the provision of site specific infrastructure necessary for the development to take place (such as access to the highway network), and for affordable housing. Developers will not be double charged for infrastructure as CIL monies cannot be spent on site specific infrastructure or affordable housing.
- 1.6 The Council has produced a 'draft' Regulation 123 List which sets out the infrastructure 'types' which are proposed to be funded from CIL. This list also identifies specific examples of site specific infrastructure which the Council will seek to secure through Section 106 agreements.

2. Background to how the proposed CIL rates have been calculated

- 2.1 In July / August 2013 the Council consulted on a Preliminary Draft Charging Schedule. Following consideration of the comments received on this document, the Council has concluded that the rates set out in this Draft Charging Schedule are appropriate.
- 2.2 In setting a CIL rate, the charging authority (the Council) has to strike a balance between the need for CIL to fund the infrastructure necessary to support the development of its area, and the potential impact of the imposition of CIL on the economic viability of development. Below is a brief summary as to how the Council has considered these issues.

Identifying the need for CIL within the Borough

- 2.3 The Council considers there is justification for charging a CIL on new development within the Borough, as there is a significant infrastructure funding gap as evidenced through the Infrastructure Delivery Plan (IDP). The IDP essentially reviews the current types and levels of infrastructure provision within the Borough and assesses what is likely to be needed to support the levels of new development as set out in the Core Strategy¹.
- 2.4 In line with the Core Strategy, 2167 housing units are expected to be delivered in the Borough between 2012 and 2026. Using an average 'persons per household' figure, which is given as 2.52 for the Borough in the 2011 Census, this number of dwellings can be expected to yield an additional population of 5,422. This population will place a demand on the local infrastructure.
- 2.5 Following a review of the local infrastructure provision, numerous schemes have been identified which will help expand the capacity of the Borough's infrastructure. The IDP sets out a summary of identified infrastructure schemes and where possible costs and any existing funding sources that have been identified. This provides a good overview of the types of infrastructure improvements that are needed to support future planned-for growth and its resulting population. The total anticipated cost of delivery of these schemes is approximately £43 million (excluding specific funding sources which have already been identified), which is the infrastructure funding gap.
- 2.6 It should be noted that the IDP is a 'living' document which will be updated as and when new infrastructure demands arise or projects are identified. Therefore it is likely that over the plan period the infrastructure funding gap will be likely to increase, particularly as it is difficult to identify projects in latter stages of the plan period.
- 2.7 CIL cannot be expected to pay for all of the infrastructure required, but can be expected to make a significant contribution towards meeting the funding gap. The funds raised will be used to reduce the gap between the cost of providing the required infrastructure and the amount of money available from other mainstream sources such as from central government.

¹ The Core Strategy sets out the Borough's housing target which is to deliver, on average, 181 new dwellings per annum

Impact on viability of development

2.8 The 2012 CIL Guidance states that ‘in proposing a levy rate(s) charging authorities should show that the proposed rate (or rates) would not threaten delivery of the relevant Plan as a whole.’ To provide such evidence the Council appointed Peter Brett Associates to carry out a viability assessment. The Community Infrastructure Levy Viability Assessment report is the resulting assessment which sets out the methodology and the findings in detail. A summary of the various findings and decisions is outlined below.

Residential

2.9 The ability of residential schemes to make CIL contributions does not vary significantly between areas within the Borough and therefore a single charge for residential development is being proposed across the Borough. As the CIL Guidance states that ‘charging authorities should avoid setting a charge right up to the margin of economic viability across the vast majority of sites in their area’, a cautious approach has been taken and the Council is suggesting that a rate of £125 per square metre be adopted.

Office, Industrial and Warehousing

2.9 The evidence indicates that the potential for office schemes to be viably delivered will be limited in current market conditions. Therefore, no charge is proposed for such developments.

Retail

2.10 The appraisal of convenience² retail indicated a greater degree of viability in contrast to comparison³ retail and as such a charge of £150 per square metre is being proposed for the former, with a nil charge for the latter.

