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TANDRIDGE DISTRICT COUNCIL



Council Agenda

MINUTES AND REPORTS
SUBMITTED TO THE COUNCIL MEETING ON
Thursday, 20th October, 2022

DAVID FORD
Chief Executive

TANDRIDGE DISTRICT COUNCIL

Council Offices,
Station Road East,
Oxted,
Surrey RH8 0BT

11 October 2022

Dear Councillor,

You are summoned to attend the meeting of the Council on Thursday, 20th October, 2022 at 7.30 pm (or at the conclusion of the special Council meeting which will start at 7.00 pm, whichever is the later).

David Ford
Chief Executive

To: All Members of the Tandridge District Council

A G E N D A

1. To confirm the minutes of the Council meeting on the 21st July 2022 (Pages 5 - 14)

2. Chair's Announcements

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 her staff prior to the meeting.

4. To deal with any questions submitted under Standing Order 30

- (i) questions from residents and others working or studying in the District; and
- (ii) questions from Councillors

5. To receive and consider the reports of committees

- 5.1 Planning Committee - 28th July 2022 (Pages 15 - 16)
- 5.2 Strategy & Resources Committee - 10th August 2022 (Pages 17 - 18)
- 5.3 Licensing Committee - 7th September 2022 (Pages 19 - 20)
- 5.4 Planning Policy Committee - 22nd September 2022 (Pages 21 - 34)
- 5.5 Audit & Scrutiny Committee - 27th September 2022 (Pages 35 - 40)
- 5.6 Strategy & Resources Committee - 29th September 2022 (Pages 41 - 52)
- 5.7 Housing Committee - 4th October 2022 (Pages 53 - 60)
- 5.8 Planning Committee - 6th October 2022 (Pages 61 - 62)
- 5.9 Community Services Committee - 18th October 2022 (to follow)

6. Any urgent business

To deal with any other item(s) which, in the opinion of the Chair, should be considered as a matter of urgency in accordance with Section 100B(4)(b) of the Local Government Act 1972.

TANDRIDGE DISTRICT COUNCIL

FULL COUNCIL

Minutes and report to Council of the meeting of the Committee held in the Council Chamber, Council Offices, Station Road East, Oxted on the 21st July 2022 at 7.30pm.

PRESENT: Councillors Wren (Chair), Botten (Vice-Chair), Allen, Bilton, B.Black, G.Black, Blackwell, Bloore, Booth, Caulcott, Chotai, Crane, C.Farr, S.Farr, Flower, Gaffney, Gillman, Gray, Groves, Hammond, Jones, Langton, Lee, Lockwood, Mansfield, Montgomery, Moore, North, O'Driscoll, Prew, Pursehouse, Robinson, Sayer, Shiner, Stamp, Steeds, Swann, C.White and N.White

APOLOGIES FOR ABSENCE: Councillors Cooper, Evans and Pinard

84. MINUTES OF THE ANNUAL COUNCIL MEETING ON THE 26TH MAY 2022

These minutes were confirmed and signed as a correct record.

85. CHAIR'S ANNOUNCEMENTS

(i) Ex-Councillor Richard Allen

The Chair was sorry to announce that Richard Allen, a former well-known Warlingham Councillor, had passed away recently. He served from 1998 to 2008, representing the Warlingham West Ward and was Deputy Leader from 2004. Members stood in silence as a mark of respect.

(ii) Karen Hughes (Surrey Police / Borough Commander for Tandridge)

The Chair confirmed that Karen Hughes would be leaving her current post to take up a new position within the police service. On behalf of the Council, the Chair thanked Karen for her dedicated service to Tandridge and wished her well in her future role. The Chair also looked forward to working with Inspector Lyndsey Whatley who would be succeeding Karen as the Borough Commander for Tandridge.

(iii) Fundraising

The Chair appealed to Councillors to support her 'family fun sports day' at Holland Sports Club on Sunday, 11th September from 12.30pm. She also referred to other fundraising events being planned for later in the year, further details of which would be advised in due course:

- open mic night on 9th October 2022
- murder mystery evening in November 2022
- quiz night in February 2023
- charity ball in March 2023
- sponsored walk
- 'pay to watch' on-line fitness workouts

- (iv) Variation to the order of business and proposal to exclude the press and public for additional items

The Chair advised that the Standing Order 30 questions submitted by Councillor Cooper (Minute 89 refers) would be dealt with immediately after the reception of the 26th May Standards Committee minutes. This would be followed by the consideration of the minutes of the 7th June Standards Committee.

The Chair also advised that the Council would be asked to vote on a proposal to exclude the press and public from consideration of the following items:

- Councillor Cooper's Standing Order 30 questions; and
- the 7th June Standards Committee minutes.

86. DECLARATIONS OF INTEREST

Councillor Jones declared a disclosable pecuniary interest in connection with Minute 18 of the Planning Committee minutes of the 9th June 2022 (2021/1800 – New Aldi Supermarket, 381 Croydon Road, Caterham).

87. QUESTIONS SUBMITTED UNDER STANDING ORDER 30 BY COUNCILLOR O'DRISCOLL

Two questions had been submitted by Councillor O'Driscoll, the details of which are attached at Appendix A, together with the responses from Councillor Sayer and the Chair respectively.

88. MOTION TO EXCLUDE THE PRESS AND PUBLIC FOR MINUTES 89 AND 90

The Chair, seconded by Councillor Botten, proposed a motion to exclude the press and public for both the Standing Order 30 questions submitted by Councillor Cooper (Minute 89 refers) and consideration of the 7th June Standards Committee minutes (Minute 90 refers).

In accordance with Standing Order 13(4), Councillor Groves requested a recorded vote on this matter. This was supported by the requisite number of Councillors. The result of the recorded vote was:

For:

Councillors Bilton, B.Black, Blackwell, Booth, Botten, Caulcott, Chotai, Crane, C.Farr, S.Farr, Gaffney, Gillman, Gray, Jones, Langton, Lockwood, Mansfield, Montgomery, Moore, Pursehouse, Robinson, Sayer, Shiner, Stamp, Swann, C.White, N.White and Wren (28)

Against:

Councillors Allen, G.Black, Bloore, Flower, Groves, Hammond, North, Prew and Steeds (9)

Abstain:

Councillors Lee and O'Driscoll (2)

RESOLVED – that, in addition to agenda item 9, the press and public be excluded from the meeting for the consideration of:

- (a) the Standing Order 30 questions submitted by Councillor Cooper under agenda item 4(ii); and
- (b) the minutes of the 7th June Standards Committee meeting under agenda item 5.1

... in accordance with Section 100A (4) of the Local Government Act 1972 (as amended) on the grounds that:

- (i) the items involve the likely disclosure of exempt information as defined in Paragraph 1 (information relating to an individual) of Part 1 of Schedule 12A to the Act; and
- (ii) the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

89. QUESTIONS SUBMITTED UNDER STANDING ORDER 30 BY COUNCILLOR COOPER

Three questions had been submitted by Councillor Cooper. These were dealt with following the exclusion of the press and public arising from the resolution in Minute 88.

The questions were read out by the Committee Clerk in Councillor Cooper's absence. Councillor N.White responded to each question.

90. REPORT OF THE STANDARDS COMMITTEE - 7TH JUNE 2022

This item was dealt with following the exclusion of the press and public arising from the resolution in Minute 88.

RESOLVED – that the report of the Standards Committee meeting held on the 7th June 2022 be received.

91. REPORTS OF OTHER COMMITTEES

RESOLVED – that the reports of the following meetings be received, and the recommendations therein, be adopted:

Standards Committee – 26th May 2022

Planning Committee - 26th May and 9th June 2022

Community Services Committee - 26th May and 16th June 2022

Housing Committee – 26th May and 21st June 2022

Planning Policy Committee - 26th May and 23rd June 2022

Strategy & Resources Committee – 26th May and 30th June 2022

Councillor Allen, seconded by Councillor Moore, proposed the following amendment to the recommendation in Minute 66 (30th June meeting) regarding the Council's election cycle:

“ that the current scheme of elections by thirds be retained the alternative option of changing the election cycle to ‘whole Council elections every four years from 2024’ be supported and an extraordinary meeting of the Council be arranged to provide an opportunity for such a change to be ratified in accordance with the requirements of the relevant legislation.

Upon being put to the vote, this amendment was lost.

Audit & Scrutiny Committee - 26th May and 5th July 2022

Planning Committee - 7th July 2022

92. TRANSPORT FOR LONDON'S CONSULTATION ON PROPOSALS TO EXPAND THE ULTRA LOW EMISSION ZONE (ULEZ)

This item had been added to the Council summons in accordance with Standing Order 6(1)(m) following a request from the Chair. Transport for London (TfL) was seeking views on the merits of expanding the ULEZ from 29th August 2023. The key aspects of TfL's proposals were:

- the expanded zone would cover the same area as the Low Emission Zone
- drivers of vehicles that don't meet the ULEZ standards would need to pay a £12.50 daily ULEZ charge to drive within the expanded zone (ULEZ is enforced based on declared emissions from a vehicle rather than age – however, for example, cars that meet the ULEZ standards are, generally speaking:
 - petrol cars first registered with the DVLA after 2005, although cars that meet the standards have been available since 2001
 - diesel cars first registered with the DVLA after September 2015).

This would, for example, affect Tandridge residents when driving vehicles which don't meet the ULEZ standards into the Croydon or Bromley Council areas.

TfL's website stated, *“these proposals are part of the commitment by the Mayor of London and TfL to help improve air quality and public health, tackle the climate emergency and reduce traffic congestion across Greater London”.*

The objective of the agenda item was for a response to be agreed and sent to TfL before the 29th July deadline.

