

Minutes of the Meeting of the LICENSING AND PLANNING POLICY COMMITTEE held at the Council Chamber, Epsom Town Hall on 18 January 2024

PRESENT -

Councillor Steven McCormick (Chair); Councillor Peter O'Donovan (Vice-Chair);
Councillors Steve Bridger, Julie Morris, Phil Neale, Kieran Persand and
Clive Woodbridge

Absent: Councillor Shanice Goldman

Officers present: Sue Emmons (Chief Accountant), Ian Mawer (Planning Policy
Manager), Anna Clements (Senior Accountant), Michelle Meskell (Developer
Contributions Lead Officer) and Phoebe Batchelor (Democratic Services Officer)

57 QUESTIONS AND STATEMENTS FROM THE PUBLIC

The Committee received one written statement from a member of the public which was delivered verbally at the meeting.

58 DECLARATIONS OF INTEREST

No declarations of any Disclosable Pecuniary Interests in respect of any item of business to be considered at the meeting were made by Members.

59 MINUTES OF THE PREVIOUS MEETING

The Committee confirmed as a true record the Minutes of the Special Meeting of the Committee held on **22 November 2023** and authorised the Chair to sign them.

60 MINUTES OF LICENSING SUB-COMMITTEES

The Committee received the Minutes of the meetings of the Licensing Sub-Committees held on 24 August 2023, 11 December 2023, and 18 December 2023.

Following consideration, the Committee unanimously resolved to:

- (1) Receive the Minutes of the meetings of the Licensing Sub-Committees held on 24 August 2023, 11 December 2023, and 18 December 2023, and authorise the Chair of the Sub-Committee meeting to sign them as a true record of that meeting.**

61 REVENUE BUDGET 2024/25

The Committee received a report setting out budget estimates for income and expenditure for Licensing & Planning Policy services in 2024/25.

The following matters were considered:

- a) **Licensing Income Variance.** A Member of the Committee asked why there is not money being made from Licensing if there are several new taxi operators that have been licensed by the Council. The Chief Accountant responded to explain to the Committee that the central recharges had been revisited to account for the additional work created and extra staff required to process the influx of new taxi licences. The Chief Accountant informed the Committee that Licensing is a statutory service and the Council should not be making a profit out of it.

Following consideration, the Committee unanimously resolved to:

- (1) **Recommend the 2024/25 service estimates for approval at the budget meeting of Full Council in February 2024.**
- (2) **Support in principle the future savings as set out in section 5 for inclusion in the Medium Term Financial Strategy.**

62 FEES AND CHARGES 2024/25

The Committee received a report recommending the Fees and Charges for which this Committee is responsible, with the new charges being effective from 1 April 2024.

The following matters were considered:

- a) **Implementation Date.** The Vice Chair asked when the online vehicle licence application and renewals system, mentioned in paragraph 3.12, would be implemented and in use. The Chief Accountant informed the Committee that the system currently being worked on will hopefully be live during the 2024/25 financial year. The Chair informed the Committee that a more specific start date would be communicated to Members after the meeting.
- b) **Planning Fees and Charges.** A Member of the Committee asked if the report took into consideration the increase in Planning Fees and Charges. The Chief Accountant responded to explain that since the Committee does not have a say in the setting or influencing of Planning Application Fees, it has not been included in the report, but it has been taken into account in regard to the budget setting.

Following consideration, the Committee resolved to;

(5 for, 1 abstaining and the Chair not voting)

- (1) **Agree the Fees and Charges for 2024/25 as set out at Appendices 1 and 2.**

63 REVISED COMMUNITY INFRASTRUCTURE LEVY INSTALEMENTS POLICY

Epsom and Ewell Borough Council adopted its Community Infrastructure Levy (CIL) charging schedule on 29 April 2014 to take effect from the 1 July 2014. This introduced a CIL charge for each square metre of floor area in new developments of eligible residential, convenience retail, student accommodation and care homes granted planning permission.

The Council's Community Infrastructure Levy Instalment Policy came into effect on 1 July 2014. The policy is now over nine years old and has therefore been reviewed following a benchmarking process with neighbouring local planning authorities.

It is recommended that the CIL instalment policy is updated to increase the thresholds for when CIL liable developments pay in instalments.

The following matters were considered:

- a) **Developer CIL release.** A Member of the Committee asked when CIL is supposed to be released by the developer. The Developer Contributions Lead Officer replied to inform the Committee that the CIL Chargeable Development is triggered on commencement of development, following planning permission being granted.
- b) **Defaulting Developers.** A Member of the Committee asked if a record is kept of defaulting developers and outstanding CIL payments. The Developer Contributions Lead Officer replied to explain that a record is kept, and the Council is currently using Exacom to monitor the collection and enforcement of monies that are due to the Local Authority. The Member asked if a ballpark figure could be provided of the funds that should be coming in compared to what has actually been collected. The Developer Contributions Lead Officer informed the Committee that it is difficult to forecast the amount of money coming in. The Chair informed the Committee that a follow-up information report on CIL could come back to the Committee at a future meeting if there is the appetite for it. The Chief Accountant explained that outstanding receipts for CIL are set out in the Audit & Scrutiny Committee's quarterly Capital Budget Monitoring Report, and the outstanding amount as of the 31st of December 2023 is £260,000, against the £14million which has been charged since the commencement of CIL, which is a good rate of collection. The Chief Account went on to explain that some of the £260,000 is made up of instalments that are not due yet but are expected to be paid on time. The

Chair informed the Committee that the next Audit and Scrutiny Committee will take place on the 1st of February and the papers will be published shortly.

