

To: MEMBERS OF THE COMMUNITY SERVICES COMMITTEE  
Councillors Connolly (Chair) Vickers (Vice-Chair),  
Lee, Mansfield, Milton, Orrick, Ridge, Stamp, Swann, N. White  
and Wren.

for any enquiries, please contact:  
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Substitute Councillors: Blake-Thomas, Mills and Rujbally.

c.c. All Other Members of the Council.

2<sup>nd</sup> March 2020

Dear Sir/Madam,

**COMMUNITY SERVICES COMMITTEE  
TUESDAY, 10<sup>TH</sup> MARCH 2020 AT 7.30 P.M.**

The Agenda for this meeting of the Committee to be held in the Council Chamber, Council Offices, Station Road East, Oxted is set out below. If a member of the Committee is unable to attend the meeting, please notify officers accordingly.

Should members require clarification about any item of business, they are urged to contact officers before the meeting. In this respect, reports contain authors' names and contact details.

If a member of the Council, not being a member of the Committee, proposes to attend the meeting, please let the officers know by no later than noon on the day of the meeting.

Yours faithfully,



Elaine Jackson  
**Acting Chief Executive**

**AGENDA**

1. **MINUTES OF THE MEETING HELD ON THE 21<sup>ST</sup> JANUARY 2020** (previously circulated within the Council Book)
2. **APOLOGIES FOR ABSENCE** (if any)
3. **DECLARATIONS OF INTEREST** – All Members present are required to declare, at this point in the meeting or as soon as possible thereafter:
  - (i) any Disclosable Pecuniary Interests (DPIs) and / or
  - (ii) other interests arising under the Code of Conduct

in respect of any item(s) of business being considered at the meeting. Anyone with a DPI must, unless a dispensation has been granted, withdraw from the meeting during consideration of the relevant item of business. If in doubt, advice should be sought from the Monitoring Officer or his staff prior to the meeting.

4. **TO DEAL WITH QUESTIONS SUBMITTED UNDER STANDING ORDER NO. 29(2)**

continued...

5. **TAXI AND PRIVATE HIRE ENFORCEMENT – DELEGATIONS FOR SURREY JOINT WARRANTING** (page 3 and Appendices A and B)
6. **TAXI AND PRIVATE HIRE LICENSING - NATIONAL REGISTRATION OF TAXI DRIVER REFUSALS AND REVOCATIONS** (page 13 and Appendices A and B) (Appendix A is a separate document)
7. **TAXI AND PRIVATE HIRE LICENSING - REQUIREMENT FOR ALL LICENSED DRIVERS TO SUBSCRIBE TO THE DBS UPDATE SERVICE** (page 25 and Appendix A)
8. **ENVIRONMENTAL HEALTH AND LICENSING ENFORCEMENT POLICY** (page 32 and Appendix A, which is a separate document)
9. **OPEN SPACE STRATEGY** (page 36 and Appendix A, which is a separate document)
10. **DISTRICT LITTER AND DOG BIN STANDARDISATION AND REPLACEMENT REPORT** (page 42 and Appendix A)
11. **PUBLIC CONVENIENCES** (page 47)
12. **COMMUNITY SERVICES DELIVERY PLAN 2019/20 – QUARTER 3 PROGRESS REPORT** (page 52)
13. **ADDITION TO WASTE COLLECTION POLICY** (page 63 and Appendix A)
14. **ANY OTHER BUSINESS WHICH THE CHAIRMAN IS OF THE OPINION SHOULD BE CONSIDERED AT THE MEETING AS A MATTER OF URGENCY**
15. **TO CONSIDER PASSING THE FOLLOWING RESOLUTION: -**

**RESOLVED** – that members of the press and public be excluded from the meeting for the following item of business under Section 100A (4) of the Local Government Act 1972 (as amended) on the grounds that:

- (i) it involves the likely disclosure of exempt information as defined in the paragraphs detailed below of Part 1 of Schedule 12A of the Act; and
- (ii) for the item the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

<b>Item No.</b>	<b>Nature of Exempt Information</b>
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16	Paragraph 3 (“ <i>Information relating to the financial or business affairs of any particular person (including the authority holding that information)</i> ”).
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16. **RECYCLING AND WASTE COLLECTION CONTRACT AWARD** (report to follow)

**REPORT TO THE COMMUNITY SERVICES COMMITTEE – 10<sup>TH</sup> MARCH 2020  
AGENDA ITEM 5**

**TAXI AND PRIVATE HIRE ENFORCEMENT – DELEGATIONS FOR  
SURREY JOINT WARRANTING**

Report of:	Paul Holliday - Senior Licensing Officer - 01306 879351 <a href="mailto:pholliday@tandridge.gov.uk">pholliday@tandridge.gov.uk</a>
Purpose of report:	Tandridge District Council is the licensing authority for the purposes of regulating taxi and private hire services in the District. This report seeks approval for making arrangements between Surrey Licensing Authorities to introduce joint warranting for Licensing Officers. This will enable improved enforcement of the taxi and private hire trade across the County and improve safety within the licensed hackney carriage and private hire vehicle service operating in Surrey.
Publication status:	Unrestricted
Recommendations:	<p>It be recommended to Council that:</p> <ul style="list-style-type: none"> <li>A. Tandridge District Council participates in a scheme of joint warranting across Surrey, whereby Licensing Officers of any Surrey Authority would be able to inspect and take enforcement action against any vehicle licensed in Surrey;</li> <li>B. the Taxi and Private Hire enforcement functions under the legislation set out in Appendix A be delegated to the Surrey local licensing authorities (as set out in Appendix A), in addition to retaining those functions within the District and to similarly receive the delegated Taxi and Private Hire enforcement functions (as set out in Appendix A) of those local authorities;</li> <li>C. the Chief Executive and other Chief Officers' power (as set out in Part E – Community Services Committee – Terms of Reference, paragraph 5(2) of the Council's Constitution) to delegate to other officers of their choice be extended to include the authorisation of officers of other Surrey authorities participating in the Joint Warranting Scheme;</li> <li>D. the existing share warranting agreement which the Council currently has with Mole Valley Council with respect to taxi licensing should terminate (contract termination effective on the date on which the Surrey Joint Warranting agreement comes into force); and</li> </ul>

	<p>E. the Head of Legal Services be authorised, in consultation with the Chair and Vice Chair of the Community Services Committee, to:</p> <p>(i) extend the delegations for joint warranting to other Licensing Authorities that request to be part of the scheme and who agree to abide by the Memorandum of Understanding; and</p> <p>(ii) make any other consequential amendments to the relevant documentation for the scheme arising from (i) above.</p>
Appendices:	<p>Appendix 'A' - Functions to be delegated to the Surrey Local Licensing Authorities (page 8)</p> <p>Appendix B - Draft Surrey Joint Warranting Memorandum of Understanding (page 9)</p>
Background papers	<p><a href="#">Guidance for proprietors and drivers of Hackney carriage and private hire vehicles.</a></p> <p><a href="#">Taxi and Private Hire Vehicle Licensing: Protecting Users. Consultation on Statutory Guidance for Licensing Authorities</a></p>

## 1. Background

- 1.1 Taxi and Private Hire Vehicles are licensed by Local Authorities under powers arising from the Town Police Clauses Act 1847 and Local Government (Miscellaneous Provisions) Act 1976.
- 1.2 The legislation gives a power for an officer authorised by a local authority to inspect vehicles and take enforcement action against drivers and vehicles licensed by that authority, including the immediate suspension of vehicles for reasons of public safety.
- 1.3 However, as there is no geographical restriction on where a licensed vehicle can travel, journeys can and often do start and/or finish outside their licensed area. This means that often authorised officers of one authority will regularly come across vehicles licenced by another authority operating in their areas.

## 2. Proposed changes

- 2.1 Officers only have the legal power to inspect and act against vehicles if they have been authorised in writing by the authority which licensed that vehicle. As such, an officer in one authority will not have the power to inspect or take action against the number of vehicles operating in its area which are licensed by other authorities.
- 2.2 This can lead to situations where officers in one authority, for example Tandridge, are unable to act against a vehicle licensed by another authority which may be defective, despite the vehicle being present and operating in Tandridge. This could lead to a situation where a defective vehicle continues to operate, potentially endangering public safety and undermining public confidence in the licensed taxi trade.

- 2.3 It is therefore considered necessary to enable a scheme of joint warranting across Surrey, whereby Licensing Officers of any Surrey Authority would be able to inspect and take enforcement action against any vehicle licensed in Surrey.
- 2.4 Such joint working arrangements between Local Authorities is also regarded as 'Best Practice' in the draft Statutory Guidance issued under s.177 of the Policing and Crime Act 2017 recently consulted upon by the Department for Transport.
- 2.5 Additionally, joint warranting would further promote the work undertaken in 2017-18 in partnership with the Surrey Safeguarding Children Board (SSCB) to develop a co-ordinated response to child sexual exploitation (CSE) across the County by adopting a consistent convictions policy and mandatory CSE training for all drivers in Surrey.
- 2.6 The proposal is that the hackney carriage and private hire enforcement powers, as set out in Appendix A of this report, are delegated to the other Surrey Authorities (whilst retaining our own). It is also proposed that Tandridge District Council receives similar delegated enforcement powers from the other Surrey Authorities participating in the Joint Warranting Scheme.
- 2.7 In practice, it is envisaged that the power given to Officers from the other authorities within the scheme would only be exercised when there were immediate public safety risks or potentially significant offences, when those officers are dealing with licensed vehicles from outside their current jurisdiction within their district. A Memorandum of Understanding between the Surrey Licensing Authorities has been drafted and is attached at appendix B.
- 2.8 Each authority would retain the ability to grant and renew licences; those functions will not be delegated. The enforcement functions would be delegated.
- 2.9 Each authority would be responsible for ensuring that the officers delegated are suitably trained and experienced in this type of work.
- 2.10 This scheme places no obligation on any Surrey Authority to exercise enforcement powers.
- 2.11 The Committee are asked to recommend to full Council that the Council delegate the Taxi and Private Hire enforcement functions under the legislation set out in Appendix A to the Surrey local licensing authorities (as set out in Appendix A), in addition to retaining those functions within the District and to similarly receive the delegated Taxi and Private Hire enforcement functions (as set out in Appendix A) of those local authorities.
- 2.12 The Council's Constitution (Part E – Community Services – para. 5) provides the Chief Executive and other Chief Officers with the following power of delegation:

*“the power in turn to delegate to other officers of their choice, the power to deal with on their behalf and in their name with any of the above functions.”*

The functions referred to include: *“formulating and reviewing the Council's policies in respect of ...health and amenity needs of the District including ... Control of Hackney Carriages and Private Hire Vehicles”* (Part E – Community Services – Terms of Reference – 1.A(vi)).

- 2.13 This report proposes the extension of this authorising power to include the officers of the participating Surrey authorities.
- 2.14 The Chief Officer is likely to nominate the Head of Environmental Health and Licensing to exercise the authorising powers on his behalf. All officers of the Council (from the relevant team) who are duly authorised to carry out enforcement tasks will, of course, be suitably trained and experienced in this type of work.
- 2.15 The Council currently enjoys a joint warranting arrangement with Mole Valley Council. To avoid any duplication or potential inconsistency, it is proposed that that Council terminate its arrangement with Mole Valley Council on the date on which the new joint sharing agreement comes into force.
- 2.16 Epsom & Ewell Borough Council have decided not to join the joint arrangements at this time. All other Surrey District and Boroughs have either already approved the joint warranting scheme or committed to approving it by the end of March 2020.

### 3. Consultation

- 3.1 Consultation has taken place with the other 11 Surrey Licensing Authorities who (except for Epsom and Ewell) are supportive of this initiative and who themselves are seeking the necessary delegations.
- 3.2 The Surrey Joint Warranting scheme will be discussed with the Tandridge Taxi Drivers Association prior to written notification being sent to all drivers in order to ensure the reasons for the scheme and how its potential implications for drivers are communicated clearly.

### 4. Financial implications

- 4.1 The implications will be managed through the existing licensing budgets

### 5. Climate change implications

- 5.1 There are no climate change implications arising from the proposals shown in this report.

### 6. Legal implications

- 6.1 Under section 101 of the Local Government Act 1972, Local Authorities may make arrangements for other local authorities to discharge its functions. Having done so, the Council may however continue to discharge and control those functions. If the Council arranges for the other authorities within the flexible warranting scheme to carry out its Licensing functions, it may continue to exercise most of those functions itself.
- 6.2 In practice, it is envisaged that the power given to Officers from the other authorities within the scheme would only be exercised as and when required, when those officers are dealing with licensed vehicles from outside their current jurisdiction within their district

6.3 If the Local Authorities are to participate in the scheme it is necessary to ensure that all officers are properly appointed to carry out the enforcement functions concerned to avoid potential legal challenge.

6.4 Licencing conditions of drivers, vehicles and operators may need to be altered to reflect the above. Any variations/changes would be put forward for consideration by this Committee.

7. Equality impacts

7.1 There are no Equality and/or Diversity issues arising from the initiative of Joint Warranting Across Surrey.

8. Data Protection impacts

8.1 There are no data protection issues arising from the initiative of Joint Warranting Across Surrey.

9. Community Safety Implications

9.1 The proposed changes aim to uphold public safety thereby providing a positive impact on community safety.

----- end of report -----

**APPENDIX A**  
to Agenda Item 5

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to Agenda Item 5

Functions to be delegated to the Surrey Local Licensing Authorities.

**Local Government (Miscellaneous Provisions) Act 1976**

- Section 53(3) (a): Driver to produce his licence for inspection
- Section 58: Return of identification plate or disc on revocation
- Section 60: to suspend and revoke vehicle licenses
- Section 61: to suspend and revoke driver licences
- Section 68: Fitness of hackney carriages and private hire vehicles
- Section 73: Obstruction of Authorised Officer

**Town and Police Clauses Act 1847**

- Section 45: prosecution for plying for hire

**Road traffic Act 1988**

- Section 143: no insurance

The Surrey Local Authorities named below have delegated (or will delegate) the same functions to Tandridge District Council:

- Elmbridge Borough Council
- Guildford Borough Council
- Reigate and Banstead Borough Council
- Runnymede Borough Council
- Spelthorne Borough Council
- Surrey Heath Borough Council
- Mole Valley District Council
- Waverley Borough Council
- Woking Borough Council

Those authorities have also retained the ability to exercise these functions.