A proposed consultation response was moved by Councillor Sayer and seconded by Councillor Farr. During the debate, Members expressed support for the proposed response, although some minor amendments were suggested.

Councillor Prew, seconded by Councillor Bloore, proposed an amendment to:

- delete the following sentence:

“Failing that, we request that consideration is given to making an exemption for vehicles that are registered in adjoining authorities.”; and

- replace it with the following sentence:

“Any other decision transgresses and runs counter to the will and interests of Tandridge residents”.

Upon being put to the vote, this amendment was lost.

RESOLVED – that, subject to:

- (i) the essence of the following sentence being inserted elsewhere so as not to appear as the final text before the ‘Example given by another Councillor’:

“Failing that, we request that consideration is given to making an exemption for vehicles that are registered in adjoining authorities.”; and

- (ii) the addition of a sentence requesting a meeting with TfL (to discuss the proposals before any decision is made)

the proposed response, as tabled at the meeting, be agreed. (The actual response, incorporating the edits referred to at (i) and (ii) above, is attached at Appendix B).

93. CONFIDENTIAL STAFFING MATTER

The Council resolved to consider this matter following the exclusion of the press and public in accordance with Section 100A (4) of the Local Government Act 1972 (as amended) on the grounds that:

- (i) the item involves the likely disclosure of exempt information as defined in Paragraph 1 (information relating to an individual) of Part 1 of Schedule 12A to the Act; and
- (ii) the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

RESOLVED – that the matter be referred to the Strategy & Resources Committee in light of additional information, to be provided by officers, to assist with its deliberations.

Rising 10.31 pm

COUNCIL – 21ST JULY 2022 – STANDING ORDER 30 QUESTIONS**Questions from Councillor O'Driscoll**Question 1 – to the Leader of the Council (Councillor Sayer)

As other Councillors may be aware, this week is anti-social behaviour awareness week. Westway residents have been affected by anti-social behaviour from youths in recent months with this behaviour primarily taking place in The Village and in Hambledon Linear Park. While the introduction of the Dispersal Order in Westway has had positive effects, will the Leader of the Council work with me and Westway residents to tackle anti-social behaviour?

Response from Councillor Sayer

Yes, I would be more than happy to try to tackle anti-social behaviour wherever it occurs in our District. As you probably know, we had Dispersal Orders issued last year for my own area of Oxted and anti-social behaviour is a widespread problem.

It is a good idea, I've found, for District Councillors to liaise closely with the local beat officers for their Wards so that prompt action can be taken when a problem flares up - and also to liaise with their Parish Councils, perhaps with a view to funding the installation of CCTV, which is something I am aiming to have brought in soon in Oxted and Hurst Green.

I would strongly urge councillors to encourage residents to report incidents so that the police have the information about where anti-social behaviour is occurring and can direct officers to where their presence is needed most. The police rely heavily on intelligence gathered through our communities and this enables them to react accordingly.

The issues with youths visiting and congregating in the area tends to be seasonal. School holidays, weekends and, of course, the weather can play a part.

Partnership work is continuing between the Council's Community Safety Specialist and Surrey Police to address the problem.

Surrey Police have been working with local schools to investigate which schools the youths attend and where they live. This has prompted home visits and discussion with the schools.

I also understand that the Design Out Crime Officer has been conducting what's called an Environmental Visual Assessment. The purpose of this is to review the area and make recommendations to reduce the impact or eliminate the issues arising from youths gathering there.

You'll know that this is anti-social behaviour awareness week and, on Monday, Surrey Police were at Tesco in Caterham, with the aim of increasing awareness and engaging with residents to discuss anti-social behaviour locally.

One of the priorities for the Council's Health & Wellbeing Board is to look at youth activities and the benefits of being active, which could help with reducing anti-social behaviour. The Board is meeting next week to discuss youth provision.

Question 2 – to the Chair of the Community Services Committee (Councillor Wren)

Residents have been in touch about a lack of recreation facilities in Tandridge, with no running tracks, few purpose-built football pitches and not many swimming pools and leisure facilities across the District. As we should be aiming to get our residents healthier or keeping fit, I feel we should be investing in these facilities. What steps are this Council taking to invest in leisure facilities such as those I have outlined for our residents?

Response from Councillor Wren

“Tandridge District Council has a variety of recreational facilities. The Holland Sports & Social Association running track is well used and, of course, is a great community developed asset. Also, we do have public swimming facilities at de Stafford School and the Tandridge Leisure Centre as well as the Village Health Club. We have free outdoor gym equipment at Queen’s Park, Whyteleafe Rec and at Holland Sports. I’ve been speaking to groups of trainers in the area who now give their time up to provide free fitness / health & wellbeing classes using Council-owned sites and facilities. I’m happy to work with you to encourage trainers to do this in your Ward.

We always seek to improve and add to our facilities and, through the planning application process, the Council currently seeks provision of on-site or off-site contributions for improvements to informal open spaces, land, play facilities, and recreational equipment on housing sites through the CIL process and planning obligations. For example, Councillor Sayer and I have been working with a local school regarding a planning application to improve its swimming pool. As part of the emerging Local Plan process, the Tandridge Open Space, Sports & Recreational Facilities Assessment was commissioned in 2017 to understand the needs and opportunities for indoor sports and leisure facilities in the District. Page 45 of that document includes strategic recommendations for existing venues in the District which could be protected and enhanced. Further detailed work is needed to progress this in line with the financial implications for the Council. The Council also adopted an Open Space Strategy in 2021 which sets out how we will manage and improve open spaces across the District until 2025. The strategy includes an action plan by parish, with a list of potential funding sources (both internally and externally) which are being explored.

The Council has quarterly meetings with Freedom Leisure who operate the District’s leisure centres. The pandemic was challenging for Freedom and we are working with them, including helping with communications and marketing and with referrals from the Wellbeing Prescription Service. That service is an extremely important part of what we do, covering everything from weight management and increasing physical activities, to ways to combat loneliness and offering financial advice. This is a free service which people can self-refer to.

We also have a local Health & Wellbeing Board, chaired by Councillor Swann. The Board is co-ordinating some excellent initiatives which I’ve been reading about. Councillor Swann provides regular updates on the things we’re doing across the District to help improve residents’ health & wellbeing. I couldn’t attend the recent Surrey Youth Games, but we always have a lot of youngsters from Tandridge competing and we were extremely successful this year.

We will carry on supporting leisure and wellbeing initiatives and there maybe things you’re not aware of that I’d be happy to talk to you about.”

Agreed response from the Leader of the Council to TfL's consultation regarding the expansion of the Ultra-Low Emission Zone (ULEZ)

Tandridge District Council strongly objects to the proposal to expand the ULEZ zone to the Greater London boundary because of the intolerable financial burden it will place on Tandridge families and on Tandridge businesses, particularly at a time when they are struggling to cope with large cost of living increases and to recover from COVID. Please see example from one of our other Councillors below.

Many residents of Tandridge District, and especially those in the northern areas, access jobs, schools, health services, shops and leisure facilities in the Croydon and Bromley Borough Council areas and/or have family, friends and businesses just across the border. All these people face punitive charges to carry out essential tasks of their everyday lives.

Residents of Tandridge depend on cars and vans for their livelihoods. The District is poorly provided with both public transport and employment opportunities with many residents travelling out of the area to London Boroughs to work. Census data shows that 65% of those travelling out of the District to work, travel by car. They have no option and we believe it is unfair to penalise them for that.

For those on minimum wage, such as carers working across the border, these charges are unsupportable, and it is unrealistic and unreasonable to expect them to be able to spend thousands of pounds upgrading their car.

This Council notes that the London Mayor's request to central government to help to fund scrappage schemes for old cars owned by Londoners means that Tandridge District taxpayers would subsidise new cars for Londoners whilst getting no support themselves. That is clearly unfair and, if there is to be any such scrappage scheme, it should include bordering Councils. We ask that consideration is given to making an exemption for vehicles that are registered in adjoining authorities.

It is stated that the reason for the expansion of the ULEZ is to clean up London's air but we fear that high emission vehicles will make detours into Tandridge District to avoid the charges, leading to more air pollution within our District.

If this proposal is accepted, it will have major detrimental effects for neighbouring authorities such as ours and so we respectfully call on TfL and the Mayor of London to think again and to scrap the idea.

We would like to request a meeting with TfL to discuss the proposals before any decision is made.

Continued

Example given by another Tandridge Councillor:

“My son-in-law lives in Hurst Green, Oxted and is a firefighter and works at the Croydon Fire Station. He works 4-day shifts, 2 days and 2 nights. In addition, he does window cleaning in Sutton approximately 2 days a month. As we all know, firefighters aren’t paid a lot, hence many have second jobs. Here’s how it would be with the proposed ULEZ charge:

| | |
|-------------------------------|-------------|
| <i>8 day shifts a month</i> | <i>£100</i> |
| <i>8 night shifts a month</i> | <i>£200</i> |
| <i>2 window cleaning days</i> | <i>£25</i> |

Total £325 a month, £3,900 a year. To pay for this, his salary would need to increase by at least £5,000 a year.

While I appreciate the need to reduce emissions, how is a normal family expected to survive with 10% plus inflation, massive increases in utility bills and a punitive tax for going to work?”

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TANDRIDGE DISTRICT COUNCIL

PLANNING COMMITTEE

Minutes and report to Council of the meeting of the Committee held in the Council Chamber, Council Offices, Station Road East, Oxted on the 28 July 2022 at 7:30pm.

PRESENT: Councillors Blackwell (Chair), C.White (Vice-Chair), B.Black, Chotai, C.Farr, Gray, Lockwood, Moore, Prew and Steeds

ALSO PRESENT: Councillors Allen, Evans, S.Farr and Gaffney

APOLOGIES FOR ABSENCE: Councillor Mansfield

94. DECLARATIONS OF INTEREST

Councillors Farr stated that he had received a number of communications relating to agenda item 5.1 (minute number 96) but stated that they would not be considered as part of his decision making on the application.