Other uses

2.11 Other uses which were likely to come forward in the Borough over the plan period and showed a level of viability included student accommodation and close / extra care accommodation. A charge of £30 per square metre and £20 per square metre is being proposed for these uses.

3. Proposed CIL rates

3.1 The council has considered the findings of the viability assessment which has informed the proposed CIL rates as set out below. The Council is proposing the following:

Development Type	Proposed CIL Rate (£ per square metre)
Residential	£125
Convenience Retail	£150
Student Accommodation	£30
Care Home	£20
All other uses	Nil

² A convenience unit is a shop or store where the planning permission allows selling wholly or mainly everyday essential items, including food, drinks, newspapers/magazines and confectionary.

³ A comparison unit is a shop or store selling wholly or mainly goods which are not everyday essential items. Such items include clothing, footwear, household and recreational goods.

4. Estimated revenue to be raised through CIL

- 4.1 Development which already has a planning permission cannot be charged CIL (unless the permission lapses and a new application is submitted). Therefore only future development which has not yet received permission will be CIL liable.

Residential

- 4.2 An estimate of CIL revenue can be made from the residual amount of development which is yet to gain permission which is needed to meet the Borough's housing target as set out in the Core Strategy. As of November 2012, 914 units will need to be identified and delivered to meet the housing target and will be CIL liable. However, this figure includes affordable housing which is exempt from being charged CIL. The Core Strategy contains a target that overall 35% of new dwellings should be affordable. Larger sites of 15 units+ are required to deliver 40% as affordable while sites between 5 and 14 units are to deliver 20%. Sites of below 5 units are not required to deliver any affordable units. As a range of site sizes are likely to be allocated to meet the residual 914 unit target, it is reasonable to assume that 35% will be affordable and therefore exempt from CIL. Therefore approximately 594 units would be CIL liable.

- 4.3 The average size of a dwelling in the Borough is estimated to be approximately 96 square metres and therefore it can be expected that CIL would be charged on:

$$594 \text{ (dwellings)} \times 96 \text{ (average sqm of new dwelling)} = 57,024 \text{ sqm}$$

At a rate of £125 per sqm this would deliver approximately £7,128,000 in CIL revenue up to 2026.

Retail

- 4.4 In Plan E (the Area Action Plan for Epsom Town Centre) the Council has identified there is capacity for up to an additional 2,466sqm of convenience retail space by 2026. Should this amount be delivered the potential yield from CIL at a rate of £150 per sqm could be £369,900 by 2026.

Student housing

- 4.5 The Council has not identified any specific targets for the delivery of student accommodation or close / extra care accommodation and therefore it is difficult to estimate the potential yield.

- 4.6 The CIL Regulations emphasise that it is unreasonable to set a Charging Schedule that will generate more CIL income than the funding gap. The estimates above identify that over the plan period CIL could yield approximately £7.5 million which is significantly below the estimated funding gap of £43 million. Therefore, although CIL can be expected to make a significant contribution towards local infrastructure, other sources of funding will need to be identified to bridge the funding gap.

5. Calculating, collecting and monitoring the chargeable amount

- 5.1 The procedures for calculating and collecting CIL are set out in the Community Infrastructure Levy Regulations 2010 (as amended). The formula used to calculate the chargeable amount is set out in Appendix A. In simple terms, CIL will be charged on the total net additional floorspace created (measured as Gross Internal Area). The Regulations also include procedures for the monitoring of CIL monies, both those collected and spent. It also sets out the procedures for CIL relief including whether or not the Council can allow relief in exceptional circumstances.
- 5.2 Epsom & Ewell Borough Council is a second tier authority and as such, will collect CIL on behalf of other infrastructure service providers (such as Surrey County Council).