## **Memorandum of Understanding**

### **Between**

**The local authorities of Elmbridge Borough Council, Epsom and Ewell Borough Council, Guildford Borough Council, Mole Valley District Council, Reigate and Banstead Borough Council, Runnymede Borough Council, Spelthorne Borough Council, Surrey Heath Borough Council, Tandridge District Council, Waverley Borough Council, Woking Borough Council.**

### **For the purpose of**

### **A Cross Border Hackney Carriage and Private Hire Vehicle Authorisation Scheme**

#### **1. Definitions**

- 1.1 'Taxis' refers to both hackney carriages and private hire vehicles.
- 1.2 'Participating enforcement local authorities'. These are the local authorities of:
- Elmbridge Borough Council
  - Epsom and Ewell Borough Council
  - Guildford Borough Council
  - Mole Valley District Council
  - Reigate and Banstead Borough Council
  - Runnymede Borough Council
  - Spelthorne Borough Council
  - Surrey Heath Borough Council
  - Tandridge District Council
  - Waverley Borough Council
  - Woking Borough Council
- 1.3 'Cross Border Taxi and Private Hire Vehicle Authorisation Scheme' is 'The Authorisation Scheme' subject to the principles set out in this Memorandum of Understanding which permits a participating enforcement local authority to inspect taxis and interview drivers licensed by another participating enforcement local authority.
- 1.4 'Home licensing local authority'. Is the local authority responsible for licensing the taxi or driver.
- 1.5 'Designated contact address'. Is the email address that each local authority has designated to receive communications about drivers, vehicles, inspections and interviews.
- 1.6 'Lead Officer'. Is the named officer designated by each participating local authority to be the lead contact (and deputy if nominated) for communications about the operation of the scheme.

- 1.7 'The Next Working Day' means the next day that the home local authority licensing office is open for business, or the day after that, if circumstances prevent a more speedy communication.
- 1.8 'Working Group' is the group attended by the lead officer or deputy from each participating local authority to oversee the scheme.
- 1.9 'Delegated Power' means the discharge of a function under the Local Government Act 1972, the Local Government (Miscellaneous Provisions) Act 1976 and the Town Police Clauses Act 1847 and any related legislation for the purpose of carrying out enforcement on Hackney Carriages and Private Hire Vehicles, Drivers and Operators licensed by a participating local authority within the terms of this Memo of Understanding.

## **2. Purpose of the Scheme**

- 2.1 The primary purpose of the Authorisation Scheme is to advance the safety of the public travelling by taxis through enabling improved enforcement across Surrey. The focus of the scheme is on immediate public safety risks and potentially significant offences. Inspections and interviews will be guided by the primary purpose.
- 2.2 Enforcement officers will deal with taxis, interviews and inspections for vehicles and drivers who are licensed by another participating enforcement local authority in the same way they would deal with taxis and drivers licensed by their home licensing local authority.
- 2.3 Each participating enforcement local authority is responsible for identifying competent enforcement officers to be authorised by other participating enforcement local authorities. The home licensing local authority which employs the enforcement officers and related officers will retain responsible for their conduct, behaviour and employment terms and conditions.
- 2.4 The Authorisation Scheme places no obligation on a participating enforcement local authority to inspect taxis or interview drivers licensed by other participating enforcement local authorities. The decision to inspect is voluntary. Financial payments between participating enforcement local authorities are not required.
- 2.5 In all cases, enforcement officers are normally only permitted to inspect taxis within the boundary of their own home licensing local authority, unless assisting another licensing authority in their district on a pre-arranged basis, such as a joint-operation.

## **3. Reporting of Activity**

- 3.1 Interventions resulting from a vehicle inspection or driver interview should be notified to the home licensing local authority the next working day by email to include; time, date, registration number, driver name and identification; evidence gathered, action taken and why and enforcement officer name and contact details.
- 3.2 Details of individual inspections and interviews involving no action or minimal action should still be notified to the home licensing local authority for evidence gathering.
- 3.3 Each participating enforcement local authority must collate evidence of inspections and communications to be considered by the Working Group.

- 3.4 Each participating enforcement local authority will designate a secure email address for communications about interviews and inspections.
- 3.5 Each participating enforcement local authority will designate a Lead Officer and may designate a Deputy for communication about the scheme.

#### **4. Practical Arrangements**

- 4.1 Enforcement officers are permitted to issue suspension notices for immediate public safety risks provided that the enforcement officer would normally have issued a suspension notice for a taxi licensed by their own home licensing local authority under the same circumstances. Indicative examples of when a suspension notice would be appropriate are; one of more bald / illegal tyres, less than 2 functioning headlights, less than 2 functioning brake lights and dangerous bodywork (i.e. jagged or sharp edges which in the opinion of the enforcement officer pose an immediate public safety risk).
- 4.2. Enforcement officers are permitted to withdraw a suspension notice they have issued if circumstances require this.
- 4.3. Normally, the home licensing local authority for a licensed driver or licensed vehicle is responsible for ensuring remedial action is monitored or completed.
- 4.4 Should any decision made by an Enforcement Officer be appealed, the appeal will be dealt with by the authority employing that officer. The home authority will be expected to provide any evidence to assist the enforcing authority with the defence of the appeal. The home authority may deal with the appeal if this is agreed by all parties.
- 4.5 If a taxi driver has no badge or a defective badge, the driver should be advised that it is an offence not to display a badge, to cease trading and that the details will be reported to the home licensing local authority.
- 4.6 In the event of obstruction or conflict between a driver and an enforcement officer, the home licensing local authority should be provided with as much information as possible the next working day to allow a decision to be made.
- 4.7 Safeguarding concerns should be reported to the police immediately and the home licensing local authority should be notified as soon as practicable.

#### **5. Delegation and Review**

- 5.1 Certificates of Authorisation will be issued by each participating enforcement local authority to the designated enforcement officers in the other participating enforcement local authorities in an agreed format.
- 5.2 Each participating enforcement local authority will establish their own schemes of delegation and what procedural steps are required to validly authorise enforcement activities undertaken by other participating enforcement local authorities.
- 5.3 The delegated powers within the provisions of this Memo of Understanding will come into force on the agreed commencement date.
- 5.4 The scheme will be reviewed by the Working Group overseeing the Scheme after 6 months from the commencement date.

- 5.5 Notwithstanding the terms and conditions in this Memo of Understanding, this does not prejudice the right of any participating enforcement local authority to withdraw from the delegated power scheme with 14 days notice given to all other participating enforcement local authorities. Each participating enforcement authority undertakes not to withdraw their delegated powers prior to the Review which is due 6 months after the commencement date, unless it considers there is good reason to do so. The delegated power is not to be unreasonably withdrawn.

**6. Functions to be delegated to the Surry Local Licensing Authorities.**

**Local Government (Miscellaneous Provisions) Act 1976**

- Section 53(3) (a): Driver to produce his licence for inspection
- Section 58: Return of identification plate or disc on revocation
- Section 60: to suspend and revoke vehicle licenses
- Section 61: to suspend and revoke driver licences
- Section 68: Fitness of hackney carriages and private hire vehicles
- Section 73: Obstruction of Authorised Officer

<b>REPORT TO THE COMMUNITY SERVICES COMMITTEE – 10<sup>TH</sup> MARCH 2020 AGENDA ITEM 6</b>	
<b>TAXI AND PRIVATE HIRE LICENSING – NATIONAL REGISTRATION OF TAXI DRIVER REFUSALS AND REVOCATIONS</b>	
Report of:	Paul Holliday - Senior Licensing Officer - 01306 879351 <a href="mailto:pholliday@tandridge.gov.uk">pholliday@tandridge.gov.uk</a>
Purpose of report:	The purpose of this report is to seek approval for Tandridge District Council Licensing Authority to be included and participate in the Local Government Associations National Register of Taxi Licence Revocations and Refusals (NR3).
Publication status:	Unrestricted
Recommendation:	That, in accordance with its delegated powers, the Committee resolves that the use of the Local Government Association's National Register of Taxi Licence Revocations and Refusals (NR3) be adopted as policy and implemented in line with the disclosure policy, guidance and timeframes laid out in this report.
Appendices:	Appendix A – LGA Guidance on adopting the National Register of Taxi Licence revocations & refusals (NR3) – separate document  Appendix B – Proposed Policy in respect of requests for information, disclosure of information, and use of information as a result of an entry on NR3 (page 18)
Background papers	None

## 1. Background

- 1.1 Licensing Authorities are required to satisfy themselves that those holding hackney carriage and Private Hire Vehicle (PHV) driver licences are 'fit and proper' to do so. An initial assessment is undertaken during the determination of an application for a licence, and then at any time during the duration of a licence. For example, when evidence is obtained that suggests that a licensed individual is not a fit and proper person the licensing authority is entitled to suspend, revoke or refuse to renew a licence.
- 1.2 The process of assessing whether an applicant or licensee is 'fit and proper' may vary between authorities, however there is widespread consensus on the need to increase consistency and to set national minimum standards for the fit and proper test at a suitably high level.

- 1.3 All authorities in Surrey have already agreed to a Surrey-wide Criminal Convictions Policy, providing all Surrey authorities with a consistent standard to follow when determining conviction information of similar relevant information when determining the suitability of an individual to hold a taxi driver licence.
- 1.4 This Surrey-wide policy is helping to prevent individuals who have had a licence refused or revoked by one Surrey authority as the result of conviction information from simply going to another Surrey area and securing a licence.
- 1.5 However, at the moment, if drivers do not disclose information about a previous revocation or refusal of a licence, there is often no way for a licensing authority to find this information out, as unlike conviction information this will not appear on a Disclosure and Barring Certificate. This could be particularly important information where, for example, a licensing authority has been forced to revoke a driver's licence due to repeated unsuitable conduct that has not resulted in a criminal conviction.
- 1.6 This means that vital intelligence about an applicant's past behaviour is being missed and an individual might be able to get a new licence in another area, despite having their licence revoked elsewhere.
- 1.7 In response to this issue, the Local Government Association (LGA) has commissioned the development of a national register of hackney carriage and PHV driver licence refusals and revocations, the 'National Register of Refusals and Revocations' or NR3. The new register will allow licensing authorities to record details of where a hackney carriage or PHV driver's licence has been refused or revoked, and allow licensing authorities to check new applicants against the register. This should help to prevent people found to be not fit and proper in one area from securing a licence somewhere else through deception and non-disclosure.
- 1.8 The full guidance document produced by the Local Government Association is provided as a separate document (Appendix A). Particularly of note is Section 4 (Pages 5-7) relating to an Overview of the NR3 project.
- 1.9 The Local Government Association has provided in the guidance information and processes on how the NR3 register will be used, so all Authorities will be operating to the same standards and methods.
- 1.10 The use of the NR3 register would further promote the work undertaken in 2017-18 in partnership with the Surrey Safeguarding Children Board (SSCB) to develop a co-ordinated response to child sexual exploitation (CSE) across the County by adopting a consistent previous convictions policy and mandatory CSE training for all drivers in Surrey.
- 1.11 At the Surrey Licensing Forum all Surrey Licensing Authorities committed to instigating to use of the NR3 register by April 2020.

## 2. Proposed changes

- 2.1 In order to start using the NR3 register Tandridge District Council must first adopt the policies that will allow the Licensing Team to participate in the NR3 Project. These documents shall be entirely consistent with templates in the Local Government Association Guidance Document.
- 2.2 The 'Guidance for proprietors and drivers of Hackney carriage and private hire vehicles' document shall be amended in accordance with pages 13 to 14 of the 'LGA Guidance on adopting the National Register of Taxi Licence revocations & refusals' shown in Appendix A (separate document).
- 2.3 The proposed policy in respect of requests for information, disclosure of information, and use of information as a result of an entry on NR3 is attached as Appendix B.
- 2.4 Once adopted, the next steps will be as follows:
  - The Council is required (via the NAFN website) to electronically sign the Data Processing and Data Sharing Agreements. The Local Government Association and the National Anti Fraud Network have written these agreements with high Legal Advice, taking in to account the General Data Protection Regulation, Data Protection Act 2018 and recently updated guidance, circulated by the LGA. This ensures that use of NR3 is compliant with both data protection and human rights legislation. Tandridge's Legal Department have already viewed these documents and are content for us to sign them once officers have authority to proceed from the Community Services Committee.
  - Amend the Application packs and Taxi and Private Hire Drivers Handbook to include information on the NR3 Project (including the adopted Policy details).
  - Amend the application forms so that all new applicants will be aware of the NR3 Project and the use of their data. This will be done in line with Section 5.1 of the NR3 Guidance, and using template wording as found in Annex A of the Guidance.
  - Contact all currently issued licence holders (and those in the midst of applying or renewing) to inform them of the NR3 Project. This will be done in line with Section 6.2 of the NR3 Guidance and using the recommended LGA template as found in Annex B of the Guidance.
  - Create a spreadsheet of proposed data for uploading to the NR3 in line with Section 4.3 of the NR3 Guidance.
  - Contact all those whose data is proposed to be uploaded to the NR3, giving a timeframe in which for them to respond in line with Section 4.3 of the NR3 Guidance and using the recommended LGA template as found in Annex C of the Guidance.
  - Upload the necessary data to the NR3.

2.5 Moving forward, the Licensing Authority will continue to abide by the NR3 Policy and follow the guidance issued by the Local Government Association.

3. Consultation

3.1 Consultation has taken place with the other 11 Surrey Licensing Authorities who are supportive of this initiative and who themselves are either seeking the necessary Council approval or have already obtained it.

4. Financial implications

4.1 There are no financial implications arising from this report and any implementation costs can be funded from within the existing 2019/20 budget for Licensing.

5. Climate change implications

5.1 There are no climate change implications arising from the proposals shown in this report.

6. Legal implications

6.1 The use of the NR3 will permit the Council to have access to information that it may not otherwise have had access to. Having access to such information will strengthen the Council's ability to make an informed determination on whether an applicant or existing driver, is, or remains, a fit and proper person to hold a hackney carriage or private hire driver's licence.

6.2 In addition, the Council as a responsible licensing authority will share information with other licensing authorities seeking information on a particular driver for legitimate licensing purposes, and when it is deemed to be in the public interest to share this information.

6.3 Any information held by the Authority can only be shared with third parties if it is lawful to do so in accordance with the Data Protection Act 2018 and the General Data Protection Regulation. To ensure that any information held by the Authority is shared in a lawful manner, the Council will enter into a Data Sharing Agreement and Data Processing Agreement with the National Anti-Fraud Network.

6.4 The Council must have in place a clear and published policy which governs its approach to the circumstances in which it will share, receive and use information of this type. It must be recognised that information will not be shared following every request.

6.5 In relation to taxi and private hire licensing, there are specific powers contained in the Town Police Clauses Act 1847, Transport Act 1985 and Local Government (Miscellaneous Provisions) Act 1976. These allow the Council to specify the requirements that vehicles and drivers must meet in order to be licensed, and grounds for refusal. The disclosure of a previous refusal or revocation of a driver's licence, and the resultant enquiries into the circumstance surrounding such a decision, is necessary for Licensing Authorities to discharge their public safety duties.



6.6 Participation in the national database is voluntary. There are currently no statutory requirements for a local authority to participate.

7. Equality impacts

7.1 There are no equality and diversity implications in the proposed changes to the policy.

8. Data Protection impacts

8.1 The policy shown at Appendix B in respect of requests for information, disclosure of information, and use of information as a result of an entry on NR3 is designed to ensure all Data Protection requirements are met.

9. Community Safety Implications

9.1 The proposed joint warranting will improve safe travel in the District through a well-regulated taxi service across Surrey. The changes proposed to licensing guidance will help ensure that the Council fulfils its statutory safeguarding obligations to prevent the exploitation of children and vulnerable persons more effectively.

----- end of report -----

## Policy in respect of requests for information, disclosure of information, and use of information as a result of an entry on NR3

In this policy, the 'first authority' refers to a licensing authority which made a specific entry onto the National Register of Refusals and Revocations; the 'second authority' refers to a licensing authority which is seeking more detailed information about the entry.