Councillor Allen stated that he was the Chairman of the Neighbourhood Plan Steering Committee and would be speaking in respect of agenda item 5.3 (minute number 97).

95. MINUTES FROM THE MEETING HELD ON 7 JULY 2022

The minutes of the meeting were confirmed and signed by the Chair.

96. 2021/1800 - NEW ALDI SUPERMARKET, 381 CROYDON ROAD, CATERHAM

The Committee considered an application for the demolition of existing buildings and the erection of a Class E retail unit, including the refurbishment of an existing office unit to provide a commercial unit on the ground floor with residential dwelling above alongside access, car parking and associated works.

The Officer recommendation was to refuse the application.

Mr Stephen Tuddenham from Waitrose spoke against the application.

Councillor Jeremy Webster of Caterham Valley Parish Council spoke against the application.

Mr Richard Khodabaksh from Aldi spoke in support of the application.

The Committee also heard representations from Mr Paul Lulham of DHA Transport, the Council's transport consultants and Mr Mike Green from Surrey Highways in respect of vehicular access to the site.

During a lengthy debate, it was agreed by the Committee that the words *'that safe and suitable access to the site and'* be removed from the ground for refusal as set out on pages 7 and 8 of the agenda pack.

RESOLVED – that planning permission be refused.

97. 2021/1922 - LAND TO THE REAR OF THE PARADE, WESTMORE GREEN

The Committee considered an application for the demolition of existing buildings and the erection of two duplex flats, with parking & landscaping.

The Officer recommendation was to refuse the application.

Councillor Jason Syrett of Tatsfield Parish Council spoke in favour of the application.

The applicant's agent, Mr Adem Mehmet, spoke in support of the application.

RESOLVED – that planning permission be refused.

98. 2022/98 AND 2022/295 - HUT 1, HARESTONE DRIVE, CATERHAM, SURREY, CR3 6YQ

The Committee considered an application for the erection of two detached dwelling houses, with attached garages, associated parking and landscaping with access from a newly formed culde-sac extended north-west from Planning Appeal Ref: APP/M3645/W/20/3256724.

Councillor Jeremy Webster of Caterham Valley Parish Council spoke against the application.

During the debate, the Committee agreed to include the following additional reason for refusal:

“The proposed development represents an overdevelopment of the site which will have an adverse impact on the character of this part of the Harestone Valley contrary to Policy CCW1 of the Caterham, Chaldon and Whyteleafe Neighbourhood Plan and the SPG.”

RESOLVED – that planning permission be refused.

Rising 11.36pm

TANDRIDGE DISTRICT COUNCIL

STRATEGY & RESOURCES COMMITTEE

Minutes and report to Council of the special meeting of the Committee held in the Council Chamber, Council Offices, Station Road East, Oxted on the 10th August 2022 at 7:30pm.

PRESENT: Councillors Langton (Chair), B.Black, Bloore, Botten, Cooper, Gillman, S.Farr, Hammond, Jones and Sayer (substitute in place of Crane)

PRESENT (Virtually): Councillor Caulcott

ALSO PRESENT: Councillors Blackwell, C.Farr and Lockwood

APOLOGIES FOR ABSENCE: Councillors Crane and Pursehouse

99. CONFIDENTIAL STAFFING MATTER

The Committee resolved to consider this matter following the exclusion of the press and public in accordance with Section 100A (4) of the Local Government Act 1972 (as amended) on the grounds that:

- (i) the item involved the likely disclosure of exempt information as defined in Paragraph 1 (information relating to an individual) of Part 1 of Schedule 12A to the Act; and
- (ii) the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

RESOLVED – that:

- A. determination of the staffing matter be deferred; and
- B. the Council's redundancy policy be reviewed, with a report being submitted to the Committee's meeting on the 1st December 2022.

Rising 9.20 pm

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TANDRIDGE DISTRICT COUNCIL

LICENSING COMMITTEE

Minutes and report to Council of the meeting of the Committee held in the Council Chamber, Council Offices, Station Road East, Oxted on the 7th September 2022 at 7:30pm.

PRESENT: Councillors Stamp (Chair), Botten, C.Farr, Flower, Groves, Pinard and Robinson

PRESENT (Virtually): Councillors Shiner and Steeds

APOLOGIES FOR ABSENCE: Councillors Mansfield and C.White

100. MINUTES OF THE MEETING HELD ON THE 16TH NOVEMBER 2021

These minutes were confirmed and signed as a correct record.

101. MINUTES OF THE MEETING HELD ON THE 26TH MAY 2022

These minutes were confirmed and signed as a correct record.

102. REVIEW OF THE COUNCIL'S STATEMENT OF LICENSING POLICY

On the 16th November 2021, the Committee had approved a revised a Statement of Licensing Policy for a twelve week consultation held between the 3rd December 2021 and 25th February 2022. A report was presented which advised the Committee of the four responses to that consultation and the proposed amendments to the draft policy statement submitted to the November 2021 meeting, i.e.:

- adding the following to the (public safety) risk assessment criteria at 20.2.3:
 - *'When holding events with an anticipated larger capacity, provide a parking management plan, independently or within the event management plan detailing the risk of increased traffic, congestion and parking in the vicinity of the event and how it will be mitigated'*
 - *'Measures to take account of expected and potential impacts on outdoor events by the weather'*
- adding *'via the Parish Council Clerk'* to paragraph 32.1 (i.e. where officers notify Parish Councils of applications for, or variations to, new premises licences and club premises certificates).

The Committee welcomed the proposed new policy statement. The Senior Licensing Officer responded to various questions, including confirmation that the contact details for the 'responsible authorities' listed at Appendix 1 of the document would be checked to ensure they were relevant to Tandridge.

COUNCIL DECISION
(subject to ratification by Council)

RECOMMENDED – that the revised Statement of Licensing Policy, as attached as Annex A to the report (subject to minor amendments to the descriptions of statutory agencies and external contact points) be adopted.

Rising 7.45 pm

TANDRIDGE DISTRICT COUNCIL

PLANNING POLICY COMMITTEE

Minutes and report to Council of the meeting of the Committee held in the Council Chamber, Council Offices, Station Road East, Oxted on the 22nd September 2022 at 7.30pm.

PRESENT: Councillors Sayer (Chair), C.Farr (Vice-Chair), Bloore, Booth, Botten, Flower (substitute in place of Steeds), Gray, Jones, Lockwood and Prew.

PRESENT (Virtually): Councillor Blackwell

ALSO PRESENT: Councillors S.Farr and Gillman

ALSO PRESENT (Virtually): Councillors Caulcott, Gaffney, Moore and Pursehouse

APOLOGIES FOR ABSENCE: Councillor Steeds

103. MINUTES OF THE MEETING HELD ON THE 23RD JUNE 2022

These minutes were confirmed and signed as a correct record.

104. PLANNING PROTOCOL

A proposed replacement version of this protocol had been drafted by officers and shared with Members via a Zoom briefing on 5th September 2022. The subsequent version, updated in light of Members' input both during and following the briefing, was presented to the Committee for consideration. Various proposed amendments from Members were debated, some of which were supported.

The protocol formed part of the Council's constitution and, as such, required the approval of Full Council before the new version could take effect.

COUNCIL DECISION

(subject to ratification by Council)

RECOMMENDED – that the Planning Protocol attached to the report, amended by the 'track changes' attached at Appendix A to these minutes, be adopted.

105. HOUSING DELIVERY TEST ACTION PLAN SEPTEMBER 2022 AND INTERIM POLICY STATEMENT FOR HOUSING DELIVERY

Local planning authorities which had delivered less than 95% of their housing requirement over the previous three years, as prescribed by central government, were obliged to produce annual Housing Delivery Test Action Plans (HDTAPs) in line with Paragraph 76 of the National Planning Policy Framework. Tandridge had fallen into this category in previous years, although its HDTAPs had been published under powers delegated to officers. It was intended to change this approach in future, whereby HDTAPs would require Committee approval. (The same would apply to the authority's 'Annual Monitoring Report', a draft of which for 2022 was scheduled for submission to the Committee's next meeting).

The results of the Government's latest 'Housing Delivery Test' (published on 14th January 2022) showed that Tandridge had delivered 38% of its required level of new housing and, consequently, had to publish a further HDTAP and add a 20% buffer onto the 'Five-Year Housing Land Supply'. A proposed HDTAP for 2022 was therefore presented. This incorporated an 'Interim Policy Statement for Housing Delivery', intended to provide a consistent development management approach for considering relevant planning applications.

The covering report explained that the Council could not meet the Government's house building targets without:

- encroaching into highly constrained areas in planning policy terms; and
- creating severe difficulties in terms of infrastructure capacity.

The proposed HDTAP sought to update the 2021 version and identify what additional measures the Council will take to improve housing delivery. The report concluded that the HDTAP and its Interim Policy Statement would be a material planning consideration in the determination of future planning applications for housing development.

Discussion focused on the text for 'Appendix A' to the Interim Policy Statement regarding "*Examples of possible sites ...*", i.e.:

"The emerging Local Plan process identified a number of large sites (75+ units) that could potentially be brought forward where the examiner did not raise concerns. These sites have been rigorously assessed via the HELAA process and Green Belt assessments. They have also been through two Regulation 18 consultations, one Regulation 19 consultation as well as site specific Examination hearings."