Exemptions & relief

- 5.3 The CIL Regulations (as amended) contain provisions for exemptions and relief from the levy.
- 5.4 Development which is less than 100m² (internal gross new build) except for new dwellings is exempt from CIL. Buildings into which people do not normally go or only go intermittently for the purposes of inspecting or maintaining fixed plant or machinery are also exempt. Some types of relief are mandatory, for example social housing and there are some forms of charitable relief where the development would be use wholly or mainly for charitable purposes. During September 2013, the government announced that genuine self-build housing would also be exempted from the levy, subject to parliamentary approval.
- 5.5 As the charging authority, the Council has discretionary powers, although the Council does not expect to implement any discretionary exemptions. The Council believes that the proposed charge will not prejudice development viability and will monitor the charge to ensure this remains the case.

Instalments

- 5.6 The regulations give charging authorities significant scope for introducing an instalments policy for CIL payments that better reflects the financing and income streams expected by developers and therefore better support the delivery of new development. The table below sets out the Council's proposed instalments policy:

Level of CIL Payment	Instalment Policy
Under £12,500	One payment at 90 days after commencement of development
£12,500 to £50,000	Two equal instalments at 90 and 180 days after commencement development
Greater than £50,000	Three equal instalments at 90, 180 and 270 days after commencement of development

6. Spending of CIL

- 6.1 CIL will deliver additional funding for a wide range of infrastructure projects that will support growth and benefit the local community. The levy cannot be expected to pay for all of the infrastructure that is required, but is expected to make a significant contribution.
- 6.2 CIL Regulation 123 provides for charging authorities to set out lists of those projects or types of infrastructure that it intends to fund through the levy. This will be known as the 'Regulation 123 list', a draft of which the Council has prepared and is available as a supporting document.
- 6.3 Once CIL has been adopted, or after April 2014 (whichever occurs first), section 106 requirements will be scaled back to site specific matters and affordable housing. This will ensure there is no actual or perceived 'double dipping' where developers pay twice for the same item of infrastructure.
- 6.4 The CIL Regulations also state that a certain amount of CIL can be taken by the charging authority for administering the CIL charge. This should not be more than 5% of CIL raised over the first 3 years and no more than 5% per year in subsequent years. The administration cost is reflected in the CIL charge and is not in addition to it.
- 6.5 The CIL Amendment Regulations (2013) require the charging authority (the Council) to pass a quantity of the CIL funds to the local community to support the development of their area. In areas where there is no neighbourhood development plan in place (such as the Borough of Epsom & Ewell), this amount is 15%.

7. Monitoring and review

- 7.1 It is important to ensure that the CIL charge remains appropriate and reflects both the funding gap set out in the Infrastructure Delivery Plan and economic viability across the Borough. The Council will use two indicators to ensure the charge remains appropriate and will report on these in its Annual Monitoring Report (AMR).
- The level of housing and other chargeable CIL development coming forward; and
 - The funding gap for infrastructure
- 7.2 Should these indicators suggest that CIL was beginning to impact on the viability of development or if the funding circumstances faced by infrastructure providers significantly changed, or if there were significant changes to the local / national economic situation, a review of the CIL charging schedule will be carried out.
- 7.3 In addition to the above indicators, the Council will set out in its AMR:
- The amount of CIL collected in the monitoring year
 - The total amount of CIL collected since the adoption of the charging schedule
 - How much has been spent and what infrastructure has been delivered

Appendix A

The amount of CIL arising from development liable for CIL will be calculated in accordance with Regulation 40 of the CIL Regulations 2010 (as amended). The method of calculation set out below is subject to any subsequent amendment to the CIL Regulations.

The Collecting Authority will calculate the amount to be paid by a chargeable development in the following way:

$$\frac{R \times A \times I_P}{I_C}$$

Where:

A = the demand net area chargeable at rate R;

I_P = the index figure⁴ for the year in which planning permission was granted; and

I_C = the index figure for the year in which the charging schedule containing rate R took effect.