### 1. Overarching principles

- 1.1. This policy covers the use that this authority will make of the ability to access and use information contained on the National Register of Taxi Licence Revocations and Refusals (NR3). The NR3 contains information relating to any refusal to grant, or revocation of, a taxi drivers' licence<sup>1</sup>. This information is important in the context of a subsequent application to another authority for a drivers' licence by a person who has had their licence refused or revoked in the past.
- 1.2. This authority has signed up to the NR3. This means that when an application for a taxi drivers' licence is refused, or when an existing taxi drivers' licence is revoked, that information will be placed upon the register.
- 1.3. When an application for a new drivers' licence, or renewal of an existing drivers' licence is received, this authority will make a search of the NR3. The search will only be made by an officer who has been trained in the use of the NR3 and who is acting in accordance with this policy. If details are found that appear to relate to the applicant, a request will be made to the authority that entered that information for further details.
- 1.4. Any information that is received from any other authority in relation to an application will only be used in relation to that application, and the determination of it, and will not be used for any other purpose. Any data that is received will only be kept for as long as is necessary in relation to the determination of that application. This will include the period of processing that application, making a decision, notifying the applicant of the outcome of that decision, and the appeal processes.
- 1.5. For the avoidance of doubt, any such data will be kept for a period of no more than 35 days from the date of the service of the written notification of the determination of the application<sup>2</sup>.

<sup>1</sup> Throughout this policy reference is made to 'taxi driver's licence.' This generic term covers a hackney carriage driver's licence, a private hire driver's licence and a combined/dual licence.

<sup>2</sup> The appeal period is 21 days from the date on which the written notification of the decision was received by the applicant/licensee. An appeal must be lodged within that time period, and no extension of that period is permissible (see *Stockton-on-Tees Borough Council v Latif* [2009] LLR 374). However, to ensure that the information is available if an appeal is lodged and there is a dispute over time periods, a period of 35 days is specified.

- 1.6. Where an appeal to the magistrates' court is made, the data will be retained until that appeal is determined or abandoned. Where the appeal is determined by the magistrates' court, there is a further right of appeal to the Crown Court. In these circumstances, the data will be retained for a period of no more than 35 days from the date of the decision of the magistrates' court. If an appeal is made to the Crown Court, the data will be retained until that appeal is determined or abandoned. Where the appeal is determined by the magistrates' court or the Crown Court, it is possible to appeal the decision by way of case stated<sup>3</sup>. Accordingly, the data will be retained for a period of no more than 35 days from the date of the decision of the Crown Court (if the decision was made by the magistrates' court, the retention period has already been addressed). If an appeal by way of case stated is made, the data will be retained until all court proceedings relating to that appeal by way of case stated (which will include potential appeals to the Court of Appeal and Supreme Court) have been determined<sup>4</sup>.
- 1.7. The data will be held securely in accordance with this authority's general policy on the secure retention of personal data [which is available at...]. At the end of the retention period, the data will be erased and/or destroyed in accordance with this authority's general policy on the erasure and destruction of personal data (which is available on the 'Data protection and freedom of information' page of [www.tandridge.gov.uk](http://www.tandridge.gov.uk)).

## **2. Making a request for further information regarding an entry on NR3<sup>5</sup>**

- 2.1. When an application is made to this authority for the grant of a new, or renewal of, a taxi driver's licence, this authority will check the NR3.
- 2.2. This authority will make and then retain a clear written record<sup>6</sup> of every search that is made of the register. This will detail:
- the date of the search;
  - the name or names searched;
  - the reason for the search (new application or renewal);
  - the results of the search; and
  - the use made of the results of the search (this information will be entered to the register at a later date).
- 2.3. This record will not be combined with any other records (i.e. combined with a register of licences granted) and will be retained for the retention period of 25 years.

<sup>3</sup> Any appeal by way of case stated must be lodged within 21 days of the decision of either the magistrates court or the Crown Court (see The Criminal Procedure Rules R35.2). To ensure that the information is available if an appeal is lodged by way of case stated and there is a dispute over time periods, a period of 35 days is specified.

<sup>4</sup> Decisions of the local authority, magistrates' Court and Crown Court are also susceptible to judicial review. Generally any right of appeal should be exercised in preference to judicial review, but there are occasions when leave has been granted for judicial review in the circumstances. Any application for judicial review must be made "promptly; and in any event not later than 3 months after the grounds to make the claim 1st arose" (see The Civil Procedure Rules R54.5). If an application for judicial review is made after any relevant data has been destroyed, this authority will request the information again and then retain that information until all court proceedings relating to that judicial review (which will include potential appeals to the Court of Appeal and Supreme Court) have been determined.

<sup>5</sup> This section of the template policy relates to the submission of a request by the second authority.

<sup>6</sup> This can be electronic, rather than "pen and paper" hard copy.

- 2.4. If this authority discovers any match (i.e. there is an entry in the register for the same name and identifying details) a request will be made to the authority that entered those details (the first authority) for further information about that entry. That request will also include details of this authority's data protection policy in relation to the use of any data that is obtained as a result of this process.
- 2.5. This request will be made in writing in accordance with the form at Annex 1 of this policy.
- 2.6. It will be posted or emailed to the contact address of the authority that entered those details (the first authority) which will be detailed in the register.

### **3. Responding to a request made for further information regarding an entry on NR3<sup>7</sup>**

- 3.1. When this authority receives a request for further information from another authority a clear written record will be made of the request having been received. This record will not be combined with any other records (i.e. combined with a register of licences granted) and will be retained for the retention period of 25 years<sup>8</sup>.
- 3.2. This authority will then determine how to respond to the request. It is not lawful to simply provide information as a blanket response to every request.
- 3.3. This authority will conduct a Data Protection Impact Assessment. This will consider how the other authority (the second authority) will use the data, how it will store that data to prevent unauthorised disclosure, the retention period for that data, and the mechanism for erasure or destruction of the data at the end of that period. It is expected that if the second authority has adopted a policy similar to this, that should be a reasonably straightforward process.
- 3.4. If this authority is satisfied that the other authority's (the 2<sup>nd</sup> authority) data protection procedures are satisfactory, consideration will then be given as to what information will be disclosed<sup>9</sup>. This will be determined by an officer who has been trained to discharge this function.
- 3.5. Any disclosure must be considered and proportionate, taking into account the data subjects' rights and the position and responsibilities of a taxi driver. Data is held on the NR3 register for a period of 25 years, but this authority (the 1<sup>st</sup> authority) will not disclose information relating to every entry. Each application will be considered on its own merits.

<sup>7</sup> This section of the policy relates to the handling by the first authority of a request for information by the second authority.

<sup>8</sup> This record can be combined with the written record of the action taken as a result of the request.

<sup>9</sup> If the 1<sup>st</sup> authority is not satisfied that the 2<sup>nd</sup> authority's data protection policy is satisfactory, no disclosure can be made. In such circumstances it is essential that discussion takes place as a matter of urgency between the data protection officers of the 1<sup>st</sup> authority and the 2<sup>nd</sup> authority.

- 3.6. This authority will disclose information relating to a revocation or refusal to grant a drivers' licence in accordance with the timescales contained within Tandridge District Council's Criminal Convictions Policy<sup>10</sup>. Where the reason for refusal to grant or revocation relates to a conviction (or similar as defined in by this authority's Convictions Policy) which is within the timescales determined in those guidelines, the information will be disclosed. Where the reason for refusal to grant or revocation relates to a conviction (or similar as defined in the IOL guidance) which is outside the timescales determined in those guidelines, the information will not be disclosed. However, in every case, consideration will be given to the full circumstances of the decision and there may be occasions where information is provided other than in accordance with this policy.
- 3.7. Any information about convictions will be shared in accordance with this policy under part 2 of scheduled 1 to the Data Protection Act (DPA) 2018; that is, the processing is necessary for reasons of substantial public interest in connection with the exercise of a function conferred on the authority by an enactment or rule of law.
- 3.8. The officer will record what action was taken and why. This authority will make and then retain a clear written record<sup>11</sup> of every decision that is made as a result of a request from another authority. This will detail:
- the date the request was received
  - how the data protection impact assessment was conducted and its conclusions
  - the name or names searched
  - whether any information was provided
  - if information was provided, why it was provided (and details of any further advice obtained before the decision was made)
  - if information was not provided, why it was not provided (and details of any further advice obtained before the decision was made) and
  - how and when the decision (and any information) was communicated to the requesting authority.
- 3.9. This record will not be combined with any other records (i.e. combined with a register of licences granted) and will be retained for the retention period of 25 years.

#### **4. Using any information obtained as a result of a request to another authority**

- 4.1. When this authority receives information as a result of a request that has been made to another authority, it will take that information into account when determining the application for the grant or renewal of a taxi drivers' licence. This will be in accordance with the usual process for determining applications in line with Tandridge District Council's Guidance for proprietors and drivers of Hackney carriage and private hire vehicles and Criminal Convictions Policy.

<sup>10</sup> Available on the 'Taxi Licensing and Safety' page of [www.tandridge.gov.uk](http://www.tandridge.gov.uk)

<sup>11</sup> This can be electronic, rather than "pen and paper" hard copy.

- 4.2. This authority will make and then retain a clear written record of the use that is made of the results of the search (this information will be added to the register detailed above).
- 4.3. Information that is received may warrant significant weight being attached to it, but it will not be the sole basis for any decision that this authority will make in relation to the application.

### Annex 1 - information disclosure form

This form is submitted following a search of the National Register of Refusals and Revocations (NR3).

<b>Section 1 : for completion by requestor authority</b>	
Name of licensing authority requesting information:	
Requestor authority reference number:	
Name of licensing authority from which information is sought:	
Name of individual in respect of whom the request is made:	
Decision in respect of which the request is made:	Refusal / revocation
Other details for this record:	
Address:	
Driving licence Number	
National Insurance Number:	
Reference number:	
<b><i>Declaration by requesting authority:</i></b>	
<p><i>The authority hereby confirms that this information is being sought in connection with the exercising of its statutory function to ensure that holders of taxi / PHV licences are fit and proper persons, and that the processing of this data is therefore necessary in the performance of a task carried out in the public interest. The information provided below will only be processed, used and saved by the authority in connection with this particular application and in accordance with all relevant data and privacy requirements, as previously advised by the authority to applicants for and existing holders of taxi and PHV licences, and will be retained in accordance with the Authority's retention policy relating to the provision of such information.</i></p> <p><i>To enable the authority to conduct a data protection impact assessment, details of this authority's policy in relation to the use of information obtained as a result of this request can be accessed on the 'Data protection and freedom of information' page of <a href="http://www.tandridge.gov.uk">www.tandridge.gov.uk</a></i></p>	
Signed:	
Name:	
Position:	
Date	

**Section 2 : for completion by providing authority**

Further information to support the decision recorded on NR3 in respect of the above named individual

**Declaration by providing authority**

*The authority hereby confirms that it has conducted a data protection impact assessment. It also confirms that the information above is accurate, and has been provided after thorough consideration by the authority as to the proportionality and lawfulness of making this disclosure. The information reflects the basis on which the decision recorded in the National Register of Refusals and Revocations was made. In the event that the authority becomes aware that this information is no longer accurate, we will advise the above named authority accordingly.*

*The authority also confirms that, as part of the basis for securing, retaining or applying for a taxi / PHV licence, the above named individual has been made aware of to the fact that this information will be shared, in accordance with all relevant data and privacy requirements*

<b>Signed:</b>	
<b>Name:</b>	
<b>Position:</b>	
<b>Date:</b>	



**REPORT TO THE COMMUNITY SERVICES COMMITTEE – 10<sup>TH</sup> MARCH 2020  
AGENDA ITEM 7**

**TAXI AND PRIVATE HIRE LICENSING – REQUIREMENT FOR ALL  
LICENSED DRIVERS TO SUBSCRIBE TO THE DBS UPDATE  
SERVICE**

Report of:	Paul Holliday - Senior Licensing Officer - 01306 879351 <a href="mailto:pholliday@tandridge.gov.uk">pholliday@tandridge.gov.uk</a>
Purpose of report:	To seek approval for Tandridge District Council Licensing Authority to require all licensed taxi drivers to subscribe to the Disclosure and Barring Service ('DBS') Update Service.
Publication status:	Unrestricted
Recommendation:	The 'Guidance for proprietors and drivers of Hackney carriage and private hire vehicles' and the conditions attached to private hire driver licences (Appendix A) be amended to require licensees to evidence continuous registration to the DBS update service, in line with the guidance and timeframes laid out in this report.
Appendices:	Appendix A – proposed private hire licence conditions (page 30)
Background papers	None

1. Background

- 1.1 Licensing Authorities are required to satisfy themselves that those holding hackney carriage and Private Hire Vehicle (PHV) driver licences are 'fit and proper' to do so. An initial assessment is undertaken during the determination of an application for a licence, and then at any time during the duration of a licence. For example, when evidence is obtained that suggests that a licensed individual is not a fit and proper person the licensing authority is entitled to suspend, revoke or refuse to renew a licence.
- 1.2 The process of assessing whether an applicant or licensee is 'fit and proper' may vary between authorities, however it is standard for licensing authorities to require applicants to provide an Enhanced Disclosure and Barring Services ('DBS', previously known as 'CRB') Certificate including an Adult and Children's Barred list check.
- 1.3 Historically the difficulty with DBS certificates is that they are up to date at the time of issue only. If a driver were to commit a recordable offence after the date of issue of their DBS certificate it would be for the driver as a condition of licensing to inform the authority of that matter, or for the Police to disclose the matter under common law disclosure. Neither of these are considered as completely reliable; a driver may be unaware, forget or simply not want to make the authority aware, and the Police may be unaware of the authority's interest, be unaware that the individual is a driver at all or may decide not to disclose information.

- 1.4 In the absence of voluntary disclosure by the driver or the police the Licensing authority would normally only be able to obtain an update to the DBS certificate by making a fresh application to the DBS for a new certificate. This would result in delays whilst the application was made and processed. As DBS certificates are sent directly to the licensee, there is additionally the risk of a licensee who has reason to be evasive delaying the provision of the DBS disclosure to the authority.
- 1.5 Due to the costs and time involved in obtaining a DBS certificate, typically licensing authorities required a new DBS certificate to be provided on application and then every 3 years on renewal of the taxi driver licence.
- 1.6 The DBS have for some time provided an online Update Service that allows licensees to keep their enhanced DBS certificate up to date and allows Licensing Authorities to check a certificate online at any time. Subscription to this service removes the need for repeat DBS applications, reduces the administrative burden, and mitigates potential delays in relicensing, or refusals/revocation where relevant information exists
- 1.7 Whilst a number of licensees have voluntarily subscribed to the scheme, it will be necessary to mandate subscription to the DBS online update service to ensure that all drivers are registered. Whilst in the long term the scheme is at least cost neutral to the driver, and also less personal administration, in the very short term it may be perceived by some drivers as an additional cost and an avoidable bureaucratic exercise.
- 1.8 The Institute of Licensing 'Guidance on determining the suitability of applicants and licensees in the hackney and private hire trades' includes a recommendation that all licensees should be required to maintain their certificates through the DBS update service throughout the currency of their licence.
- 1.9 The Surrey Licensing Forum in following the advice of the Surrey Safeguarding Children Board has committed that all Surrey Licensing Authorities will have made it a mandatory requirement for licensed drivers to subscribe to the DBS update service by the end of April 2020.
2. Proposed changes
- 2.1 The Tandridge District Council 'Guidance for proprietors and drivers of Hackney carriage and private hire vehicles' shall be amended as follows:

**Licence Application Policy**

'All applicants must subscribe to the DBS update service within 30 calendar days of the 'date of issue' which is printed on the certificate.'