- c) **Payment Instalments.** The Vice Chair asked if an application must be submitted in order to pay CIL in instalments. The Developer Contributions Lead Officer informed the Committee that regulation 69b of the CIL regulations, it is set already in our instalments policy, it does not need to be requested or applied for by developers, the system automated trigger on the total chargeable amount will automatically put in the instalments.
- d) **Projects.** A Member of the Committee asked what projects the £14 million CIL charges have been used on in the last financial year. The Planning Policy Manager informed the Committee that for approximately the last 18 months, no CIL funds have been spent, the money has been coming in, but there was not the process in place for spending those funds.

Following consideration, the Committee unanimously resolved to:

- (1) **Adopt the Epsom and Ewell CIL Instalment Policy (November 2023) attached as Appendix 1 to come into effect on the 1 April 2024 and supersede the current CIL Instalment Policy on this date.**

64 COMMUNITY INFRASTRUCTURE LEVY (CIL) SPENDING PROTOCOL

The Committee received a report seeking the approval of a CIL spending protocol which will provide a framework for how the council allocates Community Infrastructure Levy funding that has been received from eligible developments in the borough to contribute towards the delivery of infrastructure.

The following matters were considered:

- a) **Neighbourhood CIL bidding.** A Member of the Committee asked for clarity regarding the financial range that Neighbourhood CIL bids should fall within. The Chair responded to inform the Committee that there used to be an allocated pot of 250k for the Neighbourhood CIL scheme, but this upper limit no longer exists. The Planning Policy Manager confirmed that there was a range for the Neighbourhood CIL scheme, but both the minimum and maximum spend limits have been removed, as there were not compliant with the regulations.
- b) **Bidding Process Key Changes.** A Member of the Committee asked what the key changes to the bidding process are in the new protocol document, and if there will be an officer able to help provide support and information during the bidding process. The Chair informed the Committee that the updates will hopefully streamline and make the process more effective and efficient, and assured the Committee that the process can be reviewed once it is in place to ensure it is working as it should. The Chair informed the Committee that there is not a direct compare and

contrast between the old and new protocol as the new protocol has been written from scratch. The Planning Policy Manager confirmed that the new protocol had been a full rewrite and previous issues with transparency and robustness have been addressed to create a clear spending protocol with various reporting mechanisms. The Planning Policy Manager continued to explain that there is a member working group that will report to the Licensing and Planning Policy Committee to approve any spend below £50,000, with larger spends also going to Strategy & Resources Committee for approval. The Planning Policy Manager confirmed that there is 12-month review period built into the new protocol so any issues or shortcomings can be reviewed and resolved down the line.

- c) **New Spending Protocol.** A Member of the Committee asked for confirmation that only one year of CIL spending has been missed and queried why the old protocol was not used whilst the new protocol was being written. The Chair confirmed that the money had not been spent for a year whilst the new protocol was being written and reviewed and confirmed that the new protocol would be reviewed in 12 months and any necessary changes actioned.
- d) **CIL Working Group Membership.** A Member of the Committee asked what the membership of the CIL working group would be. The Chair informed the Committee that the membership is set out on page 113 of the agenda and page 25 of the protocol document, with the core membership comprising of one representation from each Policy Committee, one representative from the Member Climate change action group and one member from the opposition. The Chair explained that the CIL working group will examine the applications and give a view whether they meet the requirements set out in the protocol.
- e) **Borough Infrastructure Oversight.** A Member of the Committee asked for examples of infrastructure that the Local Council have control over. The Planning Policy Manager informed the Committee that Strategic CIL has a very tight definition and explained that a school expansion is an example of a Strategic CIL project that could have a bid submitted by the County Council as the education authority.
- f) **Timetable.** A Member of the Committee raised that Neighbourhood CIL bids over £50,000 would need the approval of both Licensing and Planning Policy Committee and Strategy & Resources Committee, which would affect and delay the anticipated timetable set out on page 107 of the agenda and page 19 of the protocol. The Member continued to state that due to the high potential of bids being over £50,000, the timeline will be extended to include going to a S&R Committee for approval following approval being granted by LPP Committee, and therefore the table in protocol should reflect that.
 - Councillor Clive Woodbridge proposed an addition to the table under paragraph 6.29 of Agenda item 8, Appendix 1, on page 107;

**bids over £50,000, agreed by Licensing and Planning Policy Committee will be referred to the Strategy and Resources Committee for ratification which could impact the anticipated timetables for decision making.*

The proposal was seconded by Councillor Julie Morris.

The Committee unanimously agreed to the addition of the proposed amendment.

- g) **Notification of Outcome.** A Member of the Committee raised the combining of the Spending Decision made by LPPC and the Notification of Outcome, set out in the anticipated timetables on page 107, should be combined as the information of who has successfully won their bids will become public upon the publishing of the Committee agenda and therefore, the applicants should be notified of the outcome of their bid at that point rather than later on.
- Councillor Steve Bridger proposed an amendment to the table under paragraph 6.29 of Agenda item 8, Appendix 1, on page 107;

The Spending Decision made by LPPC (November), and the Notification of the Outcome (December) should happen concurrently and therefore, these two events listed in the table should be merged to both take place in November.

The proposal was seconded by Councillor Phil Neale.

The Committee unanimously agreed to the addition of the proposed amendment.

Following consideration, the Committee unanimously resolved to:

- (1) Approve the proposed framework for determining CIL spending (Spending Protocol) attached at Appendix 1, subject to the agreed amendments.**

The meeting began at 7.30 pm and ended at 8.22 pm

COUNCILLOR STEVEN MCCORMICK (CHAIR)