The value of A (net chargeable area) is calculated by applying the following formula:

$$G_R - K_R - \left[\frac{G_R \times E}{G} \right]$$

Where:

G = the gross internal area of the chargeable development;

G_R = the gross internal area of the part of the development chargeable at rate R;

E = an amount equal to the aggregate of the gross internal areas of all buildings which –

- (a) on the day planning permission first permits the chargeable development, are situated on the relevant land and in lawful use; and
- (b) are to be demolished before completion of the chargeable development; and

K_R = an amount equal to the aggregate of the gross internal area of all buildings (excluding any new build) on completion of the chargeable development which –

- (a) on the day planning permission first permits the chargeable development, are situated on the relevant land and in lawful use;
- (b) will be part of the chargeable development upon completion; and
- (c) will be chargeable at rate R.

⁴ The Regulations require that CIL rates are index linked to the national all in tender price index published by the Building Cost Information Service of the Royal Institute of Chartered Surveyors

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**DECISION TO OPT IN TO THE NATIONAL SCHEME FOR AUDITOR
APPOINTMENTS WITH PSAA AS THE 'APPOINTING PERSON'**

Report of the: Director of Finance and Resources
Contact: Kathryn Beldon
Annexes/Appendices: None
Other available papers (not attached): None

REPORT SUMMARY

This report sets out the proposals for appointing the external auditor to the Council for the 2018/19 accounts and beyond, as the current arrangements only cover up to and including the 2017/18 audits. The auditors are currently working under a contract originally let by the Audit Commission and the contract was novated to Public Sector Audit Appointments (PSAA) following the closure of the Audit Commission.

If the Council is to take advantage of the national scheme for appointing auditors to be operated by PSAA for the subsequent years, Full Council agreement is required.

RECOMMENDATION (S)

That the Council approve the acceptance of the Public Sector Audit Appointments Limited's (PSAA) invitation to 'opt in' to the sector led option for the appointment of external auditors for five financial years commencing 1 April 2018.

Notes

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

1.1 There are no direct implications identified, however the proposed approach is likely to help maximise the Council's resources by providing a low cost solution to both the procurement and delivery of the service.

2 Background

2.1 As Members may recall from the previous report in September, the Local Audit and Accountability Act 2014 (the Act) brought to a close the Audit Commission and established transitional arrangements for the appointment of external auditors and the setting of audit fees for all local

government and NHS bodies in England. On 5 October 2015 the Secretary of State Communities and Local Government (CLG) determined that the transitional arrangements for local government bodies would be extended by one year to also include the audit of the accounts for 2017/18.

- 2.2 The Act also set out the arrangements for the appointment of auditors for subsequent years, with the opportunity for authorities to make their own decisions about how and by whom their auditors are appointed. Regulations made under the Act allow authorities to 'opt in' for their auditor to be appointed by an 'appointing person'.
- 2.3 Public Sector Audit Appointments Limited is an independent not-for-profit company limited by guarantee which was established by the Local Government Association (LGA) in August 2014. It is wholly owned by the Improvement and Development Agency (IDeA), which is itself wholly owned by the LGA.
- 2.4 In July 2016 PSAA were specified by the Secretary of State as an appointing person under regulation 3 of the Local Audit (Appointing Person) Regulations 2015. An appointing person has the power to make auditor appointments on behalf of Councils that 'opt in', and is sometimes referred to as the sector led body. PSAA has wide support across local government. PSAA was originally established to operate the transitional arrangements following the closure of the Audit Commission under powers delegated by the Secretary of State.
- 2.5 PSAA is now formally inviting the Council to opt in, along with all other authorities, so that PSAA can enter into a number of contracts with appropriately qualified audit firms and appoint a suitable firm to be the Council's auditor.
- 2.6 The principal benefits from such an approach are as follows:
 - PSAA will ensure the appointment of a suitably qualified and registered auditor and expects to be able to manage the appointments to allow for appropriate groupings and clusters of audits where bodies work together;
 - PSAA will monitor contract delivery and ensure compliance with contractual, audit quality and independence requirements;
 - Any auditor conflicts at individual authorities would be managed by PSAA who would have a number of contracted firms to call upon;
 - It is expected that the large-scale contracts procured through PSAA will bring economies of scale and attract keener prices from the market than a smaller scale competition;
 - The overall procurement costs would be lower than an individual smaller scale local procurement;