## Hackney Carriage Drivers

### 'Disclosure and Barring Service (DBS)

All applicants must provide an Enhanced Disclosure and Barring Service ('DBS') certificate and subscribe to the DBS update service within 30 calendar days of the 'date of issue' which is printed on the certificate. On subscribing to the update service drivers must provide the original certificate and an authorisation mandate for the licensing authority to carry out an online check when necessary or in a timescale as dictated by any future legislation or statutory guidance. On grant of licence all licensees are required to maintain their certificates through the DBS update service throughout the currency of their licence.'

- 2.2 The conditions attached to private hire driver licences shall be amended as shown in Appendix A to include the following:

### 'Disclosure and Barring Service update service

The driver shall to maintain their Disclosure and Barring certificate through the DBS update service throughout the currency of their licence.'

- 2.3 Once adopted, the next steps will be as follows:

- Amend the 'Guidance for proprietors and drivers of Hackney carriage and private hire vehicles' to include information on the DBS Update Service.
- Update the Council's retention policy and privacy statements.
- Update the conditions to be attached to all future hackney carriage/private hire driver's licences, and update application forms.
- Contact all currently issued licence holders (and those in the midst of applying or renewing) to inform them of the DBS Update Service.
- Require all new applicants and drivers applying to renew their licences to subscribe to the Update Service. It is only possible to subscribe to the update service within 30 calendar days of the 'date of issue' which is printed on the certificate. Existing licensees will only be expected to apply for a new DBS certificate on renewal of their existing licence, and to subscribe to the update service at that time.
- On subscribing to the update service drivers must provide to the Licensing Authority the original certificate and an authorisation mandate for the licensing authority to carry out an online check when necessary or in a timescale as dictated by any future legislation or statutory guidance.
- For new applicants who have already subscribed to the DBS update service must produce their original DBS certificate, this can be older than three months but must be accompanied with an authorisation mandate for the licensing authority to carry out an online check. These DBS certificates must be enhanced, must have been for the position of taxi driver, must have had a child and adult barring list check and must have been carried out by a licensing authority or a body approved by a licensing authority in relation to a current or previous taxi driver licence.

- Failure or refusal to comply with the requirements above shall result in consideration of refusal of an application or suspension of a Hackney Carriage or Private Hire driver's licence. It is the driver's responsibility to make sure that the subscription is maintained. Failure to maintain the subscription will cause the certificate to expire and the full DBS process will have to be undertaken.

### 3. Consultation

- 3.1 Consultation has taken place with the other 11 Surrey Licensing Authorities who are supportive of this initiative and who themselves are either seeking the necessary Council approval or have already obtained it.
- 3.2 The changes to the DBS service will be discussed with the Tandridge Taxi Drivers Association prior to written notification being sent to all drivers in order to ensure the reasons for the changes are communicated clearly.

### 4. Financial implications

- 4.1 Currently drivers pay Tandridge District Council £60 every 3 years for a DBS certificate, with most of this charge being forwarded to the service provider. The DBS update service will cost the driver £13 a year, paid directly to the DBS by the driver, and will not require a new application every 3 years as currently.
- 4.2 The initial subscription fee to the update service must be paid shortly after the initial DBS application fee, so in the very short term drivers will have to pay a little more than under current arrangement, although they will pay less year on year. It is not anticipated that these financial implications will significantly affect drivers.
- 4.3 The implementation of the proposed changes will be managed through the existing licensing budget.

### 5. Climate change implications

- 5.1 There are no climate change implications arising from the proposals shown in this report.

### 6. Legal implications

- 6.1 In relation to taxi and private hire licensing, there are specific powers contained in the Town Police Clauses Act 1847, Transport Act 1985 and Local Government (Miscellaneous Provisions) Act 1976. These allow the Council to specify the requirements that vehicles and drivers must meet in order to be licensed, and to refuse a licence to drivers if the Council is not satisfied that the drivers are 'fit and proper' persons to hold a licence. They also allow conditions to be attached to licences (with the exception of hackney carriage driver's licences).
- 6.2 The changes proposed to 'Guidance for proprietors and drivers of Hackney carriage and private hire vehicles' and driver licence conditions will help ensure that the Council fulfils its statutory safeguarding obligations to prevent the exploitation of children and vulnerable persons more effectively.

7. Equality impacts

- 7.1 Subscription to the DBS update service will require the use of an online service and direct debit/card payments. In cases where licensed drivers have genuine difficulties in using this service as a result of a protected characteristic than officers will provide the necessary assistance.

8. Data Protection impacts

- 8.1 The proposals if approved will require updates to the Council's retention policy and privacy statements

9. Community Safety Implications

- 9.1 The proposed requirement for all taxi drivers to use the DBS update service will improve safe travel in the District through a well-regulated taxi service across Surrey. The changes proposed to licensing guidance will help ensure that the Council fulfils its statutory safeguarding obligations to prevent the exploitation of children and vulnerable persons more effectively.

----- end of report -----

**Local Government (Miscellaneous Provisions) Act 1976****Private Hire Drivers' Licence****CONDITIONS OF LICENCE****Licence holder**

The licence holder shall at all times, when acting as driver of a Private Hire vehicle conduct themselves in a civil and orderly manner and comply with the reasonable requests of passengers in the vehicle and take all reasonable precautions to ensure the safety of person conveyed in or entering or getting out of the vehicle.

**Dress code**

The driver must be clean and respectable in his/her dress and person, not dressing in a manner likely to embarrass or offend passengers. Appropriate footwear must be worn during the period of hire and while the vehicle is in motion.

The driver shall behave in a civil and orderly manner and shall take all reasonable precautions to ensure the safety of persons conveyed, entering or getting out of the vehicle.

**Luggage**

Convey a reasonable quantity of luggage if required by the person hiring the vehicle. Give reasonable assistance in loading and unloading the luggage and give assistance in removing luggage to or from the entrance of any place at which he may take or set down a passenger.

**Standard of service**

Not display signs, call out, stand with the vehicle at a Hackney Carriage rank or do anything which gives any person the impression the vehicle is available for hire. When the vehicle has been hired to be present at an appointed time and place the driver shall, unless delayed by some sufficient cause, punctually attend with the vehicle at that time and place.

**Passengers**

Not carry in the vehicle more than the number of passengers specified in the vehicle licence. Not carry any person in the vehicle during a hiring without the express permission of the hirer.

**Driver**

The driver shall at all times comply with the instructions of the Council or of their authorised officer concerning any matter relating to his occupation as a private hire vehicle driver. The driver shall notify the Council in writing as soon as possible and, in any event, within fourteen days of any:

- Change of address
- Illness or injury affecting his fitness to drive in any way
- Convictions recorded against him.

**Lost property**

Any lost property left in a Private Hire vehicle should be taken to the nearest police station.

**Written receipts**

The driver will, if requested, provide a written receipt for the fares paid.

**Prompt attendance**

The driver of a private hire vehicle will be at the appointed place on time to meet their passenger, unless delayed or prevented by sufficient cause.

**Taxi-meter**

If a private hire vehicle being driven by the driver is fitted with a taximeter, the driver will ensure it is clearly visible to the passenger.

**Change of address**

The driver shall notify the Council, in writing, immediately of any change of address during the period of the licence.

**Return the badge**

The driver will upon the expiry (without renewal), revocation or suspension of this licence return the driver's badge issued to him by the Council.

**Disclosure and Barring Service update service**

The driver shall to maintain their Disclosure and Barring certificate through the DBS update service throughout the currency of their licence.

<b>REPORT TO THE COMMUNITY SERVICES COMMITTEE – 10<sup>TH</sup> MARCH 2020</b> <b>AGENDA ITEM 8</b>	
<b>ENVIRONMENTAL HEALTH AND LICENSING ENFORCEMENT POLICY</b>	
Report of:	David Hine - Strategic Partnership Manager - 01306 879226 - <a href="mailto:dhine@tandridge.gov.uk">dhine@tandridge.gov.uk</a>
Purpose of Report:	To request approval and adoption of an enforcement policy for use by the shared environmental health and licensing service across the districts of Tandridge and Mole Valley. The purpose of the policy is to ensure a consistent approach by Environmental Health and Licensing across the two District Councils.
Publication status:	Unrestricted
Recommendation:	That, in accordance with its delegated powers, the Committee resolves that: <ul style="list-style-type: none"> <li>A. the requirement for TDC to publish a policy setting out the approach to compliance and enforcement in accordance with the Regulators' Code be noted (the Code was published by the 'Better Regulation' Delivery Office, now Regulatory Delivery, part of the Department for Business, Energy &amp; Industrial Strategy);</li> <li>B. the Environmental Health and Licensing Enforcement Policy for use in TDC be agreed and adopted; and</li> <li>C. authority be delegated to the Chief Executive (who, in turn, may delegate the function to an appropriate Director), in consultation with the Chair of the Community Services Committee, to make any minor amendments to the policy and appendices following an annual review.</li> </ul>
Appendices	Appendix 'A' – proposed environmental health and licensing enforcement policy (separate document)
Background papers defined by the Local Government (Access to Information) Act 1985	None

## 1. Background

- 1.1 The Environmental Health and Licensing shared service is the statutory enforcing authority for many pieces of legislation. It has an important role in ensuring activities undertaken by individuals and businesses comply with a wide range of regulatory standards.



- 1.2 To ensure that the action taken is considered and proportionate within the district of Tandridge, the shared service is required to have an enforcement policy.
- 1.3 The main areas of work covered by this enforcement policy are:
- Food Safety: including the inspection of food businesses, investigation of complaints about food and food premises, food sampling, advice and training.
  - Occupational Health and Safety: including the investigations of accidents at work, investigations of complaints about health and safety at work.
  - Pollution Control: including the investigating complaints of statutory nuisance (e.g. from bonfires), environmental permitting, dealing with contaminated land, investigating complaints of private drainage systems.
  - Public Health: including the investigating food poisoning outbreaks and control of communicable disease, control of stray dogs, private water supplies sampling.
  - Licensing: including the determining and regulating of various licensing and registration functions such as alcohol, entertainment, gambling, taxis and private hire, animal welfare, and skin piercing.
  - Private Sector Housing: including tackling unsatisfactory housing conditions in private rented accommodation, inspection and licensing of houses in multiple occupation and the licensing of caravan sites.
- 1.4 Local Authorities are required to publish a policy setting out their approach to compliance and enforcement in accordance with the Regulators' Code which was published by the Better Regulation Delivery Office (now Regulatory Delivery, part of the Department for Business, Energy & Industrial Strategy) in April 2014.
- 1.5 The Regulators' Code establishes how Local Authorities and many other defined regulatory bodies should interact with those whom they are regulating. In particular, regulators should:
- Carry out their activities in a way that supports those they regulate to comply and grow;
  - Provide simple and straightforward ways to engage with those they regulate and hear their views;
  - Base their regulatory activities on risk;
  - Share information about compliance and risk;
  - Ensure clear information, guidance and advice is available to help those they regulate to meet their responsibilities to comply;
  - Ensure that their approach to their regulatory activities is transparent.

- 1.6 This policy describes the key aims, principles, priorities and options open to Environmental Health and Licensing to secure regulatory compliance and both investigate and, where necessary, undertake enforcement action following breaches of regulations.
- 1.7 The approach to enforcement aims to be fair, open, transparent, proportionate and intelligence led, focusing resources effectively and efficiently to give value and be valued.
- 1.8 This report requests Committee Members approve the Environmental Health and Licensing Enforcement Policy attached at Appendix A.
- 1.9 The policy was written by the management team and senior officers of the shared Environmental Health & Licensing service.
- 1.10 Mole Valley District Council (MVDC) are the host authority for the shared service. Under the terms of the agreement that established the shared service, the Councils established a Joint Partnership Board with the overall purpose of advising the host authority to enable it to carry out its role as effectively as possible. The Joint Partnership Board has reviewed the policy and its content for it to be considered through each Council's formal decision-making process.
- 1.11 This policy is presented to the Community Services Committee to request approval and adoption within the district of Tandridge. A similar request has been made to the Mole Valley District Council Cabinet and this policy has now been approved and adopted within the district of Mole Valley. These requests are made in order to ensure a consistent approach by Environmental Health and Licensing across the two District Councils.
- 1.12 A separate report will be submitted to the TDC Housing Committee on 18th June 2020 seeking approval of additional guidance regarding private sector housing.

## 2. Financial / Risk Implications

There are no revenue or capital implications for the current and subsequent years as a direct consequence of this report.

## 3. Legal Implications

- 3.1 The Legislative and Regulatory Reform Act 2006 ("the Act") imposes a duty on anyone exercising a specified regulatory function to have regard to the principles of good regulation. The principles provide that regulatory activities should be carried out in a way which is transparent, accountable, proportionate and consistent and should be targeted only at cases in which action is needed.
- 3.2 Under Section 23 of the Act, the Regulators' Code was issued in 2014, which gives guidance on exercising regulatory functions. The Act requires the Council to have regard to the regulatory principles and the Regulators' Code when exercising our regulatory functions. The adoption of the Environmental Health and Licensing Enforcement Policy will help to ensure MVDC complies with its legal duties under the Act and promote consistent decision making which reduces the risk of formal challenges.

4. Equality impacts

Consideration of impacts under the Public-Sector Equality Duty are as follows:

Questions	Answer
Do the proposals within this report have the potential to disadvantage or discriminate against different groups on the community?	<p>The Policy is intended to show Environmental Health and Licensing's approach to securing regulatory compliance and the options available within legislation covered by the teams above. The main focus will be on the activities that give rise to the most serious risks to the safety and health of the public and/or the environment or where a duty-holder seeks a commercial advantage by breaking the law.</p> <p>As the policy details the approach to securing regulatory compliance within legislation, there are no identified negative impacts for each protected characteristic.</p>
What steps can be taken to mitigate any potential negative impact referred to above?	N/A

5. Climate change implications

The inspection and enforcement of standards in premises that require environmental permits and the investigation of potential nuisances caused by burning have a direct impact on air quality in TDC.

----- end of report -----

**REPORT TO THE COMMUNITY SERVICES COMMITTEE – 10<sup>TH</sup> MARCH 2020  
AGENDA ITEM 9**

**OPEN SPACE STRATEGY**

Report of:	Sarah Thompson – Head of Strategy  Yvonne Morland – Policy, Project and Performance Specialist 01883 732947 - <a href="mailto:ymorland@tandridge.gov.uk">ymorland@tandridge.gov.uk</a>
Purpose of Report:	To update members on the progress of the Open Space Strategy
Publication status:	Unrestricted
Recommendations:	That the committee agrees the five objectives for the Open Space Strategy as set out in section 5
Appendices:	Appendix A – Draft Open Space Strategy (separate document)
Background papers defined by the Local Government (Access to Information) Act 1985	None

1. Background

- 1.1 On 18 June 2019, a paper on the scope of the Open Space Strategy was brought to this committee. The Open Space Strategy is also one of the key delivery items in this Committee’s delivery plan.
- 1.2 Since this date, Officers have undertaken many tasks that have been necessary to inform an effective open space strategy. These are detailed throughout this report.
- 1.3 This strategy does not conflict with the Local Plan or the Strategic Plan. The aim is for them to all work in harmony together.