It was suggested by some Members that, by implication, a significant proportion of the units concerned would be in Warlingham and that the list of sites as described above should be forthcoming. In response, it was explained that the sites had already been identified during the Local Plan examination process and could be distinguished from others about which the Inspector had raised concerns. In any event, the Interim Chief Planning Officer stated that, while development proposals would be invited in respect of potential sites, any consequent planning applications would have to be assessed against relevant development control criteria (including the need to demonstrate very special circumstances for any developments in the Green Belt) and the current national policy context (e.g. regarding Area of Outstanding Natural Beauty status). However, there would be no repeat of the Regulation 18 and 19 consultations referred to above.

RESOLVED – that:

- A. subject to the deletion of the word, “favourably” in the text of the HDTAP in section 4.2, i.e.

“The Council will take the following actions to enable increased housing delivery and boost supply in the District. These are divided into short and medium-term solutions:

Short Term Measures

- **Criteria Based Policy for Housing Site Delivery** – *the Council will prepare and adopt (for development management purposes) a criteria-based policy (known as the Interim Policy Statement for Housing Delivery) which will assist in bringing forward land for new housing development in the short term. Those draft allocations in the emerging plan that can be brought forward will be favourably considered as a matter of principle and development opportunities not previously identified will be encouraged that assist the Council in meeting its housing needs and that do not adversely impact on designated areas.”*

... the Housing Delivery Test Action Plan dated September 2022, attached at Appendix A to the report, be agreed for publication;

- B. the ‘Interim Policy Statement for Housing Delivery’, as contained within the HDTAP referred to in A above, be adopted for development management purposes; and
- C. future HDTAPs be presented to the Planning Policy Committee for approval and adoption as a material planning consideration in the determination of applications for housing development, prior to publication, to ensure elected Members have the final decision on behalf of the Council.

106. FUTURE WORK ON OUR LOCAL PLAN 2033 FOLLOWING THE FORMER SECRETARY OF STATE'S LETTER TO THE PLANNING INSPECTORATE REGARDING DECISIONS ON EMERGING LOCAL PLANS

A report was presented in light of a letter dated 28th July 2022 from the former Secretary of State (for Levelling up, Housing and Communities) to the Chief Executive of the Planning Inspectorate (PINS). The letter advised that, until further notice, PINS should not determine that local plans are unsound and/or suggest that local plans should be withdrawn. This had introduced a significant degree of uncertainty regarding the plan making process. In particular, it raised the prospect of major policy changes regarding housing delivery targets and the scope for releasing land from the Green Belt. The situation was particularly relevant for Tandridge in view of:

- its 94% Green Belt coverage and the associated challenges of meeting the Government’s housing targets; and

- the significant amount of extra work required by the Inspector to enable the soundness of the emerging Local Plan to be further considered, with no guarantee of this resulting in the Plan being declared sound.

The report concluded that the Council should not proceed with commissioning or undertaking further work on the emerging Local Plan, pending clarification of future government policy. It was recommended that letters explaining the Council's position be sent to the Chief Planner at the Department of Levelling Up, Housing and Communities (DLUHC) and the Inspector examining the Local Plan. This would support the Council's efforts to manage the risk of continuing to prepare the Local Plan at considerable cost, amidst the financial constraints it was already seeking to address. However, the report also recommended that a robust policy be established for determining future planning applications for housing through the preparation and adoption of a Site Allocations Development Plan Document that would carry significant weight in decision making.

Regarding the proposed letter to DLUHC, the Committee requested an additional paragraph in respect of the Government's target of having adopted local plans in place by December 2023, i.e. that:

- the deadline was likely to be missed due to the uncertainties created by the former Secretary of State's letter of 28th July and was not something for which Councils should be held responsible; and
- an extension to the deadline should be considered.

The Chair confirmed that the cost of preparing the Site Allocations Development Plan Document would be accommodated within the overall Local Plan budget envelope. Nevertheless, a specific budget and project plan for the work would be presented to the Committee's next meeting.

RESOLVED – that:

- A. the letters at Appendices B (amended by the insertion of the penultimate paragraph in accordance with the Committee's instructions) and C be sent from the Chief Executive to the Chief Planner at DLUHC and the Inspector examining the Local Plan;
- B. the Council does not proceed with commissioning or undertaking further work for the time-being on the emerging Local Plan; and
- C. the Interim Chief Planning Officer be authorised to commence work on a Site Allocations Development Plan Document.

107. DEVELOPMENT MANAGEMENT STAFFING

A proposed new Development Management staffing structure was presented which comprised:

- 4 x full-time Senior Planning Officers (compared to 3 in the existing structure)
- 2 x full-time Planning Officers (compared to 4 in the existing structure)

The Interim Chief Planning Officer was pleased to confirm that, with permanent staff now in place, the service no longer relied on having to engage temporary staff on more expensive contracts which had contributed to salary overspends in previous months. The cost of the additional Senior Planning Officer would be offset by the reduction in Planning Officers from 3 to 2 and by deleting an apprentice post which the Council had been unable to fill.

RESOLVED – that, subject to the deletion of the apprentice post as referred to above, the revised Development Management structure for the Planning Department at Appendix 2 to the report be approved and implemented to deliver ongoing resilience and improvement to the service.

108. QUARTER 1 2022/23 BUDGET MONITORING - PLANNING POLICY COMMITTEE

An analysis of expenditure against the Committee's £1,204k revenue budget for 2022/23, as at the end of June 2022 (Month 3) was presented. A £124k overspend was forecast due to greater than expected expenditure on:

- commissioning counsel, resulting from the decision to serve injunctions rather than enforcement notices
- salaries, due to a continuing heavy dependence on temporary contract staff in the first quarter of the financial year
- external consultancy advice and a late invoice from SCC for historic building fees due in 2021/22.

These overspends had been partly offset by greater than expected planning application fee income.

The capital position was under review and would be updated as part of the Quarter 2 budget monitoring report.

RESOLVED – that the Committee's forecast revenue and capital budget positions as at Quarter 1 / M3 (June) 2022 be noted.

Rising 9.49 pm

Replacement Planning Protocol - amended sections incorporating additions / deletions agreed by the Planning Policy Committee

6. Role of Members

6.1 Members sitting on the Planning Committee should:

- make planning decisions on applications presented to the Committee openly, impartially, with sound judgement and for sound planning reasons;
- consider only development plan policies, supplementary planning documents and material planning considerations (including the National Planning Policy Framework or NPPF) in determining applications
- exercise their responsibilities with regard to the interests of the District as a whole rather than with regard to their particular Ward's interest and issues;
- come to meetings with an open mind;
- not allow anyone (except Officers, other Committee Members and public speakers when they are addressing the Committee) to communicate with them during the meeting (orally or in writing) as this may give the appearance of bias. For the same reason, it is best to avoid such contact immediately before the meeting starts;
- consider the advice that planning, legal or other Officers give the Committee in respect of the recommendation or any proposed amendment to it. Members need to consider "significant" planning considerations in the determination of a planning application having regard to what the Planning Officer's report states is a significant consideration and be prepared to justify their view if different before the Committee;
- comply with section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires the Local Planning Authority to make decisions in accordance with the development plan unless there are good planning reasons to come to a different decision based on material planning considerations;
- have regard to material planning considerations which can be but are not limited to:
 - Overlooking/loss of privacy
 - Loss of light or overshadowing
 - Right to peaceful enjoyment of property
 - Government policy
 - Previous planning decisions (including appeal decisions)
 - Economic benefits of a proposed development nationally or for the local area
 - Community benefits
- come to their decision only after due consideration of all of the information available to them, including the local information that Members are uniquely placed to access, but always remembering to take decisions on planning grounds alone. If Members feel there is insufficient time to digest new information or that there is insufficient information before them, they should seek an adjournment to address these concerns;
- not vote on a proposal unless they have been present to hear the entire debate, including the Officer update and any public speaking;

- make sure that if they are proposing, seconding or supporting a decision contrary to the Officer's recommendation or the development plan, they clearly identify and understand the planning reasons leading to this conclusion and that they take into account any advice planning, legal or other Officers give them (they should seek such advice before the Committee meeting including resolutions contrary to the Officer's recommendation, reasons for refusal or draft planning conditions). Their reasons must be given prior to the vote and be recorded. Be aware that they may have to justify the resulting decision by giving evidence in the event of challenge;
- avoid requests for Officers to speed up or delay the determination or assessment of particular applications for their own personal or political convenience or following lobbying by applicants, agents/advisers, local residents or other interested parties;
- not allow anyone (except Officers and other Committee Members) to communicate with them during any site visit (orally or in writing).

6.2 Issues such as loss of view, or negative effect on the value of properties, are not material considerations. There is no set list defining material considerations and it is a matter for Members to decide upon in the context of determining a particular planning application having regard to a Planning Officers advice on the matter

13. Referring applications to the Planning Committee

- 13.1 All Councillors will receive copies of the weekly list of planning applications validated and proceeding to determination, detailing the reference number, proposal, location, decision, number of objections, and a hyperlink to connect to the relevant part of the Planning Portal to enable Planning Committee Members to view more details about the application.
- 13.2 If a Councillor wishes an application to go before the Planning Committee (to be 'called-in') rather than to be determined through Officer delegation, they should make this request in writing (including by email) to the Planning Officer and copy in the Chief Planning Officer as soon as possible, The planning grounds on which the call-in is based should be stated as fully as possible.
- 13.3 The Planning Officer and/or Chief Planning Officer shall then mark the record of that application as "Referral to Committee".
- 13.4 "Call-ins" are of two types:
- i) when a Member would want to have Planning Committee consider the application in the event of an Officer recommendation of refusal because of their awareness of a material consideration that indicates planning permission should be granted; or
 - ii) when a Member would want to have Planning Committee consider the application in the event of an officer recommendation of permission because of their awareness of a material consideration that indicates planning permission should be refused.