- The overhead costs for managing the contracts will be minimised though a smaller number of large contracts across the sector;
 - There will be no need for the Council to establish alternative appointment processes locally, including the need to set up and manage an 'auditor panel', see below;
 - The new regime provides both the perception and reality of independent auditor appointment through a collective approach; and
 - A sustainable market for audit provision in the sector will be easier to ensure for the future.
- 2.7 The Council's current external auditor is Grant Thornton, this appointment having been made under at a contract let by the Audit Commission. Following closure of the Audit Commission the contract was novated to PSAA, and since this date PSAA has demonstrated its capability in terms of auditor appointment, contract management, and monitoring audit quality. Over recent years' authorities have benefited from a reduction in fees in the order of 55% compared with fees in 2012. This has been the result of a combination of factors including new contracts negotiated nationally with the audit firms and savings from closure of the Audit Commission. The Council's current external audit fees are £54,000 per annum.
- 2.8 The proposed fees for subsequent years cannot be known until the procurement process has been completed, as the costs will depend on proposals from the audit firms.
- 2.9 The scope of the audit will still be specified nationally, the National Audit Office (NAO) is responsible for writing the Code of Audit Practice which all firms appointed to carry out the Council's audit must follow. Not all audit firms will be eligible to compete for the work, they will need to demonstrate that they have the required skills and experience and be registered with a Registered Supervising Body approved by the Financial Reporting Council.
- 2.10 Currently, there are only nine providers that are eligible to audit local authorities and other relevant bodies; all of these being firms with a national presence. This means that a local procurement exercise, as described immediately below, would seek tenders from these same firms, subject to the need to manage any local independence issues. Local firms could not be invited to bid.
- 2.11 On 13 October 2016, PSAA formally invited this Council to opt in. In summary the national opt-in scheme provides the following:
- The appointment of a suitably qualified audit firm for each of the five financial years commencing 1 April 2018;

- Appointing the same auditor to other opted in bodies that are involved in formal collaboration or joint working initiatives to the extent this is possible with other constraints;
- Managing the procurement process to ensure both quality and price criteria are satisfied. PSAA will seek views from the sector to help inform its detailed procurement strategy;
- Ensuring suitable independence of the auditors from the bodies they audit and managing any potential conflicts as they arise;
- Minimising the scheme management costs and returning any surpluses to scheme members;
- Consulting with authorities on auditor appointments, giving the Council the opportunity to influence which auditor is appointed;
- Consulting with authorities on the scale of audit fees and ensuring these reflect scale, complexity and audit risk; and
- Ongoing contract and performance management of the contracts once these have been let.

3 The way forward

- 3.1 Regulation 19 of the Local Audit (Appointing Person) Regulations 2015 requires that a decision to opt in must be made by a meeting of the Council (meeting as a whole). The Council then needs to formally respond to PSAA's invitation in the form specified by PSAA by early March.
- 3.2 PSAA will commence the formal procurement process after this date. It expects to award contracts in summer 2017 and consult with authorities on the appointment of auditors so that it can make an appointment by the statutory deadline of December 2017.

4 Financial and Manpower Implications

- 4.1 There is a risk that current external fees levels could increase when the current contracts end in 2018.
- 4.2 Opting-in to a national scheme provides maximum opportunity to ensure fees are as low as possible, whilst ensuring the quality of audit is maintained by entering in to a large scale collective procurement arrangement.