2. Data gathering

- 2.1 As set out in the June Committee report, the Council has a large amount of data that can be used to inform the Open Space Strategy:
- Open Space Study October 2017
  - Assessing Needs and Opportunities for Indoor Sports Facilities in Tandridge, December 2017
  - Playing Pitch Strategy June 2018
  - Strategic Flood Risk Assessment Level 1
  - Strategic Flood Risk Assessment Level 2
  - Neighbourhood Plans and supporting evidence
  - Surrey Rural Strategy
  - Surrey Health & Wellbeing Strategy
  - Emerging Local Football Facilities Plan

- 2.2 On reviewing the data, it became apparent that there were gaps and as such several additional pieces of work were required before the Open Space Strategy could be further progressed.
- 2.3 Officers have been assessing the extent to which the pavilions within our open spaces (and which are the responsibility of Tandridge District Council) comply with statute and have been putting in place appropriate regimes for testing and inspection. For example, officers have arranged fire risk assessments, water hygiene risk assessments, electrical tests and gas boiler inspections. Asbestos management plans are also required. All such matters will require ongoing monitoring and testing at appropriate intervals.
- 2.4 It has also become clear that the maintenance contributions paid by sports associations rarely cover the annual revenue costs associated with maintaining those assets, and certainly do not cover the capital costs of major replacement, for example, of building components, pitch drainage or tennis court resurfacing. Officers in the asset management team have been assessing the total costs associated with maintaining pavilions and their grounds, which will result in a paper being brought to this committee.
- 2.5 A schedule of the Council's playgrounds has also been prepared. The playground schedule sets out the capital expenditure year on year for each playground and has formed part of the budget for the Community Services Committee (Minute 184-2019/2020). The playground schedule will be used to determine an investment programme for the District's playgrounds and be used in the Open Space Strategy.
- 2.6 The Council's Tree Management Procedures document was published in 2016. The document addresses the management of all trees under the ownership and/ or management of the Council and details how the Council discharges its legal responsibilities and discretionary powers in matters relating to trees. The Council also owns woodlands and small pockets of tree-covered land. The cost of maintaining these areas is not matched by resource available and they currently represent a liability to the Council.
- 2.7 Officers have been considering a more pro-active approach to the management of these woodlands, which could include working with neighbouring authorities, such as Croydon Borough Council, to deliver economies of scale e.g. Frith/Puplet Wood and Friends of Selsdon Nature Reserve, or working with organisations such as the Woodland Trust/National Trust, to enable access to the resources required to better manage these spaces for the benefit of the public, biodiversity and the environment. This work should lead to an update to the Tree Management Procedures.
- 2.8 A consultation and member workshops on litter and dog bins has also been undertaken and is discussed under committee item 10 at the same Community Services Committee. This work will also play a part in the Open Space Strategy.
- 2.9 A project group has also been set up. The project group is made up of Officers from various disciplines all related to open space, including strategy, maintenance, assets, and parks. The project group meet once a week and have been fundamental to the additional data gathering set out in 2.2-2.6 of this report. Officers from the project group have also been on site visits to survey the District's open spaces.

### 3 Engagement

- 3.1 To understand users of the District open spaces, sessions have been held with various stakeholders. Officers have engaged with the disability forum, age concern, grounds officers, Surrey County Council flood officers and tourism officers. These discussions have been used to inform the draft Open Space Strategy.
- 3.2 In addition, meetings were held in the summer of 2019 with parish councils where key issues were discussed.
- 3.3 Further, in July 2019 as part of the resident's survey, the Council asked residents to comment on whether they used the parks and open spaces, how often they used open spaces, what they used them for and what additional facilities they would like provided. The survey yielded 1,016 responses with a 41% response rate randomised sample of 2,500 residents. Appendix 3 of the open space strategy attached at Appendix A of this report provides further analysis of the resident's survey.

### 4 Analysing the data

- 4.1 Following these activities and reviewing the data, Officers summarised the key issues. Some of the key issues identified in the strategy are:
- Limited physical activity in children and adults and unhealthy lifestyles;
  - Difficult access to open space and footpaths for all users;
  - Lack of cafes, toilets and need for improved facilities;
  - Unsafe, unmaintained and non-compliant open spaces and equipment;
  - Deficient in types of open space and playing pitches;
  - Limited connectivity between open spaces with other areas;
  - Areas sensitive to flooding and rich in biodiversity;
  - Loss of trees;
  - Need to provide education and cultural events; and
  - Open spaces and playing pitches running at a financial loss for the council.
- 4.2 The issues have been used to form the open space objectives.

### 5 Open Space Objectives

- 5.1 Considering the issues identified from the research undertaken, five objectives have been prepared. The objectives will govern the Open Space Strategy and the recommendations / actions within the strategy will need to ensure that they are delivering the objectives. The objectives will also be what is monitored annually to determine if the strategy is being delivered. The five objectives are:

Objective 1: To encourage a diverse network of sustainable open space of high quality which helps fulfill the health and wellbeing needs of those living and working within the district

Objective 2: To protect, manage and enhance our open spaces for the benefit of biodiversity and to mitigate the effects of climate change.

Objective 3: Explore opportunities to make more of our open spaces through commercialisation, educational and cultural events

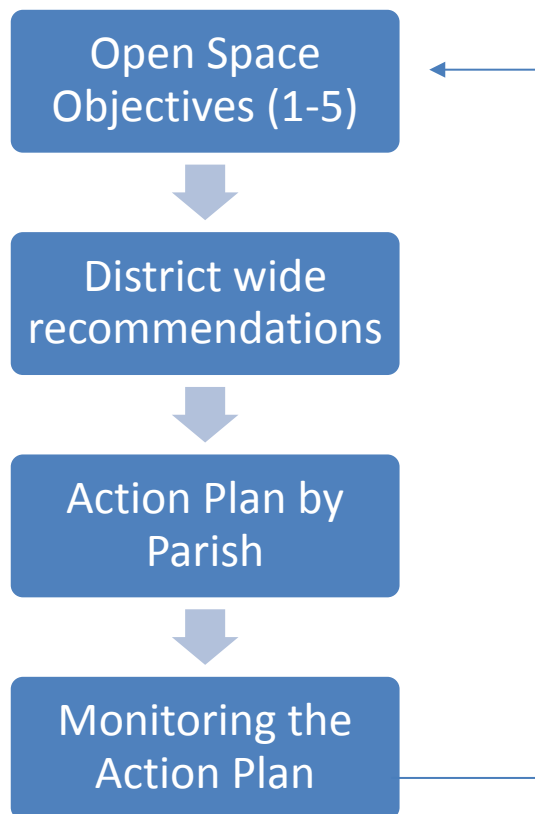
Objective 4: Ensure equipment and grounds are of high quality, safe, well-maintained and suitable for its users

Objective 5: Work with local communities for opportunities to manage, improve and deliver appropriate open spaces

## 6 Next steps

- 6.1 Subject to approval of the objectives by the Community Services Committee, the objectives will be used to shape a set of recommendations for the District and then broken down into parish. The recommendations will be prioritised so that the Council are clear where resources should be directed to deliver the Open Space Strategy and where investment should be focused. These recommendations are to be brought back to the June Community Services Committee where it will be sought for approval to carry out a consultation on the draft Open Space Strategy including the objectives, recommendations, action plan by parish and monitoring. Figure 1 shows the key parts to the Strategy.

Figure 1: Key parts to the Strategy



- 6.2 The consultation should be for six weeks between July – September 2020<sup>1</sup>, ensuring that it is possible for a parish council meeting is held within this time to allow parishes to discuss their comments and submit their responses.
- 6.3 A statement of the consultation will be prepared that will set out comments received and the Council's response to these comments. Changes following the consultation will be made to the Open Space Strategy, which will be brought back to the committee for adoption in January 2021.

<sup>1</sup> It is noted that the consultation period is over the Summer period. However, the consultation period would be for 6 weeks and consideration will be given to when parish council meetings are scheduled to enable them to respond appropriately.

## 7. Financial / risk Implications

- 7.1 The Delivery Plan for Community Services sets out project 3.3 as the 'Open Space and Community Services Asset Review', which is broken down into three individual projects, with 1) being the Open Space and Investment Programme. Whilst this report sets out the objectives, the next paper on this project will be brought to the July Community Services committee, which will set out the recommendations about investment into the District's open spaces. It will also set out which actions should be prioritised. There is a risk that not all recommendations will be implemented due to several factors, including lack of finance and resources. For clarification, this paper does not deal with 2) Open Space Charging Review' or 3) Community Services Assets and Maintenance Review but will use information from these where appropriate.
- 7.2 The Open Space Strategy will prioritise the Council's capital expenditure in relation to open spaces. It will also assist in where resources should be focused and provide opportunities to identify where grants should be sought.
- 7.3 Within the current Capital Programme for Pavilions and Open Spaces there is a total budget set aside of £488,400. This is split into the financial years as follows, 2019/20 £188,400 and £100,000 in the following 3 years to 2022/23. This spend was approved by the Community Services Committee when the 2019/20 budget was set. It has subsequently been agreed at the Full Council held on 13<sup>th</sup> February 2020. Any budgets not spent in 2019/20 will be rolled forward and will be available to be spent in future years.
- 7.4 Although there is up to £488,400 Capital spend available to use in the Parks and Open Spaces, we will endeavour to ensure the Council achieves value for money.
- 7.5 Any revenue spend will be contained within the budgets as set by the Community Services Committee.

## 8. Legal Implications

- 8.1 The Open Spaces Strategy will assist the Council in focusing on the meeting its obligations in relation to the provision and management of parks and open spaces. Some of the actions may require legal advice prior to implementation. These implications will be addressed as appropriate in the follow up report to Committee, once the further work has been completed and the details of the strategy is clear.
- 8.2 Any consultation to be undertaken will need to comply with legal requirements: it must be undertaken in accordance with the following principles, that it is undertaken at a formative stage, provides adequate information for an intelligent response and adequate time for a response. To complete the process Officers must conscientiously consider the views expressed by those who have taken part in the consultation when making their decision. Consultation responses are not binding on Officers but need to be considered.



9. Equality Impacts

9.1 Consideration of impacts under the Public-Sector Equality Duty are as follows:

Questions	Answer	
Do the proposals within this report have the potential to disadvantage or discriminate against different groups on the community?	No	The Council will need to consider the impact on different groups in the community.
What steps can be taken to mitigate any potential negative impact referred to above?	Not Applicable	

10. Data Protection Impacts

Following the completion of a Data Protection Impact Assessment, consideration of potential data protection implications arising from this report are as follows:

Questions	Answer
Do the proposals within this report have the potential to contravene the Council's Privacy Notice?	No
Is so, what steps will be taken to mitigate the risks referred to above?	N/A

11. Climate Change Implications

11.1 Objective 2 is "...mitigate the effects of climate change". Therefore, the Open Space Strategy has a strong emphasis on delivering changes that will assist in climate change, including providing habitats and forming green links to wider ecological networks. It will also aim to enhance the natural environments providing open spaces for wildlife and recreational experiences for humans.

11.2 Further, management of green and blue infrastructure aids the regulation of temperature, water flow, noise and air pollution. The section on 'Biodiversity, Environmental Sustainability and Climate Change' in the Open Space Strategy (Appendix A) provides more information.

12. Conclusion

12.1 The Council's Open Space Strategy will play an important part in the design, creation and management of open spaces throughout Tandridge, both those within its control as well as others which are in community use. The committee are being asked to approve the draft open space strategy objectives to form the framework for the recommendations /actions of this strategy.

----- end of report -----

<b>REPORT TO THE COMMUNITY SERVICES COMMITTEE – 10<sup>TH</sup> MARCH 2020</b> <b>AGENDA ITEM 10</b>	
<b>DISTRICT LITTER AND DOG BIN STANDARDISATION AND REPLACEMENT REPORT</b>	
Report of:	Nic Martlew - Head of Operational Services <a href="mailto:nmartlew@tandridge.gov.uk">nmartlew@tandridge.gov.uk</a> - 01883 732774
Publication status:	Unrestricted
Recommendations:	That, in accordance with its delegated powers, the Committee resolves that after appropriate discussions with the Parish Councils arising from the previous consultation exercise:  A. damaged and broken litterbins be replaced as per the litterbin replacement survey and programme;  B. bins be standardised in town centres, residential areas and open spaces;  C. low usage single dog bins be replaced with co-mingled litterbins where appropriate; and  D. the bins be procured directly through a Procurement Framework by the Head of Operational Services.
Appendices:	Appendix A: Litter bin types (page 46)
Background papers defined by the Local Government (Access to Information) Act 1985	None

## 1. Background

- 1.1 The Council installs litter and dog bins in town centres, parks and open spaces to reduce litter and problems caused by dog faeces. The installation of such bins has historically taken place on an ad-hoc basis and has resulted in there being a lack of consistency with many different types and sizes of bins throughout the district. In addition, Parish Councils have also funded, and installed, several bins in their individual parishes with the Council taking responsibility for maintaining and emptying them.

- 1.2 There are currently approximately 700 litter and dog bins in the District. During 2018/19 a review was undertaken to establish the exact number of bins, their location and condition. The survey found that 70 bins were beyond economical repair or were excessively corroded. Some bins were overcapacity, whilst others were rarely used. In addition, litter and dog bins were from multiple manufacturers, had different designs, capacity and were marked with different logos.
- 1.3 Last Autumn, the views of Parish Councils were sought regarding TDC's bin replacement initiative. This resulted in wide ranging representations, including requests for additional bins at specific sites. The Head of Operational Services will liaise further with each Parish Council regarding their feedback before renewing / reconfiguring the existing bin stock.
2. Proposed replacement strategy
- 2.1 The Committee's capital programme for the current year includes a £20,000 provision for a bin replacement programme was agreed. The budget was to be used to replace any faulty bins, to standardise the types of bin across the District and to match the usage and volume of litter deposited with the type of bin.
- 2.2 Following the review in 2018/19, a Members' workshop was held to consider the findings and look at options for bin standardisation in town centres, residential areas, sport facilities and parks and open spaces. Examples of the types of litter and dog bins agreed at the Members workshop are included in Appendix 1. The replacement programme is due to take place over a period of 12 months starting in April 2020.
- 2.3 As part of this workshop, the benefits and downfalls of having separate bins for normal and dog waste was also discussed. In a number of locations, particularly in open spaces, litterbins are situated directly next to dog bins and it was found that residents were not using each bin for the correct type of waste. For example, residents were putting normal waste in the dog bins and dog waste in the litter bins. Dog waste collected on its' own also has a higher waste classification than when it is co-mingled with other litter as it requires special transportation and waste disposal.
- 2.4 It is therefore proposed to install single litter bins in areas where there is limited use. The single litter bin could be used for both litter and dog waste and bins would be clearly marked to advise that both types of waste could be placed in the single litter bin.
- 2.5 As part of the replacement programme all litter bins will be marked and recorded on the Council's mapping system to improve monitoring of usage and make it easier for the public to report issues.
- 2.6 Requests for new litter bins will be assessed to establish if there is an on-going littering problem or to assess if a bin in the area is not being used and can be relocated to resolve the waste issue.
- 2.7 Where litter bins are provided by Parish Councils, it proposed that the bins are still the standardised models, however they can be installed with a plaque/vinyl sticker to inform the residents that the bin has been funded by the Parish Council or a community group

### 3. Litter awareness campaign

- 3.1 To promote public awareness of the costs and issues caused by dropping litter, a litter awareness campaign will be developed as part of the replacement programme. The campaign will look at educating residents and will support the Councils Street Cleansing service, network of volunteers, Parish Council initiatives and community groups carrying out local cleaning ups.