In either case, if Members consider there may be circumstances in which an alternative Officer delegated decision may be acceptable (e.g. amendments to a scheme of development imposition of planning conditions), they should still make a "call-in" in writing but indicate to the Chief Planning Officer that they may be minded to change their view subject to further discussion once Officers had come to an initial opinion.

- 13.5 Councillors must have reasonable and material planning ground(s) upon which to make the request to reverse an Officer's indicated recommendation. All Call-ins will be reviewed. Should the Chief Planning Officer find the planning grounds to be insufficient for the reversal of an Officer's recommendation then the Chief Planning Officer will immediately consult with the Chair, Vice Chair and delegated Planning Officer before presenting in writing to, and subsequently discussing with, the member concerned their ~~reason(s)-recommendation(s)~~ to withdraw their Call-In. The decision for a Call-in rests with the Member but no reasonable and sound request for withdrawal shall be refused.
- 13.6 The agenda for the next appropriate meeting will be amended as soon as possible to reflect those applications that have been 'called-in'. The Planning Officer will also inform the Member of the date of the Committee when the application will be heard. The Member making the call-in request will be invited to;
- i) discuss the wording of an alternative resolution for permission/refusal with the Case Officer/another Senior Planning Officer to be forwarded to Democratic Services to ensure the smooth running of Planning Committee proceedings; and
 - ii) discuss the wording of an alternative set of planning conditions/ reasons for refusal with the Case Officer/another Senior Planning Officer to ensure these meet the test of reasonableness and to be forwarded to Democratic Services to ensure the smooth running of Planning Committee proceedings.
- 13.7 The Chief Planning Officer has absolute discretion to refer any otherwise delegated application to the Planning Committee for determination, for example, when such an application raises issues considered to be of District wide importance.
- 13.8 Members of the public and other third parties **cannot** request that an application be referred to the Planning Committee.
- 13.9 The number and nature of delegated applications referred to the Planning Committee will be reviewed on a regular basis.

17. Decision making

17.1 Declaration of Interests

- 17.1.1 The Council's Monitoring Officer has provided all Councillors with detailed guidance on the Member Code of Conduct and in particular, declaration of interests. This is regularly updated. Members of the Planning Committee must ensure they are familiar with the Code. The requirements must be followed scrupulously, and Members should review their situation regularly. It is the personal responsibility of individual Members to ensure they comply with the Code of Conduct and make all appropriate declarations at Planning Committee meetings. Members should take advice early, from the Monitoring Officer or the Deputy Monitoring Officer, and preferably well before any meeting takes place, if they are in any doubt as to their position.

17.1.2 The Member Code of Conduct sets out detailed requirements for the registration and disclosure of disclosable pecuniary interests. Members should not participate in any decision and should leave the meeting where they have a disclosable pecuniary interest unless they have first obtained a dispensation. In addition, unless they have obtained a dispensation, they should:-

- NOT participate or give the appearance of trying to participate in the making of any decision on the matter by the Council
- NOT get involved in the processing of the application
- NOT use their position to discuss the proposal with Officers or Members when other members of the public would not have the opportunity to do so or in any other way seek or accept any preferential treatment or give the appearance of so doing.

17.1.3 The Member Code of Conduct requires Members to consider whether they have a non-registrable interest or personal interest in any item. Such an interest will arise where the matter may reasonably be regarded as affecting the wellbeing or financial standing of the Member concerned, a member of their family or a person with whom they have a close association to a greater extent than many of the constituents of the ward affected by the application at Planning Committee. Such an interest will also arise where it would be a disclosable pecuniary interest but relates to a member of their family or to a close associate rather than to the Member themselves or to their spouse or partner.

17.1.4 In the event that a Member considers that they have a non-registrable pecuniary interest or personal interest in any matter they should disclose the existence and nature of the interest as requested by the Chair during the course of the meeting but, in any case, no later than the hearing of the specific item to which an interest relates.

17.1.5 A Member who has a personal interest in a planning application must also consider whether that interest also constitutes a prejudicial interest. The test of this is whether it would be reasonable for a member of the public with knowledge of all the relevant facts to consider that the nature of the Member's interest was likely to affect their judgement of the public interest - i.e. affect or influence their voting intentions.

17.1.6 If a Member only has a personal interest to declare, which they do not consider to be prejudicial, they are entitled to remain in the meeting and speak and vote.

17.1.7 If a Member decides that their personal interest is a prejudicial interest, they must declare that fact in the usual way. They should leave the meeting for the discussion regarding that item unless exercising their public speaking rights, after which they should then leave the meeting for the remainder of the consideration of the item.

17.1.8 A Member with a disclosable pecuniary interest should, subject to any dispensation, leave the meeting for the discussion regarding that item and not participate in the matter. If there is any doubt, further advice for Members is available in advance of the meeting from Legal Services.

17.1.9 The obligation to disclose the existence and nature of an interest applies to **all Councillors attending the Planning Committee meeting, whether sitting as a Member of the Planning Committee or as a Councillor addressing the Planning Committee or sitting in the public gallery**. The responsibility rests with individual Councillors to ensure they indicate to the Chair that they have an interest to declare.

17.1.10 Members should carefully consider whether they have a disclosable interest if they have participated in a Parish Council meeting or a County Council committee with respect to a particular planning application.

17.2 Predisposition, predetermination or bias

17.2.1 To preserve the integrity of Planning Committee decisions, it is vital that Members do not make up their minds before they have all relevant materials and arguments before them at the Committee meeting. Members must retain an open mind at the time the decision is made and not make up their minds or appear to have made up their minds, until they have heard the Officer's presentation and evidence at the Planning Committee when the matter is considered. This is particularly important if a Member is contacted by an external interest or lobby group. If a Member has made up their mind prior to the meeting and is not able to reconsider their previously held view, they will not be able to participate in the determination of the matter because if they did take part in the discussion or vote it would put the Council at risk in a number of ways. Firstly, it would probably, in the view of the Local Government Ombudsman, constitute maladministration. Secondly, the Council could be at risk of legal proceedings on a number of possible grounds, e.g.

- that there was a danger of bias on the part of the Member; and/or
- predetermination; and/or
- failure to take into account all of the factors which would enable the proposal to be considered on its merits

17.2.2 Members are entitled to feel predisposed towards a particular decision but must still be able to consider and weigh relevant factors before reaching their final decision. Predetermination arises when Members' minds are closed, or reasonably perceived to be closed, to the consideration and evaluation of the relevant factors. This risks making the whole decision vulnerable to legal challenge. Section 25 of the Localism Act 2011 provides that a Member should not be regarded as having a closed mind simply because they previously did or said something that, directly or indirectly, indicated what view they might take in relation to any particular matter. For example, a Member who states "*wind farms are blots on the landscape and I will oppose each and every wind farm application that comes before committee*" has a closed mind. A Member who states "*many people find wind farms ugly and noisy and I will need a lot of persuading that any more wind farms should be allowed in our area*" does not have a closed mind although they are predisposed towards opposing such applications.

17.2.3 Where a Member may have campaigned for or against a proposal, they need to be careful to consider and ensure it is apparent that they have considered all relevant considerations and made their decision in accordance with their statutory duty. Members must be prepared to change their view right up to the point of making the decision. Members can listen to applicants and objectors, and indicate their view, but must not be biased in their consideration of the issues. Members can support or oppose an application and represent the views of their constituents in their role as a Ward Councillor. To do so as a Planning Committee Member MIGHT compromise their role on the Committee and Members are advised to seek advice from the Monitoring Officer or Deputy Monitoring Officer.

- 17.2.4 The fact that Members may have campaigned for or against a proposal will not be taken as proof that they are not open-minded. However, a Member who has expressed particularly extreme views, it will be more difficult in practice to be able to get away from the impression that they would approach the decision with a closed mind. Members of the Planning Committee who have actively engaged with lobby groups on a live planning application will need to seek advice from the Monitoring Officer regarding any perceived pre-determination.
- 17.2.5 Pre-determination does not arise where Members have not expressed a concluded view on a planning application but consider they are still approaching the determination of that application with an open mind.
- 17.2.6 Members on the Planning Committee who also serve on bodies (such as Parish ~~or County~~ Councils) that are consulted about planning applications need to think carefully about their participation in that consultation process to avoid the impression that they have already made their minds up before the matter arrives at the Planning Committee. Members will be familiar with the fact that, when they receive the consultation on a particular matter, they only receive the proposal and not the full Officer report. It is at the point when the Officer report is submitted to Members that all material considerations are before them. A firm decision before that point is as stated above therefore premature in terms of planning law. This does not prevent a Member from listening to a debate at a Parish ~~or County~~ Council, so long as the Member does not take part in the debate or express a view during the debate or openly afterwards.
- 17.2.7 Where a Parish Council ~~or County Council~~ has a Planning Committee, District Planning Committee Members should avoid joining that Committee. Councillors may also well consider whether it would be preferable to leave the room or simply listen to debate in the Parish ~~or County~~ Council but express no view during the debate or openly afterwards until the matter comes before the District Planning Committee. Members should be aware of, and have regard to, guidance issued from time to time by the Planning Advisory Service in relation to this issue.
- 17.2.8 Planning Committee Members should confirm whether they have, in Parish or other formal planning situations, considered, evaluated or discussed any planning application that is before the Committee for consideration. In such circumstances, the Member should leave the room while that planning application is being heard.

18. Public Speaking on planning applications

- 18.1 The Council operates a system of limited public speaking at Planning Committee, to allow Members to hear representations from several interested parties before the application is considered. Representations are limited to 3 minutes per speaker, with 3 speakers allowed, i.e. one in favour (e.g. an applicant, agent or supporter); one objector; and the Parish Council. They are taken in the order of objectors and then applicant and/or supporters. No individual will be allowed to speak in more than one capacity and as set out above; Members of the Committee should not assume one of these roles.
- 18.2 Each speaker must pre-register with Democratic Services no later than 16.30 on the day before the Planning Committee, with registration opening on the publication of the agenda. Details of how to register to speak will be provided to the applicant and third parties who have made representations on the proposal on the publication of the agenda, including within emails generated to affected parties in advance of the meeting. Speakers are registered on a 'first come first served' basis, that is to say the first speakers to register will be successful. Ward and Parish councillors are expected to adhere to the identified timeframes, and any exceptional circumstances that mean that this has not been possible may be considered by the Chair.