4.3 If the national scheme is not used some additional resource may be needed to establish an auditor panel and conduct a local procurement. Until a procurement exercise is completed it is not possible to state what, if any, additional resource may be required for audit fees for 2018/19.

4.4 **Chief Finance Officer's comments:** *These are contained in the main report.*

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

5.1 Section 7 of the Local Audit and Accountability Act 2014 requires a relevant Council to appoint a local auditor to audit its accounts for a financial year not later than 31 December in the preceding year. It may appoint an auditor to audit its accounts for more than one year, but a new appointment is required at least every five years.

5.2 Section 8 governs the procedure for appointment including that the Council must consult and take account of the advice of its auditor panel on the selection and appointment of a local auditor.

5.3 Section 12 makes provision for the failure to appoint a local auditor: the Council must immediately inform the Secretary of State, who may direct the Council to appoint the auditor named in the direction or appoint a local auditor on behalf of the Council.

5.4 Section 17 gives the Secretary of State the power to make regulations in relation to an 'appointing person' specified by the Secretary of State. This power has been exercised in the Local Audit (Appointing Person) Regulations 2015 (SI 192) and this gives the Secretary of State the ability to enable a Sector Led Body to become an appointing person. In July 2016 the Secretary of State specified PSAA as an appointing person.

5.5 Where a local authority has become an opted in authority, the provisions of the 2014 Act in relation to requirements for an Auditor Panel, will no longer apply.

5.6 **Monitoring Officer's comments:** *It is important that due process be followed to ensure that external auditors are appointed by 31 December 2017. The proposal in relation to acceptance of the invitation from PSAA will satisfy the relevant requirements, which might otherwise be difficult and time-consuming for the Council to satisfy if it was to act alone. Once we have opted in, it is not possible to opt out during the compulsory appointing period, which is understood to be five years.*

6 Risk Assessment

6.1 The principal risks are that the Council fails to appoint an auditor in accordance with the new frameworks or does not achieve value for money in the appointment process. These risks are considered best mitigated by opting in to the sector led approach through PSAA.

7 Conclusion and Recommendations

- 7.1 Council is asked to accept PSAA's invitation to 'opt-in' to the sector led option for the appointment of external auditors for five financial years commencing 1 April 2018.

WARD(S) AFFECTED: All

CALENDAR OF MEETINGS 2017/18

<u>Report of the:</u>	Head of Legal & Democratic Services
<u>Contact:</u>	Fiona Cotter
<u>Annexes/Appendices</u> (attached):	Annexe 1 - Draft Calendar of Meetings 2017/18
<u>Other available papers</u> (not attached):	None

REPORT SUMMARY

This report sets out a proposed Calendar of Meetings for 2017/18.

RECOMMENDATION (S)

That the Council be recommended to approve the 2017/18 Calendar of Meetings as set out in the attached Annexe.

Notes

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

- 1.1 There are no direct implications but this Committee is responsible for guiding the Council in its organisation and management to achieve its objectives.

2 Background

- 2.1 In drawing up the programme, the main consideration is the need to retain certain reporting chains as far as practicable (e.g. Financial Policy Panel reporting to Strategy and Resources) as well as the timing of fiscal requirements. Consideration has also been given as far as practicable to school holidays. The dates of the LGA, CIPFA and Party Conferences have yet to be factored in but these generally stay around the same time year on year.

3 Proposals

- 3.1 A programme of meetings for 2017/18 is attached as **Annexe 1** to this report. This has been devised on a similar basis as the current year's programme in terms of the number of meetings and these have again scheduled on Tuesdays and Thursdays where possible instead of throughout the week.

- 3.2 This pattern of meetings was introduced in 2013 in order to regularise the days of the week on which Town Hall facilities remain open after normal business hours.
- 3.3 Members' Briefing Evenings/Training events have been scheduled on a monthly basis to be utilised as needed. Experience suggests that it is better to reserve the dates now rather than try to arrange ad hoc.
- 3.4 As in previous years, dates have not been scheduled for the Licensing Hearing Sub Committee or the Standards Committee. The bodies will continue to meet as required.