### 4. Financial / risk implications

- 4.1 Within the current Capital Programme there is a total amount of £24,000 split into £20,000 for 2019/20, £2,000 in 2020/21 and also 2021/22. This spend was approved by the Community Service Committee when the 2019/20 budget was set. In the 2020/21 budget, it was agreed that the programme will continue at £2,000 per annum and therefore the total programme has now been increased to £26,000, which includes an additional £2,000 for the year 2022/23. It has subsequently since been agreed at Full Council held on 13th February 2020. Any budgets not spent in 2019/20 will be rolled forward and will be available to be spent in future years.
- 4.2 Although there is up to £26,000 spend available for bin replacements, we will still endeavour to ensure the Council achieves value for money.

### 5. Climate change implications

- 5.1 Consideration has been given to including dual litter and recycling bins. However, from observations, the recycling side of the litter bin is often heavily contaminated which means, in the majority of cases, the contents are collected along with the litter and not recycled. The draft National Waste Strategy indicated that central government wish to introduce a deposit return scheme for bottles. If this comes to fruition, it will mean that a deposit price is added on to the price of the bottle and when it is returned for recycling the user will have the deposit returned to them. Officers believe that this will have a significant impact on the recycling element of litter bin waste.

### 6. Legal implications

- 6.1 There are no legal implications that arise from this report.

7. Equality impacts

7.1 Consideration of impacts under the Public Sector Equality Duty are as follows:

Questions	Answer
Do the proposals within this report have the potential to disadvantage or discriminate against different groups on the community?	No Modernisation of the existing network of litter and dog bins.
What steps can be taken to mitigate any potential negative impact referred to above?	Not applicable

8. Data Protection impacts

Following the completion of a Data Protection Impact Assessment, consideration of potential data protection implications arising from this report are as follows:

Questions	Answer
Do the proposals within this report have the potential to contravene the Council's Privacy Notice?	No
Is so, what steps will be taken to mitigate the risks referred to above?	

9. Conclusion

- 9.1 A large proportion of existing litter bins and dog bins throughout the district require replacing. In addition, there should be a standardised approach which meets the specific needs for volumes of litter and dog waste generated in each location.
- 9.2 To aid the public in reporting issues each bin will be labelled, and this information recorded on the Councils mapping system. This will benefit both the residents, when reporting problems, and improve collection schedules for the street cleansing team.
- 9.3 The Council will also develop a communication strategy to raise awareness of local environmental issues caused by inconsiderate disposal of waste.

----- end of report -----

## Litterbin Types

Standardisation of Litterbin Types for designated areas

Town Centre



Parks, Open Spaces and Housing Areas



Dog Bin



<b>REPORT TO THE COMMUNITY SERVICES COMMITTEE – 10<sup>TH</sup> MARCH 2020 AGENDA ITEM 11</b>	
<b>PUBLIC CONVENIENCES</b>	
Report of:	Nic Martlew - Head of Operational Services <a href="mailto:nmartlew@tandridge.gov.uk">nmartlew@tandridge.gov.uk</a> - 01883 732774
Purpose of report:	To update Members on the current position with regards to public conveniences in the district and to outline different options to refurbish or replace them.
Publication status:	Unrestricted
Recommendations:	That: <ul style="list-style-type: none"> <li>A. the existing public conveniences in the A25 layby be replaced with a new stand-alone unit;</li> <li>B. the public conveniences on Station Road West, Oxted be closed;</li> <li>C. the options of relocating the existing public conveniences in Lingfield to Gunpit Road car park (subject to obtaining planning permission) or closing the facility, be investigated;</li> <li>D. for all other existing public conveniences, building surveys, building layout plans and detailed specifications for internal refurbishment works be commissioned and a detailed tender for the refurbishment and modernisation of the premises be prepared;</li> <li>E. the Head of Operational Services be authorised to procure the agreed public convenience refurbishment works through a Procurement Framework and to award a contract in consultation with the Chair of the Community Services Committee.</li> </ul>
Appendices:	None
Background papers defined by the Local Government (Access to Information) Act 1985	None

## 1. Background

1.1 Tandridge District Council has 12 public convenience sites throughout the district as follows:

- Godstone Green, Godstone
- Ellice Road car park, Oxted
- Station Rd West, Oxted
- Station Rd, Whyteleafe
- Lingfield, Jenny Lane
- Westway Common
- Leas Rd, Warlingham
- Dormansland, High Street
- Queens Park, Caterham
- Whyteleafe Rec
- A22 Layby
- A25 Layby

1.2 The public conveniences have not been refurbished for 20 years and the internal facilities are no longer supported by the equipment manufacturer. This has resulted in operational difficulties in resourcing replacement parts and the Council was informed in 2018 that the manufacturer would no longer support a maintenance contract from September 2019.

1.3 During 2018/19 an initial survey was undertaken to establish the financial implications of refurbishment works to inform a capital bid in the Council's Forward Plan. The capital bid excluded Ellice Road car park as there were, at the time, plans to incorporate new public conveniences into a new decked car park. The plans for a decked car park have subsequently been withdrawn.

1.4 The conveniences on the layby on the A25 are provided in a portacabin style building which have a large amount of decay in the structure. The site has attracted a variety of antisocial behaviour and misuse and as such the Police are supportive of replacing the structure with a smaller, singular cubic construction building. There is hope that this may deter antisocial behaviour and reduce the amount of time the Police have to spend responding to public complaints.

1.5 The Council has approved a capital refurbishment programme of £550,000 to replace the obsolete equipment and modernise the toilet interiors. A Members workshop was held in 2019 to discuss the refurbishment and to gain views on the aesthetics of the interior design. Consideration was also given to the number of public conveniences in Oxted and the use of the existing Council Offices facilities by the public.

## 2. Proposed recommendations

2.1 There are a number of sites within the District where it would be inadvisable to close the existing public conveniences. This is particularly the case when they are located in our local parks and / or used frequently, particularly in summer months. It is also recommended that the sites on the major lay-bys on the A22 and A25 are also kept open as they are regularly frequented by HGV drivers overnight, who would otherwise use the lay-by itself to urinate/defecate.



- 2.2 In Oxted town centre, there are 2 dedicated public conveniences and also the Council Office toilets may be used by the public during office hours. The main facility is situated in Ellice Road Car park and as this was excluded from the original capital bid, consideration should be given to closing the less used toilet situated in Station Road West. It is felt that the closure of this toilet will have limited impact on the public as there are adequate alternative toilets available for pedestrian shoppers in local businesses, cafes and public houses.
- 2.3 The location of the conveniences in Lingfield is also a concern as they are not near the main shopping area or a local open space. The centre of the village is served by access to local business, cafés and public houses. At the Members workshop the location of the Lingfield toilet was discussed and it is proposed to either close the existing facility or replace it with a stand-alone unit in the Gunpit Road Carpark, which is central to the centre of the village. This would be subject to a planning application and permission being granted.
- 2.4 In principal, the Members at the workshop supported replacing the current conveniences on the A25 lay-by with a new unit. The new unit would consist of single cubicles for use by male and females, and a separate cubical for disabled access.
3. Refurbishment and modernisation programme
  - 3.1 To ensure that all public conveniences are refurbished to a good standard that is modern, adequately lit and pleasant to use. It is recommended that all toilets are surveyed, detail plans prepared, and a specification drawn up.
  - 3.2 To accomplish this work it is the Council's intention to commission the services of a building surveyor with professional knowledge of these type of facilities. This will be financed through the capital programme for refurbishment.
  - 3.3 On completion of the above works, the Council will prepare a detailed tender and procure the refurbishment programme works through the Councils Procurement Portal.
  - 3.4 The Community Services Committee is requested in accordance with its delegated powers, to determine that the Head of Operational Services procures the public convenience refurbishment works through a Procurement Framework and in consultation with the Chairman awards to the successful tender. Regular updates will be provided to this committee.
4. Legal implications
  - 4.1 The Public Health Act 1936 (Section 87) gives local authorities a discretionary power to install "public sanitary conveniences" but there is no "duty" to do so. In fact, many local authorities no longer provide public conveniences. However, the Council recognises the importance of good public space management and the benefits that such facilities can bring to an area. This recognition needs to be placed in the context of those facilities where the usage is low and there are alternative methods of service provisions.
  - 4.2 The Crime and Disorder Act 1998 requires the Council to exercise its various functions with due regard to the likely effect of those functions and the need to do all it reasonably can to prevent crime and disorder in its area.

4.3 Any procurement will need to be in compliance with the Council's Contract Standing Orders and statutory requirements.

#### 5. Financial implications

5.1 Within the current Capital Programme there is a total amount of £550,000 split into £275,000 for 2019/20 and a further £275,000 for 2020/21. Any budgets not spent in 2019/20 will be rolled forward and will be available to be spent in future years.

5.2 Although there is up to £550,000 spend available to renew the Council's public toilet facilities, we will still endeavour to ensure the Council achieves value for money.

#### 6. Climate change implications

6.1 The Council recognises it has a vital role in furthering sustainable development through its procurement of goods, works and services. The Council will therefore strive to encourage suppliers to adopt environmentally friendly processes and supply environmentally friendly goods and services as part of their Corporate Social Responsibility.

#### 7. Equality impacts

7.1 Consideration of impacts under the Public Sector Equality Duty are as follows:

Questions	Answer
Do the proposals within this report have the potential to disadvantage or discriminate against different groups on the community?	Yes
What steps can be taken to mitigate any potential negative impact referred to above?	As part of the tender process, to ensure that all facilities have adequate disabled access and appropriate signage.

#### 8. Data Protection impacts

Following the completion of a Data Protection Impact Assessment, consideration of potential data protection implications arising from this report are as follows:

Questions	Answer
Do the proposals within this report have the potential to contravene the Council's Privacy Notice?	No
Is so, what steps will be taken to mitigate the risks referred to above?	N/A

9. Conclusion

- 9.1 Existing public convenience facilities require refurbishment and modernisation. To deliver this work a building surveyor will be engaged by the Council to prepare the documentation and specification for a procurement exercise. The over provision of public conveniences in Oxted will be rationalised by closing the Station Road West facility and the out of village toilet in Lingfield will be closed or relocated, subject to planning permission being granted.

----- end of report -----

<b>REPORT TO THE COMMUNITY SERVICES COMMITTEE - 10<sup>TH</sup> MARCH 2020 AGENDA ITEM 12</b>	
<b>COMMUNITY SERVICES DELIVERY PLAN 2019/20 – QUARTER 3 PROGRESS REPORT</b>	
Report of:	Nikki Tagg - Projects Specialist - ntagg@tandridge.gov.uk 01883 732918
Purpose of report:	To report progress against the agreed 2019/20 Community Services Committee Delivery Plan for Quarter 3.
Publication status:	Unrestricted
Recommendations:	That performance against the agreed Community Services Committee Delivery Plan for the third quarter of 2019/20 be noted.
Appendices:	None
Background papers defined by the Local Government (Access to Information) Act 1985	None

## 1. Background

- 1.1 Our Corporate Strategy provides a framework for us to deliver our vision for the District which is to be “aspirational for our people, our place and ourselves”. This vision encompasses the Council’s role in relation to Tandridge residents and business, its responsibility in relation to the District’s physical environment (natural and built) and also says something about the kind of organisation we want to be.
- 1.2 The Corporate Strategy is comprised of key corporate objectives and priorities which are reviewed annually by the Council Administration, Strategy and Resources Committee and then agreed by Council. These Objectives and Priorities reflect a number of factors including key issues for residents, available resources, statutory requirements and demand for services.
- 1.3 The key corporate objectives for 2019/20 are:
- Providing high quality, customer focused services.
  - Making a difference in our community by supporting those who need it most.
  - Creating a thriving economy while protecting the local environment.
  - Working in partnership with the community and other public services to create opportunities for all.
  - Improving the quality of our residents’ lives, including by enabling access to decent and affordable homes.
  - Being a proactive, flexible learning environment.

- 1.4 The key corporate objectives are delivered through our Corporate Delivery Plan which is agreed annually by the policy committees. The Delivery Plan sets out the projects and programmes the Council will deliver in order to achieve the key corporate objectives. The Delivery Plan also sets performance indicators and risks so we can monitor how we are delivering our services.
- 1.5 Progress against the Delivery Plan is reported to each Policy Committee quarterly. The Overview & Scrutiny Committee also receives Quarterly updates regarding the progress of the Delivery Plans.
- 1.6 Progress against the agreed 2019/20 Delivery Plan for the Community Services Committee for Quarter 3 is set out at below.

## 2. About this Committee

- 2.1 The Community Services Committee is responsible for formulating and reviewing the Council's policies in respect of the leisure, environmental health and amenity needs of the District, including: -

- Waste and amenity services
  - Street cleaning
  - Refuse collection
  - Cesspool emptying
  - Public toilets
  - Vehicle parking and abandoned vehicles
  - Fly-tipping
  - Recycling
  - Cemeteries
- Provision and maintenance of leisure facilities
  - Leisure and sports centres
  - Parks and pavilions
  - Council-owned open spaces
- Drainage and sewerage
- Health and safety issues
  - Food safety
  - Pollution control
  - Pest control
  - Water supply
  - Infectious diseases
  - Unauthorised encampments
- Licencing, including taxi licencing
- Car parks and off-street parking enforcement

### 3. Projects

3.1 The programmes and projects below set out how we will deliver the corporate objectives for 2019/20.

3.2 Each programme and project has a detailed plan and is overseen by a Board and Committee. This section provides a summary of each project. More detailed reports will be considered by the respective Committees during the year.

#### 3.3 **WASTE PROCUREMENT AND REFUSE WHEELED BIN INTRODUCTION**

**WHAT:** The current waste/recycling collection contract has been extended until October 2020. The Council must procure a new contract and ensure continuity of service for residents.

**WHAT WE WILL DELIVER:** Roll out a fully containerised waste/refuse collection before the end of the current contract. Issue a tender for a new waste contract based on a new specification. Put in place contingency for service continuity and plan for implementation.

**KEY DATES:**

- Implement fully containerised service (September – December 2019)
- New waste contract in place (October 2020)

**QUARTER 3 UPDATE:**

Outcomes	Timescale	Budget	Risks
Green	Green	Amber	Green

3.3.1 The refuse wheeled bin rollout is continuing with Community Officers resolving issues of non-deliveries and deliveries of incorrectly ordered bins. Despite the number of residents contacting the Council, the number of outstanding issues is very small in comparison to the number of bins having been delivered. Work is taking place on the exchange programme for residents who have requested a larger or smaller bin. The programme is due to start in April 2020.