- 18.3 There shall be no transfer of time between registered individuals, or to others not registered, except in exceptional circumstances and with the prior approval of the Chair.
- 18.4 Speakers should arrive for the Planning Committee no later than 15 minutes before the start of the Committee. A speaker arriving after the start of the meeting will not be recorded as present and may not be eligible to speak. Changes to the order of the agenda may be made at the Planning Committee and at the discretion of the Chair.
- 18.5 Exceptionally, the Chair may decide during the meeting to increase the time available, for example if an application straddles a parish boundary or if a large number of people wish to speak. In such cases the time will be increased equally for each of the groups.
- 18.6 Messages, in any form, should never be passed to individual Committee Members, either from other Councillors or from the public. This could be seen as seeking to influence that Member improperly and will create a perception of bias that will be difficult to overcome.

32. Ward Councillors addressing the Planning Committee

- 32.1 If a Ward Councillor wishes to address the Planning Committee about a matter in their ward being considered at the Planning Committee, they should advise the Chair (or Vice Chair in his/her absence) and the Committee Clerk prior to the meeting itself and will be entitled to speak after the ~~objector and applicant public speakers~~ and partake in the debate as appropriate but not vote. Ward Councillors should comply with the procedure for declaration of interests if they speak at a Planning Committee meeting in the same way as Members of the Committee. Where the Ward Councillor has a prejudicial interest, they may only address the Planning Committee if they are the applicant or lead objector and must withdraw from the room (or virtual meeting where appropriate) once they have made their representations.

Letter to the Chief Planner at the Department for Levelling Up, Housing and Communities
(sent on the 27th September 2022)

Dear Ms Averley,

GOVERNMENT ADVICE TO PINS ON LOCAL PLANS UNDER EXAMINATION

I am writing to ask for clarification about the implications of the former Secretary of State, Greg Clark's, letter to Sarah Richards, the Chief Executive at the Planning Inspectorate (PINS) of 28th July, 2022. The letter requested that inspectors do not conclude that local plans under examination are unsound or recommend their withdrawal before a new prime minister is appointed, or "until the department advises you otherwise". This letter is quite unprecedented in the opinion of the Council's principal planning officers and has introduced a significant amount of uncertainty into this Council's local plan making process.

The pause in decision making on local plans currently at examination could last well into the autumn, taking into account the party-political conferences in October; and a newly appointed prime minister and cabinet needing time to assimilate their briefs and make their own decisions on the future direction of planning policy. There has to be a reason for the Secretary of State to take such unprecedented action. Both elected members and officers of this Council are concerned that the letter presages significant alterations in Government planning policy, particularly with respect to matters such as assessment of housing requirements, affordable housing and release of land from green belts.

Tandridge District Council has spent to date some £3.1M of council tax-payers money on preparing its emerging local plan. An additional £1.3M is estimated to be required for the further work the examining inspector has identified is required to move the local plan forward for consideration for adoption by December 2023.

Tandridge District Council like all local authorities is facing real challenges financially. Adding to these existing challenges are levels of inflation and rising energy costs not previously anticipated. The Council has to act in a financially prudent way and ensure value for money in all expenditure. The uncertainty raised by the Secretary of State's 28th July letter to PINS causes the Council real concern that if major central government planning policy changes are afoot there could be wasted expenditure. This could arise either because not all the work identified to complete the local plan may be needed or the work that is needed will have to be approached in different ways to before.

Furthermore, the Council is concerned about the implications of the former Secretary of State's letter for the Government's target of having adopted local plans in place by December 2023. The letter introduces uncertainty, and thereby delay, in progressing local plans already at examination, which is the position with the emerging Tandridge Local Plan. Local authorities are not responsible for that uncertainty and delay. This raises the question of whether the December 2023 date should now be extended.

The Council would be extremely grateful if you could provide clarity about the implications of the Secretary of State's 28th July letter and whether the Council is right to anticipate changes in central government planning policy that could have financial consequences for this Council in terms of incurring further significant expenditure in moving the local plan forward.

Yours sincerely,

David Ford
Chief Executive

Letter to the Planning Inspector examining the Local Plan (c/o the Programme Officer)
(sent on the 27th September 2022)

Dear Inspector,

GOVERNMENT ADVICE TO PINS ON LOCAL PLANS UNDER EXAMINATION

We write in respect of the letter dated 28th July 2022 from the Secretary of State, Greg Clark, to Sarah Richards, the Chief Executive at the Planning Inspectorate (PINS) giving Government advice to PINS regarding Local Plans under Examination.

As a result, we have sent the attached letter to the Chief Planner. As you will see, we are concerned that there may be significant alterations to Government planning policy and we are anxious to avoid spending money on work that may not be necessary or become outdated. There are growing pressures on the Council's limited financial resources and it is imperative for us to secure best value in all our expenditure.

We will therefore not be sending any further monthly updates for the time being but will resume as soon as there is further clarification of future Government policy.

Yours sincerely,

David Ford
Chief Executive

TANDRIDGE DISTRICT COUNCIL

AUDIT & SCRUTINY COMMITTEE

Minutes and report to Council of the meeting of the Committee held in the Council Chamber, Council Offices, Station Road East, Oxted on the 27th September 2022 at 7:30pm.

PRESENT: Councillors Gillman, Allen, Booth, Botten, Chotai, Cooper, Flower, C.White and N.White

PRESENT (Virtually): Councillor Mansfield

ALSO PRESENT (Virtually): Councillors S.Farr and C.Farr

APOLOGIES FOR ABSENCE: Councillor O'Driscoll

109. MINUTES OF THE MEETING HELD ON 5 JULY 2022

The minutes were confirmed and signed as a correct record.

110. REVIEW OF MINUTED ACTIONS FROM THE PREVIOUS COMMITTEE MEETING

The actions arising from the meeting on 5 July 2022 were reviewed and it was noted that:

- Minute 287: Information in respect of payments to staff was still outstanding. The Chair had been advised that this information should not be discussed in a public meeting. However, if any Councillor had any concerns they were invited to contact the Chief Executive directly.
- Minute 288 and 291: The external audit plan had been included in the agenda for the meeting (agenda item 7 / minute 111).
- Minute 288: The Chair confirmed that a reply had been sent to Deloitte. A copy of this letter would be circulated to the committee.
- Minute 289: The Future Tandridge Programme will be discussed at a future meeting once the Strategy & Resources Committee had reviewed the current progress.
- Minute 289: The internal audit charter had been included in the agenda for the meeting (agenda item 9 / minute 113).
- Minute 289: The Audit & Scrutiny Committee Terms of Reference would be reviewed following the recent agreement to the internal audit charter to ensure compatibility.
- Minute 289: The spreadsheet setting out the number of unresolved internal audit items would be discussed during the meeting (agenda item 11 / minute 115).

- Minute 291: Due to the recent cancellation of the Housing Committee, the Chair had not been able to speak to the Chair of the Housing Committee but would do so as soon as possible.
- Minute 293: Discussions had yet to take place in respect of Deloitte's scale of charges. The Committee would be updated once this had taken place.
- Minute 293: The mapping of the findings from the external audit 2019/20 Value for Money report against the Tandridge Finance Transformation Programme had been completed. A draft document had been circulated to the Chair and Vice Chair who had provided feedback. There has since been a further Value for Money report for 20/21 (agenda item 8 / minute number 111) which would now also be incorporated to give a full response to the Committee.
- Minute 294: The Annual Governance Statement had been deferred and the intention was for it to be discussed at the next meeting on 6 December 2022.
- Minute 296: The internal auditors were now reviewing project management as part of the current audit. Consequently, this item would be deferred until their report was available for the committee to consider.
- Minute 297: The estimate of costs was included in the agenda pack for the meeting on 5 July 2022. This matter was now closed.

Additional unresolved items from the 5 July 2022 meeting were highlighted by Councillor Allen. These related to details relating to the implementation of supporting statements and the database management audit review. The Chair stated that these items would be picked up at the next meeting.

111. EXTERNAL AUDIT - FINALISATION OF 2020/2021 ACCOUNTS

A report was presented by the Council's external auditors, Deloitte, informing the Committee of current position of the audit of the 2020/21 financial statements.

- The audit was at an advanced stage but there were still a number of outstanding items still to be completed, despite significant progress in recent months. A summary of the outstanding items was provided by Deloitte.
- No significant financial reporting issues had been identified by Deloitte, although a potential adjustment of £608k in respect of the Surrey Pension Fund pension liability was being reviewed.
- Concerns had been raised in respects of the Council's ability to provide Value for Money and the report set out a qualified opinion in this area. The concerns raised were being addressed by the Tandridge Finance Transformation Programme and the Future Tandridge Programme. Consequently, any improvements in the Council's approach in this area occurred after 2020/21 and therefore were not captured by in the audit.
- It was expected that some of the Value for Money issues would persist into the 2021/22 report.

In response to Members' questions, the Committee was advised that the error highlighted with the Surrey Pension Fund would increase the assets for the Tandridge Pension Fund and therefore reduce pension liability. Discussions would take place between the Council and Deloitte as to how this would be reported as it was the Council's view that there had not been an error on their part. It was noted that there was no immediate effect on taxpayers or the General Fund revenue budget.

RESOLVED – that the current position with regard to the Statement of Accounts 2020/21 be noted.