4 Financial and Manpower Implications

- 4.1 The need to preserve reporting lines and other constitutional considerations means that at certain times of the year policy committee meetings are bunched together. The timetable is challenging for Officers at certain points of the year and, whilst not the overriding consideration, the calendar has been devised to try and manage peaks in workload.

5 Equalities, Sustainability Policy, Community Safety and Other Legal Implications

- 5.1 Legislation requires that Agendas are published five clear working days before a meeting. The Council's Rules of Procedure state that papers should be made available six clear working days before a meeting.

6 Partnerships

- 6.1 Not applicable.

7 Risk Assessment

- 7.1 An effective decision-making programme should enable all committees and the Council to process business with the minimum of delay.

8 Conclusion and Recommendations

- 8.1 The practice of scheduling meetings on Tuesdays and Thursdays only as far as practicable appears to be working well with no obvious problems caused and the Council is asked to approve the Calendar of Meetings attached as **Annexe 1** to this report.

WARD(S) AFFECTED: N/A

MEETINGS OF THE COUNCIL AND COMMITTEES – MAY 2017 TO APRIL 2018													
Meetings open to the public (all at 19:30 hours unless otherwise stated)	Day	2017								2018			
		May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr
COUNCIL	Tues	16a		18			17		12		20b		24
APPOINTMENTS PANEL	<i>Date to be advised</i>												
AUDIT, CRIME & DISORDER & SCRUTINY COMMITTEE	Tues Thurs		20					23			8		19
COMMUNITY & WELLBEING COMMITTEE	Tues		13				3			23d		20	
ENVIRONMENT COMMITTEE	Tues		6				10			30d		27	
EPSOM & WALTON DOWNS CONSERVATORS (18:00 hrs)	Wed		14				4						
EPSOM & WALTON DOWNS CONSULTATIVE COMMITTEE (18:00hrs)	Mon					18						TBA	
FINANCIAL POLICY PANEL	Tues Thurs			11		12			5		6		
HEALTH LIAISON PANEL	Tues			4				14				13	
HUMAN RESOURCES PANEL (open to public except when meeting as JOINT STAFF COMMITTEE *)	Thurs			6			19 *		7				
LICENSING & PLANNING POLICY COMMITTEE (Note: LICENSING HEARINGS PANEL to be arranged as required)	Tues Wed Thurs												
	Thurs		8			14	26		7	25		8	25
NONSUCH PARK JMC (Nonsuch Mansion House at 10:00 hrs)	Mon		26				30			29			30
PLANNING COMMITTEE	Wed Thurs												
	Thurs	11	15	20		7	5	9	14	18	22	22	26
STANDARDS COMMITTEE	<i>Meetings to be arranged as required</i>												
STRATEGY & RESOURCES COMMITTEE	Tues Thurs		27			26t		28					17
	Thurs										1d		
EPSOM & EWELL LOCAL COMMITTEE (SCC at 19:00hrs)	Mon												
Meetings NOT open to the public													
Briefing Evenings/Training events	Tues Thurs	30						30					
	Thurs			13		21					15	29	19

a	Annual Meeting (Mayor Making) at 19.00 hrs	d	Estimates	*	Joint Staff Committee not open to public
b	Budget meeting (determination of Council Tax)	t	To approve Budget Targets (all members invited)		

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In pursuance of the Council's Rules of Procedure to consider the following Motion:

Councillor Eber Kington will move and Councillor Guy Robbins will second, the following Motion:

"This Council agrees, as part of the Public Realm improvements, to the construction of a permanent dais with attached utilities in the Market Square to be used for civic events, performance art and other community uses."

Note: The deadline for Notice of Motions was 5.00pm on Wednesday 30 November 2016 (17.00 hours on the eighth clear working day before the meeting)

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EXCLUSION OF PRESS AND PUBLIC

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.

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