3.3.2 The Invitation to Submit Revised Tenders was sent out on 13<sup>th</sup> January 2020 with returns being evaluated by 21<sup>st</sup> February 2020. A committee paper is being brought to this committee under Part 2.

#### 3.4 **IMPLEMENTATION OF NEW PARKING ENFORCEMENT SERVICE**

3.4.1 **WHAT:** In January 2019, it was agreed by Surrey County Council that Tandridge District Council would take back control of on-street parking enforcement and outsource the service to Sevenoaks District Council.

3.4.2 **WHAT WE WILL DELIVER:** An agency agreement will be put in place with Surrey County Council to carry out parking enforcement on their behalf. In addition, a contract will be prepared with Sevenoaks District Council which will contain a number of financial and non-financial KPIs to monitor effective delivery.

### 3.4.3 KEY DATES:

Consult with Stakeholders (Spring 2019)  
Start new contract (Spring 2020)

### 3.4.4 QUARTER 3 UPDATE:

Outcomes	Timescale	Budget	Risks
Green	Green	Green	Green

3.4.5 The current agency agreement between Surrey County Council and Reigate and Banstead Borough Council for on-street parking enforcement in Tandridge expires on 31<sup>st</sup> March 2020. Surrey County Council are preparing a 3 year agency agreement with Tandridge District Council (TDC) which passes the responsibility for on-street parking enforcement to TDC. TDC will then enter into an initial one-year agreement with Sevenoaks District Council to carry out the service on TDC's behalf.

3.4.6 Both the agency agreement and contract negotiations are being worked on by the relevant legal departments and are on track to be ready for 1<sup>st</sup> April 2020. As part of the new contract, quarterly reports will be taken to both the Tandridge Local Committee and the Community Services Committee.

## 3.5 OPEN SPACE AND COMMUNITY SERVICES ASSET REVIEW

3.5.1 **WHAT:** Undertake a review of Council-owned pavilions, playgrounds, sporting facilities and open spaces. Develop an open space strategy and establish a five-year capital and revenue programme to ensure compliance and longevity of equipment and buildings. The project will include those sites that are recreational open spaces and have playing fields, play equipment, sports facilities and/or pavilion buildings.

3.5.2 **WHAT WE WILL DELIVER:** The review will incorporate the following three individual projects:

1. Open Space Strategy & Investment plan as part of the Local Plan
2. Open Space Charging Review
3. Community Services Assets and Maintenance Review

### 3.5.3 KEY DATES:

Review of assets and open spaces (Spring / Summer 2019)  
Consultation with stakeholders (Spring 2019)  
Draft strategy presented to committee (Spring 2020)  
Consultation period (July – Sept 2020)  
Final strategy presented to committee (January 2021)

### 3.5.4 QUARTER 3 UPDATE:

Outcomes	Timescale	Budget	Risks
Green	Amber	Green	Green

3.5.5 The draft open space strategy was due to be considered by this committee on 14<sup>th</sup> November 2019 but due to the project sponsor being on long-term sickness leave, the report was postponed. A report to consider the five key objectives of the Open Space Strategy is being considered by this committee in this meeting.

### 3.6 OPERATIONAL SERVICES REVIEW

3.6.1 **WHAT:** Undertake a review of the purpose of Operational Service (TCS) to understand its role and financial viability for the future in light of customer first, the housing business plan and statutory responsibilities.

3.6.2 **WHAT WE WILL DELIVER:** Review the financial operation, assess how it integrates with parks and open space, establish scale of operation necessary to improve unit costs and assess impact of statutory work and external contract backup. Assess requirements of business scale and discuss potential partnerships.

#### 3.6.3 **KEY DATES:**

Agree scope of strategic review (December 2019)

Commence review

Agree preferred option (Summer 2020)

Implement preferred option (Summer 2020-Winter 2020/21)

#### 3.6.4 **QUARTER 3 UPDATE:**

Outcomes	Timescale	Budget	Risks
Green	Green	Green	Green

3.6.5 A kick-off meeting has been held, a project sponsor identified and terms of reference agreed. Project documentation is currently being prepared.



#### 4. Performance

- 4.1 The performance indicators below enable the Committee to monitor how the Council is delivering the services for which it is responsible. Where performance varies from the target, action is taken to address any issues.

Code	Indicator	Q3 2019/20			Direction of travel (compared to same period last year)	2018-19 Outturn	Higher / lower is better	Performance against annual target
		Actual	Period target	End of year target				
CS1a	Percentage of waste collected - quarterly	99.9%	99.9%	99.9%	Stable	99.9%	Higher	<b>On target</b>
CS1b	Percentage of waste collected - year to date	99.9%	99.9%	99.9%	Stable	99.9%	Higher	<b>On target</b>
CS2	The percentage of household waste that is sent for reuse, recycling or composting.	57.7%	59.0%	59.0%	Improved	58.8%	Lower	<b>On target</b>
CS3	Average time to remove fly-tips (working days)	1.5	1.5	1.5	Stable	1.5	Higher	<b>On target</b>
CS4	Percentage of roads, footpaths and public open spaces, which are TDC's responsibility which meet the environment cleanliness standard.	95%	95.0%	95.0%	Stable	95%	Higher	<b>On target</b>
CS5	Percentage of establishments with a rating of 3 (generally satisfactory) or better under the Food Hygiene Rating Scheme.	96.8%	95.0%	95.0%	Stable	97.55%	Higher	<b>On-target</b>

#### 4.2 **Commentary on indicators with performance below and/or off target:**

All indicators are on target, however it should be noted that CS2 is based on Q2 performance with Q3 performance not being submitted into the statutory Waste Data Flow system until March 2020. The performance compared to 2018/19 is predicted to be fractionally lower for the full year and below the aspirational end of year target.

CS4 is 94% district wide, but 96% in town centres and twice-weekly collection areas. The slightly lower figure district wide represents residue caused by the two storms that have occurred in the past month.

## 5. Risks

5.1 The risks below enable the Committee to monitor and manage service performance. All risks are assessed according to the Likelihood (or probability) that the risk will occur. This ranges from 1 (Rare) to 5 (Almost Certain). We also assess the Impact (or severity) on the Council that the risk will have if it were to occur. This ranges from 1 (Negligible) to 5 (Extreme). Combining both scores together establishes a risk rating and, if the risk is high-scoring, enables us to decide how we wish to manage it.

Risk		Likelihood	Impact	Score	Controls/Mitigation
CS1	<b>Sustained inability to collect residents waste due to failure of waste contractor</b>	1	4	<b>4 (Green)</b>	<ul style="list-style-type: none"> <li>• Due diligence on procurement process</li> <li>• Financial bond within contract</li> </ul>
CS2	<b>Failure to procure waste contract</b>	1	4	<b>4 (Green)</b>	<ul style="list-style-type: none"> <li>• External procurement and legal expertise</li> <li>• Extension to current contract possible</li> </ul>
CS3	<b>Injury suffered by failure to adequately maintain our parks and open spaces in a safe, clean and appropriate manner (Inc. equipment)</b>	3	2	<b>6 (Green)</b>	<ul style="list-style-type: none"> <li>• Weekly play equipment inspections</li> <li>• Regular Inspections</li> <li>• Regular litter-picking and bin emptying</li> <li>• Trained locality team officers/surveyors will be able to react faster as required</li> <li>• Enhanced resident reporting and case management procedures</li> <li>• Capital programme review</li> </ul>
CS4	<b>Injury or loss of building due to failure of compliance and maintenance</b>	3	3	<b>9 (Amber)</b>	<ul style="list-style-type: none"> <li>• Trained locality team officers/surveyors will be able to react faster as required</li> <li>• Regular inspection and maintenance</li> <li>• Enhanced resident reporting and case management procedures</li> <li>• Capital programme review</li> </ul>
CS5	<b>Inability to resource and respond to a major environmental health incident</b>	2	3	<b>6 (Green)</b>	<ul style="list-style-type: none"> <li>• Maintain development of Environmental Health partnership with Mole Valley DC to provide resilience</li> </ul>
CS6	<b>Sustained fuel shortage (nationwide)</b>	1	4	<b>4 (Green)</b>	<ul style="list-style-type: none"> <li>• Monitor and review situation</li> <li>• Maintain capacity at depot to store fuel</li> </ul>
CS7	<b>Inability to provide services for a sustained period of time due to incident causing complete closure of the depot</b>	1	3	<b>3 (Green)</b>	<ul style="list-style-type: none"> <li>• Monitor and review situation</li> <li>• Ensure compliance with all relevant Health &amp; Safety legislation and procedures</li> </ul>

Risk		Likelihood	Impact	Score	Controls/Mitigation
CS8	<b>Loss of Goods Vehicle Operating Licence at the depot</b>	2	3	<b>6 (Green)</b>	<ul style="list-style-type: none"> <li>• Ensure compliance</li> <li>• Officer Training and due diligence</li> </ul>
CS9	<b>Incident due to illegal activities in our Public toilets</b>	3	3	<b>9 (Amber)</b>	<ul style="list-style-type: none"> <li>• Seek best practice in capital replacement programme for public conveniences</li> <li>• Continued liaison and monitoring with police</li> <li>• Monitor social media activity</li> </ul>
CS10	<b>Trespass on council land leading to damage and nuisance</b>	4	3	<b>12 (Red)</b>	<ul style="list-style-type: none"> <li>• Continued review and implementation of infrastructure to prevent trespass</li> <li>• Working with Police and PC's to identify possible land / open spaces</li> <li>• Continue to work with neighbouring and Surrey authorities to share information</li> <li>• Seeking transit site locations and making appropriate lawful provision</li> <li>• Continue to liaise with police and follow agreed police protocol</li> </ul>
CS11	<b>Failure of Freedom Leisure contract</b>	2	3	<b>6 (Green)</b>	<ul style="list-style-type: none"> <li>• Contractual due diligence and compliance</li> </ul>
CS12	<b>Impact on residential and commercial property from Major Flooding Incident</b>	4	4	<b>16 (Red)</b>	<ul style="list-style-type: none"> <li>• Work with Surrey CC, utilities companies and local communities through Flood Action Groups and Emergency Planning to minimise incidence and enhance emergency response</li> </ul>
CS13	<b>Incident related to failure to correctly apply taxi licencing policy and procedures</b>	4	2	<b>8 (Amber)</b>	<ul style="list-style-type: none"> <li>• Robust licensing procedures and enforcement.</li> <li>• Multi agency roadside vehicle checks and document validation checks</li> </ul>
CS14	<b>Failure of the temporary car park at Oxted School to mitigate against town centre development</b>	4	2	<b>8 (Amber)</b>	<ul style="list-style-type: none"> <li>• Continued discussion with St William</li> <li>• Monitoring of the temporary car park</li> <li>• Effective communication</li> </ul>
CS15	<b>Failure to deliver the grounds maintenance service to appropriate standards</b>	4	2	<b>8 (Amber)</b>	<ul style="list-style-type: none"> <li>• Mobilisation plan</li> <li>• Recruiting staff</li> <li>• Purchasing machinery</li> <li>• Reviewed monthly at Project Boards</li> </ul>

## 6.2 Commentary on risks which have been added, removed or amended

6.2.1 The following new risk has been added to the risk register for Community Services:

- *CS15 Failure to deliver the grounds maintenance service to appropriate standards*

6.2.2 The risk has been added to the register as Tandridge District Council are now responsible for delivering the service. It is currently still in the mobilisation stage with machinery being purchased and staff recruited which is why the likelihood is 4. The service is being reviewed monthly by the Community Service Project Board.

6.2.3 The following risks have been amended:

- **CS12** – the likelihood has increased from a 3 to a 4. The major concern relates to a Bourne flooding event in Whyteleafe. A major impact could also impact TDC's ability to deliver its' core services as resources would need to be diverted to managing any incident. Significant work has been carried out since the last major flooding incident and the situation is being monitored on an ongoing basis in conjunction with partner organisations.
- **CS5** – although the impact and likelihood scores have not changed, given the current concerns surrounding Coronavirus, this risk is being monitored closely by the Council who are following guidance from the Surrey Local Resilience Forum

### Risk matrix

Impact	5	5 (Green)	10 (Amber)	15 (Red)	20 (Red)	25 (Red)
	4	4 (Green)	8 (Amber)	12 (Red)	16 (Red)	20 (Red)
	3	3 (Green)	6 (Green)	9 (Amber)	12 (Red)	15 (Red)
	2	2 (Green)	4 (Green)	6 (Green)	8 (Amber)	10 (Amber)
	1	1 (Green)	2 (Green)	3 (Green)	4 (Green)	5 (Green)
		1	2	3	4	5
		Likelihood				

## 7. Financial / risk implications

7.1 Costings for projects identified within the Delivery Plan will be individually costed as projects come forward.

8. Legal implications

One of the Council's in-house solicitors has reviewed the report.

Comment:

Each of the projects will have its own separate report outlining the relevant legal implications. In relation to KPIs and risks there are no further comments and nothing further to add in relation to the delivery report.

9. Equality impacts

Consideration of impacts under the Public Sector Equality Duty are as

follows:

Questions	Answer	
Do the proposals within this report have the potential to disadvantage or discriminate against different groups on the community?	Not at this point.	All projects within the Delivery Plan will consider equality impacts.
What steps can be taken to mitigate any potential negative impact referred to above?	Not applicable.	

10. Data Protection impacts

Following the completion of a Data Protection Impact Assessment, consideration of potential data protection implications arising from this report are as follows:

Questions	Answer
Do the proposals within this report have the potential to contravene the Council's Privacy Notice?	All projects within the Delivery Plan will consider data protection impacts.
Is so, what steps will be taken to mitigate the risks referred to above?	Not applicable

11. Climate change implications

- 11.1 This is a quarterly monitoring report, and as such, does not contain proposals. Therefore, the report itself will not significantly impact on the Council's commitments to taking action on climate change. With regard to the projects within this report, they will consider the most environmentally sustainable options as future opportunities and reviews arise, which will maintain a strong emphasis on delivering changes that will assist in climate change concerns. Moreover, they will also be considered within the climate change action plan and the Council's forthcoming strategic plan.

12. Conclusion

- 12.1 In the Q2 delivery report there was a red RAG rating for the parking enforcement project but the issues being faced have now been resolved and so the RAG rating has returned to green. No other red RAGs have been recorded against any of the projects, however the new timescales for the open spaces project should be noted.
- 12.2 The Council is on target for all six key performance indicators. An additional risk has been added to the risk register in recognition of the Council taking responsibility for delivering a grounds maintenance service. The likelihood of risk CS12, a major flooding incident in the district, has increased from a 3 to a 4.