112. EXTERNAL AUDIT - AUDIT PLAN UPDATE FOR 2021/2022 ACCOUNTS

The Council's external auditor Deloitte presented the indicative plan for auditing the Council's Statement of Accounts for 2021/22. It was noted that the plan would remain indicative until the financial statements for 2020/21 were finalised Deloitte were able to complete their detailed risk assessment processes. A detailed plan for the completion of the 2021/22 audit would be agreed following the signing of the 2020/21 accounts. It was confirmed that the Committee would receive updates as to when both sets of accounts would be signed off.

In terms of comparison, it was noted that 40% of Local Authorities were in the same position as the Council whilst 11% still had still yet to sign off their 2019/20 accounts.

The Committee received a summary of the significant audit risks that would be included in the plan being capital expenditure, property valuation and management override of control. The plan would be finalised once the detailed risk assessments and preliminary analytical review procedures were completed. A final paper would come to the Committee for approval once these stages had been completed.

In response to Members' questions, it was confirmed that:

- Management Override of Controls was a mandated area for review in all Local Authorities. There was nothing specific in the financial systems or controls of the Council that left it open to this particular risk. It was noted that an internal audit of the main accounting system would also be completed this year in order to give further assurance in this area.
- The probability of a management override of controls occurring was low and there were controls in place to stop the diversion of funds. Additionally, a culture was being developed which was open about the Council's situation, which would prevent the misrepresentation of the Council's financial position.
- The wording for the management override of controls relates to management inappropriately using judgment, not judgment that occurs on a daily basis. It was requested that the wording is clarified in any future drafts of the audit plan.

RESOLVED – that the Committee approve the indicative External Audit Plan for the 2021/22 accounts.

113. INTERNAL AUDIT CHARTER 2022/23

The Chair stated that the Committees' comments on the Internal Audit Charter, which had been circulated before the last committee meeting, had been submitted to the Southern Internal Audit Partnership ("SIAP") and the document had been updated accordingly. The changes had been

discussed between SIAP and the Council's Head of Legal. It was noted that the Head of Legal would also review the committees' Terms of Reference to ensure compliance with the Internal Audit Charter.

In response to Member's questions it was confirmed that the appendix to the Internal Audit Charter was included as there was a requirement in the Public Sector Internal Audit Standards that SIAP had to be clear on other clients they provide for.

RESOLVED - that the Committee approves the Internal Audit Charter 2022/23.

114. INTERNAL AUDIT ANNUAL REPORT & OPINION 2021/22

Neil Pitman of the Southern Internal Audit Partnership ("SIAP") presented a report which set out the Chief Internal Auditors opinion on the adequacy and effectiveness of the Council's framework of risk management, internal control and governance for the financial year 2021/22.

It was noted that 80% of all assurance opinions had concluded with a 'Limited' assurance and 20% had been 'Reasonable'. Consequently, a 'Limited' overall assurance opinion had been provided.

Although there were a high number of 'Limited' assurance opinions for 2021/22, SIAP had confidence that the Council was using internal audit correctly in focusing their resources on the areas which would provide optimum value. It was noted that both Officers and Members had been both cooperative and supportive during the course of the year which allowed SIAP to complete their annual opinion.

In response to Member's questions, it was confirmed that:

- A new leavers checklist was being put in place so that all relevant areas of the business, including the Emergency Planning Team, would be notified when someone leaves the Council.
- Approximately 300 stakeholder satisfaction questionnaires had been sent out by SIAP, the responses to which formed the basis of the performance figures included in the Internal Audit Opinion.
- There was provision in the 2022/23 internal audit plan to undertake a number of follow up audits of areas which had received 'Limited' assurance reviews. There was also provision to follow up on the 'No' assurance review for IT Disaster Recovery and Business Continuity that had occurred in a previous audit year.

It was noted that in future reports, a summary of instant actions taken to resolve issues highlighted by SIAP could be included. It was also noted by the Chair that, although this was still a 'Limited' opinion, there had been an improvement from the previous year.

RESOLVED - that the Committee notes the Internal Audit Annual Report & Opinion 2021/22.

115. INTERNAL AUDIT PROGRESS REPORT - SEPTEMBER 2022

Natalie Jerams of the Southern Internal Audit Partnership ("SIAP") presented a report which provided an overview of:

- the current status of live internal audit reports;

- an update on progress against the annual audit plan;
- a summary of internal audit performance, planning and resourcing issues; and
- a summary of significant issues that impact on the Chief Internal Auditor's annual opinion.

It was noted that the outstanding management actions had reduced from 42 to 25 since the last committee meeting although it was highlighted that these figures will fluctuate during the course of the year.

The Committee received the following updates on outstanding management actions:

- An update of the current progress with the project plan for the Disaster Recovery and IT Business Continuity action was provided. It was noted that unrealistic timescales had been assigned to the audit from the outset. It was confirmed that recent blockages with BT had been cleared and the site to site fibre link was now in place and issues with backups had been resolved so migration of data to the new equipment could be resumed. Currently, the plan was still on course to provide a functional system by January 2023. It was confirmed that any expenditure required for the project had been budgeted for.
- Building Control were asked to prepare their own disaster recovery plan which was nearing completion. Building Control's IT is cloud based rather than on premise. Consequently, the impact assessment for Building Control raises different issues to the Council. The impact of disasters at member authorities was also being reviewed to see if this would impact on service pressures.

R E S O L V E D - that the Committee notes the Internal Audit 2022/23 Progress Report – September 2022.

116. COMPLAINTS AND FREEDOM OF INFORMATION UPDATE

The Committee received a report that set out details of the complaints and Freedom of Information requests received by the Council in the last quarter. The report also provided an update on the Council's approach to managing complaints and what lessons had been learnt from recent experiences.

During the debate, the following points were noted:

- There was a mathematical error on Table A in the report which would be reviewed and corrected.
- The Chair would speak to the Interim Chief Planning Officer and seek clarification as to the current position of the three complaints which were currently at Stage 2.
- An update was asked for in respect of how the Council was intending to improve the way in which it responds to Freedom of Information requests.

R E S O L V E D – that the committee note and accept the report.

Rising 9.04 pm

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TANDRIDGE DISTRICT COUNCIL

STRATEGY & RESOURCES COMMITTEE

Minutes and report to Council of the meeting of the Committee held in the Council Chamber, Council Offices, Station Road East, Oxted on the 29th September 2022 at 7:30pm.

PRESENT: Councillors Langton (Chair), Crane (Vice-Chair), B.Black, Bloore, Botten, Caulcott, Cooper, Gillman, S.Farr, Jones and Pursehouse

PRESENT (Virtually): Councillor Hammond

ALSO PRESENT: Councillors Allen, C.Farr, Lockwood, Sayer and N.White

ALSO PRESENT (Virtually): Councillors Gray and Montgomery

117. MINUTES OF THE MEETING HELD ON THE 30TH JUNE 2022

These minutes were confirmed and signed as a correct record.

118. MINUTES OF THE MEETING HELD ON THE 10TH AUGUST 2022

These minutes were confirmed and signed as a correct record.

119. DECLARATIONS OF INTEREST

Councillors declared non-pecuniary interests in agenda item 8 (Rental Grant Subsidy Applications – Minute 123) as follows:

- (i) Councillor Pursehouse, on the basis that he was the Chairman of a nature reserve organisation (Blanchman's Farm) which:
 - was similar to the Lingfield Nature Reserves Association; and
 - would be applying for a similar rent subsidy in near future once its current lease expired
- (ii) Councillor Bloore, on the basis that he was the Council's representative on the Blanchman's Farm Nature Reserve Committee
- (iii) Councillor Lockwood, on the basis that she was the Council's representative on the Lingfield Community Wildlife Area Management Committee.

120. QUESTIONS SUBMITTED UNDER STANDING ORDER 30

The Chief Finance Officer responded to questions from Councillor Gillman, as attached at Appendix A.

121. QUARTER 1 2022/23 BUDGET MONITORING

An analysis of forecast expenditure against the Council's overall revenue budget of £11,351k, as at the end of June 2022 (Month 3) was presented. A £573k overspend was forecast, split between the four policy committees as follows:

- Community Services: £200k
- Planning Policy: £124k
- Strategy & Resources: £244k
- corporate items: £5k

Potential mitigations totalling £484k through the following planned contingencies were identified, namely:

- £100k – reserve contribution held within the 2022/23 budget
- £117k - general contingencies within the 2022/23 budget
- £317k – set aside to meet known 2022/23 risks as part of the 2021/22 outturn, less £50k used for the £450 cost of living support proposal as referred to below.

The shortfall in property rental income could also be met from the Income Equalisation Reserve, totalling £215k, should it be deemed necessary.

Upon reviewing the Revenues & Benefits budget, it was considered more logical for £270k of income items held within Strategy & Resources to be transferred to 'corporate items' as part of collection fund management. A virement between the two budgets was recommended to that effect, bringing the Committee's budget down to £6,222k.

The Capital Programme was forecasting £60k of slippage in the Housing General Fund.

The report also covered the following two matters:

- (i) Confirmation that the Council's application to Government for a capital dispensation (initially to replenish General Fund Reserves and to secure flexibility for a further amount to fund the transformation programme) had been refused. This was based on the Government's assessment of the Council's overall financial position, including the current level of reserves and measures underway to meet the identified budget pressures. In the meantime, sector-wide flexibility to use capital receipts to fund transformation initiatives had been extended, so plans to fund the Future Tandridge Programme were not at risk. While the Government regarded capital dispensation as a measure of last resort, a further application would be considered should funding for the Council in 2023/24 be insufficient to meet emerging risks.