----- end of report -----

**REPORT TO THE COMMUNITY SERVICES COMMITTEE - 10<sup>TH</sup> MARCH 2020  
AGENDA ITEM 13**

**ADDITION TO WASTE COLLECTION POLICY**

Report of:	Simon Mander – Locality Services Manager <a href="mailto:smander@tandridge.gov.uk">smander@tandridge.gov.uk</a> – 01883 732955  Nikki Tagg - Projects Specialist <a href="mailto:ntagg@tandridge.gov.uk">ntagg@tandridge.gov.uk</a> - 01883 732918
Purpose of report:	To consider an addition to the Tandridge Waste Collection Policy
Publication status:	Unrestricted
Recommendations:	<p>That, in accordance with its delegated powers, the Committee resolves that the following clauses be added to the Council's waste collection policy under the 'Future Replacements' section (to be numbered 4.8 to 4.10 with the subsequent paragraphs in that section to be re-numbered accordingly):</p> <ul style="list-style-type: none"> <li>• When a resident has requested a different sized TDC wheeled rubbish bin, their existing empty council bin must be presented at the edge of the property on the date the exchange will take place. If their current council bin is not presented, then the exchange will not take place.</li> <li>• If the exchange has not taken place, TDC will advise the resident of a second delivery date. This will again require the resident to present their existing empty refuse bin on the edge of their property.</li> <li>• If after a second attempt the bin cannot be exchanged, residents will either incur a £15 delivery and administration charge for a third attempt or they will be offered a specific time when they can exchange the bins at the Warren Lane Depot during the Depot's operational hours.</li> </ul>
Appendices:	Appendix A: Existing Waste Collection Policy (page 66)
Background papers defined by the Local Government (Access to Information) Act 1985	None

## 1. Background

- 1.1 A Tandridge Waste Collection Policy was agreed by this Committee on 7<sup>th</sup> October 2019. The aim of the policy was to support the new waste collection system being introduced throughout the District and to lay out clearly defined procedures to avoid any uncertainty for residents.
- 1.2 As part of the policy, residents are able to request exchanging the TDC bin that has been delivered to their property for a larger or smaller size. In order to encourage recycling rather than land waste, there is no charge for residents who wish to exchange their wheeled refuse bin to a smaller size. There is, however, a charge to exchange to a larger size bin to reflect the environmental impact of exchanging wheeled refuse bin and the financial impact in terms of purchase, delivery and administration. The charges are outlined in the policy which is included in **Appendix A**.
- 1.3 The Council will start exchanging residents' bins from April 2020. As part of the exchange, residents must have paid in advance for their exchange and present their existing wheeled bin at the edge of their property on the day of exchange. BIFFA will attempt to exchange the bins, but if the existing bin is not available for collection, the exchange can't take place. BIFFA and / or Community Officers will then attempt the exchange on a separate occasion which will have financial and environmental implications.
- 1.4 It is proposed the following addition be included in section 4 of the policy, under "bin replacement and exchange / future replacements":
- When a resident has requested a different sized TDC wheeled rubbish bin, their existing empty council bin must be presented at the edge of the property on the date the exchange will take place. If their current council bin is not presented, then the exchange will not take place.
  - If the exchange has not taken place, TDC will advise the resident of a second delivery date. This will again require the resident to present their existing refuse bin on the edge of their property.
  - If after a second attempt the bin cannot be exchanged, residents will either incur a £15 delivery and admin charge for a third attempt or they will be offered a specific time when they can exchange the bins at the Warren Lane Depot during the Depot's operational hours.
- 1.5 The existing empty bin must be collected in order to manage stock levels and also to ensure that households do not try and present two wheeled bins for collection as only one will be collected.

## 2. Financial / risk implications

- 2.1 The £15 charge is based on £10 to deliver the bin and £5 for the cost incurred for the administration of arranging the bin exchange.
- 2.2 The charge will give a contribution towards the additional costs the Council will incur in the repeat visits to exchange the residents bin.



3. Legal implications

- 3.1 One of the Council's in-house solicitors has reviewed the report and does not have any additional legal comments.

4. Equality impacts

Consideration of impacts under the Public Sector Equality Duty are as follows:

Questions	Answer	
Do the proposals within this report have the potential to disadvantage or discriminate against different groups on the community?	Not at this point.	No. There is no proposed change to frequency of waste collection and an assisted collection service will remain for those unable to bring their receptacle up to the edge of their property.
What steps can be taken to mitigate any potential negative impact referred to above?	Not applicable.	

5. Data Protection impacts

- 5.1 Following the completion of a Data Protection Impact Assessment, consideration of potential data protection implications arising from this report are as follows:

Questions	Answer
Do the proposals within this report have the potential to contravene the Council's Privacy Notice?	No
Is so, what steps will be taken to mitigate the risks referred to above?	Not applicable

6. Climate change implications

- 6.1 The proposed charges are aimed at reducing the number of vehicle movements required to exchange the wheeled bins.

7. Conclusion

- 7.1 It is proposed to introduce a small charge for residents who have, on two separate occasions, not presented their existing wheeled bin for exchange.

----- end of report -----

## **WASTE COLLECTION POLICY**

This policy is designed to support the new waste collection system being introduced throughout the District and to lay out clearly defined policies and procedures to avoid any uncertainty for residents.

### **1 Frequency of waste collection**

#### **1.1 Wheeled refuse bins and sacks**

The black wheeled refuse bins will be collected fortnightly from the edge of the residents' property.

#### **1.2 Recycling bins and sacks**

The blue lid recycling bins will also be collected fortnightly from the edge of the residents' property.

#### **1.3 Food waste caddy**

Food waste in the green caddy is collected on a weekly basis.

#### **1.4 Garden waste bins and sacks**

Garden waste bins will be collected fortnightly from properties that subscribe to a garden waste service.

#### **1.5 Change to regular collections**

Residents will be informed of any changes to the regular collection day as a result of bank holidays or inclement weather via an update on the Council's website.

### **2 Waste bin provision**

#### **2.1 Wheeled refuse bins**

Between October and December 2019, every property in the district will be provided with either a standard 180-litre wheeled refuse bin or the size refuse bin they requested via the consultation process held in 2019. If a property has been assessed as unable to accommodate a wheeled refuse bin, refuse sacks will be provided.

#### **2.2 Wheeled recycling bins**

The Council is committed to encouraging local residents to increase their recycling. Residents can request an additional wheeled recycling bin at any time. Additional wheeled recycling bins will be provided free of charge and there is no limit to the number of wheeled recycling bins permitted at a property. If a property has been assessed as unable to accommodate a wheeled recycling bin, recycling sacks will be provided.

### 2.3 **Food waste caddies**

Residents can request additional or replacement food waste caddies free of charge. There is no limit to the number of food waste caddies permitted at any property.

### 2.4 **Recycling and refuse sacks**

Properties have been identified that are not able to accommodate wheeled bins either for recycling or refuse. In practically all circumstances, it is expected that these properties will be the same for both collections but they will be assessed and agreed by officers. Once agreed, the property will be issued with TDC refuse and/or recycling sacks for their collections.

Each property will receive 130 refuse sacks per year which is equivalent to 5 sacks per fortnight. Should a property use all their sacks they will be required to either purchase additional refuse sacks from the Council or make alternative arrangements for their refuse such as taking it to a Community Recycling Centre. Additional refuse sacks will be charged at £10.00 per 20 sacks.

Additional recycling sacks will be provided free of charge.

### 2.5 **Green waste**

Residents are able to subscribe to the green waste club who have their own pricing structure.

### 2.6 **High volume of waste due to medical needs**

Householders who create a high volume of waste due to a medical condition will be assessed on a case by case basis and sufficient waste capacity will be supplied to meet their needs. In this situation there will be no charge.

### 2.7 **Ownership of bins**

The wheeled bins and food waste caddies supplied by Tandridge District Council remain the property of the Council. We ask residents to look after the bins whilst they remain in their care and would encourage residents to mark their bins with their house number in order to prevent theft and abuse. Residents are also expected to keep the bins clean.

## 3 **Collection of waste**

### 3.1 **Location of collection**

Residents must place wheeled refuse bins and sacks at the edge of their property.

Residents should, as far as is possible, only put refuse or recycling containers out for the day of collection and not leave them at the edge of the property or on the path or public highway for any longer than necessary. If bins are placed on a path or public highway for collection, they should not obstruct cars, pedestrians or other vehicles.

### 3.2 **Setting out times and removing of bins**

Wheeled bins should be put out by 6.00am on the day of collection. Residents should place bins at the collection point no sooner than the night before their collection is due and are asked to remove them as soon as possible after the collection and no later than the end of the day of collection.

### 3.3 **Collection of side waste**

Any refuse left in sacks next to the wheeled refuse bins will not be collected. The only exceptions are the immediate week after both Christmas and Easter Sunday, and following any delay to the service due to, for example, inclement weather or mechanical breakdown.

### 3.4 **Unauthorised extra bins**

We will only empty wheeled refuse and recycling bins supplied by the Council in accordance with this waste collection policy. All wheeled bins have a Tandridge District Council logo and any bins not containing this logo will not be emptied.

### 3.5 **Assisted collections**

There is a current list of residents who are eligible for an assisted collection. In these circumstances, wheeled refuse bins are collected by our operators at a pre-agreed collection point. If a resident requires an assisted collection whether on a temporary or permanent basis, they should contact Customer Services or complete the online form. All cases will be assessed on an individual basis. We aim to start the assisted collection within two working weeks of the request.

## 4 **Bin replacement and exchange**

### 4.1 All requests for replacement or exchange to bins should be made on the online request form. No exchanges will be made before 1 April 2020 to allow for the completion of the wheeled bin delivery programme and a cooling off period.

The only exceptions will be:

- if the Council made a mistake by providing the wrong bin during the rollout (paragraph 4.2)
- there is a physical defect with the bin (paragraph 4.3)
- if the resident has a medical issue leading to additional waste (paragraph 4.4).

### 4.2 **Incorrect bin delivered in rollout**

If the resident has been delivered an incorrect bin during the rollout process and this has been proven to be the case, the Council will exchange the bin as soon as practically possible. If a resident states they ordered a different bin size, but the Council has no record of the request, then the bin will not be automatically exchanged.

**4.3 Resident delivered a defective bin**

If the resident notifies the Council within one week of delivery that the bin delivered to their property is defective, it will be exchanged on a like for like basis without charge.

**4.4 Request for a larger bin due to medical needs**

If there is a medical reason why a resident requires additional waste capacity, an exchange for a larger bin will take place without charge.

**4.5 Future Replacements**

After April 2020 any replacements and/or exchanges will be made within a three-week period after the request has been made subject to the availability of sizes. Wheeled bin replacements may be new or refurbished but will be cleaned internally and of sufficient standard for the storage and collection of waste.

4.6 The Council will deliver the replacement bin within the boundary of the property if access is available. If a bin is to be exchanged, the bin being collected must be made available at the same.

4.7 Residents will be charged to exchange to a larger bin to cover the purchase, delivery and administration of processing their order. For people in receipt of a qualifying means tested benefit, the charge will be waived but the Council reserves the right to consider cases on an individual basis. The qualifying means tested benefits are:

- Universal Credit
- Income support
- Employment support allowance
- Pension credit guarantee
- Job seekers allowance
- Housing Benefit
- Council tax benefit

**4.8 Resident requests a replacement for a lost or stolen bin**

A like for like replacement of a refuse wheeled bin will incur a charge whether it is lost or stolen. If a wheeled bin is stolen from a property, the resident should report it to the police and get a crime reference number for insurance purposes. If a bin goes missing, it is advised that a thorough check of the area be made by the householder before a replacement bin is requested. If the bin is found after the payment has been processed and the bin delivered, no refund will be given.

It is the responsibility of individual households to look after the bins and store them in a secure environment.

**4.9 New household requesting a bin (existing property)**

When householders move home they are required to leave the Council's wheeled bins at the property for the new occupants. Where the existing occupant does not leave the wheeled bins, the new occupants will be charged for a replacement refuse bin, the cost of which the new owner should try and recover from the previous owner. If the new resident requests a larger 360 litre refuse bin, their need will be assessed before a new bin is delivered.

**4.10 Damaged wheeled bin**

There are occasions where a wheeled bin may get damaged during as part of a refuse collection or be lost in the back of the collection vehicles. If this happens, the crew will report this information and a notification will be posted through the residents' door. A replacement bin will be issued immediately without charge.

**4.11 Residents requesting to exchange to a smaller bin**

Residents are able to request a smaller bin and can receive this free of charge, providing the larger bin they are returning is in serviceable condition. This exchange is to encourage and support an increase in recycling. If the bin they are returning is not serviceable, a charge of £35 will be made.

**4.12 Residents requesting to exchange to a larger bin**

Residents are permitted to exchange to a larger wheeled bin, however there will be a charge to cover costs. The charge will vary depending on the size of wheeled bin requested as follows:

- 180-litre wheeled bin request - £35
- 240-litre wheeled bin request - £40
- 360-litre wheeled bin request – £70

Requests for a 360-litre bin will be assessed on an individual basis and a visit to the property may be made by a member of the waste team. The assessment will take into account how many people residing at the property and the household's current level of recycling.

<b>Situation</b>	<b>Proposed cost</b>	<b>Conditions</b>
Additional or replacement recycling bin	Free of charge	No limit on number requested
Additional or replacement food caddy	Free of charge	No limit on number requested
Exchange for wrong bin delivered in rollout	Free of charge	Bin must have been pre-requested and incorrect bin must be available for exchange.
Replacement for broken bin (at delivery)	Free of charge	Resident to notify the Council within one week of delivery. Broken bin to be available for collection.
Damaged wheeled bin in normal refuse collection	Free of charge	If damage caused by operative.
Request for a larger bin due to medical needs	Free of charge	Subject to approval and stock of larger bin available.
Request for a smaller bin	Free of charge	Existing bin available for exchange and stock available. If the returned bin is not serviceable, a charge of £35 will be levied
Replacement for lost or stolen bin	£30 for 140-litre bin £35 for 180-litre bin £40 for 240-litre bin £70 for 360-litre bin	Like for like exchange.
New household bin request for existing property	£30 for 140-litre bin £35 for 180-litre bin £40 for 240-litre bin £70 for 360-litre bin	New occupant may be able to recover money from previous occupant
Request for a larger bin	£30 for 140-litre bin £35 for 180-litre bin £40 for 240-litre bin £70 for 360-litre bin	Existing bin being available for exchange and stock available. 360-litre bin subject to approval.

## **5 New properties / new housing developments**

- 5.1 It shall be responsibility of the development company to provide the waste and recycling containers. The Council will confirm the capacity requirements on a case by case basis.
- 5.2 If it is a multi-occupancy property, there will be a requirement to have bulk bins (4 wheeled bins). TDC will confirm the type and number required for the developer to purchase. Once the bins are on site TDC to put recycling stickers on the recycling bins and refuse stickers on the refuse ones. Food waste caddies would be supplied by TDC at a charge to the developer.

5.3 If the development were an individual house, TDC would supply all the bins required and charge the developer as per the scale outlined in the above table.

## 6 **Breaches of policy**

6.1 Under section 46 of the Environmental Protection Act 1990 (the “EPA”) a waste collection authority may by notice require occupiers of premises to present their household waste for collection in a specified way.

6.2 For example, the notice allows the Council to act against properties that do not remove their bins from the public highway in between collections. It also allows the Council to act against properties who are presenting more containers than are outlined in this policy

## 7 **Right to review requests**

7.1 The Council reserves the right to investigate requests from residents, particularly those who make numerous requests.