- (ii) A proposal to make a one-off payment of £450 to staff on grades TC1 to TA2, given the absence of a cost of living pay increase for 2022/23. While the Council's financial position remained extremely challenging, management recognised the impact of the cost of living crises upon staff. The payment would cost the General Fund c.£50k (funded from the surplus from the 2021/22 outturn position) and the Housing Revenue Account c.£10k. The contingencies listed above had been adjusted for this.

A wide range of views were expressed regarding the recommended £450 payment to staff referred to in (ii) above. Councillor Gillman, in light of the responses to his Standing Order 30 questions, proposed an amendment that, if such a payment was to be awarded, it should be restricted to those staff (on grades TC1 to TA2) who had not received an increment for 2022/23. This amendment was not seconded, so did not proceed to a vote. Other Members of the Committee were in favour of the original recommendation.

Various matters were discussed regarding the £573k forecast overspend, including:

- the inflationary impact of price indexation within waste services and the need to ensure that, for contracts in general, the Council (as client) was not burdened with an unreasonable share of financial risks
- the wider adverse impact of inflation upon the Council's building contracts, the extent of which would become more apparent in monitoring reports for Q2 and subsequent agenda items for the Housing Committee
- the scope for making future budget monitoring reports more transparent by distinguishing 'in-house expenditure' from contractual costs, without causing a disproportionate amount of work for the finance team
- the fact that posts in the Development Management team were now being filled by permanent staff, which would help to bring salary costs under control
- an explanation of injunctions served in respect of Green Belt incursions and the intention for this to deter future breaches of planning control, notwithstanding the fact that associated Counsel costs were unrecoverable
- the desire to increase income from Council office rentals.

RESOLVED – that:

- A. the virement of £270k between corporate items and the Strategy & Resources Committee, set out in section 3 and slide 13 of Appendix A to the report, be agreed;
- B. a £450 one-off payment to staff on the lowest grades of the Council's pay structure, set out in section 15 of the report and funded from £50k of the 2021/22 outturn surplus and £10k from the HRA, be approved;
- C. the forecast revenue and capital budget positions as at Quarter 1 / M3 (June) 2022 be noted.

In accordance with Standing Order 25(3), Councillor Gillman wished it recorded that he voted against resolution B above.

122. STRATEGY & RESOURCES COMMITTEE – FUTURE TANDRIDGE PROGRAMME UPDATE - SEPTEMBER 2022

Phase 1 (mobilisation and design) of the Future Tandrige Programme (FTP) was coming to an end. The resources required to deliver the FTP's objectives of transforming the Council's operating model with associated revenue savings (Phase 2) now needed to be addressed. The Committee considered a report which set out the:

- budgetary context, in terms of the timetable to deliver the Council's 2023/24 budget and an update on the likely financial position and scale of savings required
- progress to date in delivering service reviews, with updates on all service areas currently in scope
- directions of travel for becoming a 'commissioning Council' and for digital transformation
- the expected resourcing plan for the delivery phase of the FTP.

The Chief Executive reflected on the great amount of work being undertaken and referred to the FTP Member briefing on the 20th September. He explained that subsequent Member engagement (about becoming a commissioning council and to enable scrutiny of outstanding business cases for service transformations and measures for generating required savings) would be arranged prior to the Committee's next meeting on the 1st December. It was acknowledged that business cases for service transformations under the purview of the Community Services and Housing Committees had already been published for the meetings originally scheduled for the 8th and 15th September respectively (both meetings had been cancelled following the passing of Her Majesty the Queen).

The Chief Finance Officer gave an update on the budget setting process for 2023/24 and explained that the scenario modelling (pessimistic / optimistic / neutral) would be refreshed. He considered that, in view of the current macro-economic situation, the savings requirement for 2023/24 were likely to increase by £0.5 million, i.e. from £1.7 million to £2.2 million.

The £500k investment required for securing the FTP's delivery phase, including the necessary revenue budget savings, was discussed. A breakdown of how that sum would be applied was set out in Appendix F to the report. The original officer recommendation had been revised whereby the investment would be released in two phases.

Debate focused on the risks associated with the FTP (Appendix E to the report) including:

- the role of the Audit & Scrutiny Committee in the process
- the need for specific officers to be accountable for the management of each risk
- the rationale for certain mitigated risk scores (some of which were challenged)
- reference to the fact that the Programme Manager would be meeting the Chair of the Audit & Scrutiny Committee to discuss the risk management process.

Some Members questioned whether sufficient information had been presented to justify the release of the £500k investment for Phase 2. In that respect, the wider project management aspects of the FTP were discussed and challenged, including:

- whether the £28,000 contingency for the delivery phase was sufficient
- clarification that key project milestones were in place, although more work was due to be undertaken to complete the finer details of the project plan
- the importance of officer accountability
- an explanation that, although more in depth FTP analysis and documentation had been undertaken besides the material contained within the committee report, Members needed a greater level of visibility of that detail
- the need to see examples from other District Councils where changes similar to those proposed via the emerging FTP had been successfully implemented.

The Chair concluded that the support of all Members was vital given the scale and complexity of the challenge behind the FTP

RESOLVED – that:

- A. the progress to date on delivering the Future Tandridge Programme, the direction of travel for the service reviews, and associated savings targets included in Appendix C to the report, be noted;
- B. Officers will continue to update their business cases where these are required to achieve the target savings and will bring these for Committee approval where necessary over the coming months;
- C. regarding the £500,000 resource investment required to take the Future Tandridge Programme into the delivery phase, including delivery of the £1.7m indicative savings identified in Appendix F to the report:
 - (i) the investment be funded from capital receipts
 - (ii) the release of an initial £250,000 to fund the programme for six months be approved; and
 - (iii) it be noted that the remaining £250,000 will be subject to further reporting and approval by the Committee.

123. RENTAL GRANT SUBSIDY APPLICATIONS

The Committee considered applications for rental subsidies from three tenant organisations, namely the Lingfield Nature Reserves Association, Lingfield Sports Association and the Caterham & Whyteleafe Tennis Club. In all three cases, the officer recommendation was to grant renewed 100% rental subsidies, subject to the organisations entering into new lease agreements (with repair and maintenance obligations) and seeking additional funding sources.

It was explained that community organisations which operated from Council owned land / buildings were invited to submit such applications when their current leases were about to expire or at rent review. In the case of the two Lingfield organisations, their leases had not yet expired, but the organisations had approached the Council to renegotiate their leases so they could have a longer-term certainty (at least 15 years, but ideally 25 years) in order to be eligible for grant funding.

Councillor Pursehouse proposed an amendment to:

- (i) clarify that the 100% rental subsidy for the Lingfield Nature Reserves Association would apply throughout the duration of the new lease
- (ii) continue, and index link, the Council's annual £700 contribution to the Lingfield Nature Reserves Association towards grass cutting costs (the report envisaged that this contribution would cease)
- (iii) ensure that all three organisations (and subsequent rent subsidy applicants) would not be precluded from applying for any future Council grants that may be available.

This amendment was agreed, the rationale for (ii) above being that the Lingfield Nature Reserves is a non-revenue generating organisation.

RESOLVED – that:

- A. a 100% rental grant subsidy (for the duration of the lease referred to in (i) below) be awarded to the Lingfield Nature Reserves Association, subject to the Association:
 - (i) entering into a 25-year lease in order to attract grant funding;
 - (ii) being fully responsible for all repair and maintenance within the demise (notwithstanding B below); and
 - (iii) seeking external grant and other funding, significantly from non TDC sources, and undertaking fundraising to achieve ongoing maintenance and improvements (e.g. footpath renewals);
- B. the Council will continue to provide an annual contribution to the Lingfield Nature Reserves Association towards grass cutting costs (£700 for 2022/23 and index linked thereafter);
- C. a rental grant subsidy of 100% be awarded to the Lingfield Sports Association, subject to the Association:
 - (i) entering into a 25-year lease in order to attract grant funding;
 - (ii) being fully responsible for all repair and maintenance for buildings and the grounds within the demise; and
 - (iii) seeking external grant and other funding, significantly from non TDC sources, and fundraising to achieve ongoing maintenance and improvements;
- D. a rental grant subsidy of 100% be awarded to Caterham & Whyteleafe Tennis Club, subject to the Club:
 - (i) entering into a 15-year lease in order to attract grant funding;
 - (ii) taking full responsibility for repairs to the entire demise, including for the clubhouse, all grass cutting, litter clearance, internal fencing and court maintenance; and

(iii) seeking external grant and other funding, significantly from non TDC sources, and fundraising to:

- continue to maintain the site
- replace the court surface when necessary
- improve or replace the current clubhouse building;

E. in future, other community organisations in receipt of rental subsidies shall not be prohibited from applying for grants which may be available from the Council.

124. COUNTY DEAL WORKING GROUP

The minutes of the Working Group's meeting held on the 9th August 2022, attached at Appendix B, were presented.

The Group had intended to reconvene on the 19th September in light of the fact that Surrey District and Borough Leaders were due to discuss the County Deal on the 16th September. However, both meetings had been cancelled following the passing of Her Majesty the Queen. Councillor Sayer advised that, in view of those unavoidable delays, Surrey County Council had extended the deadline for receipt of District / Borough representations (with proposals for potential inclusion within a County Deal) from the 3rd October to a date after 21st October. The exact revised deadline was yet to be confirmed.

RESOLVED – that the minutes of the Group's meeting held on the 9th August 2022, and the update from Councillor Sayer, be noted.

Rising 10.12 pm

Strategy & Resources Committee – 29.09.22 – Standing Order 30 Questions

Questions from Councillor Gillman and responses from the Chief Finance Officer

1. How many staff in grades TC1 to TA2 resigned from the council in the year April 2012 to March 2022?

Response: 10 staff

2. How many staff in grades TC1 to TA2 resigned from the council from April 2022 until present (End August 2022)?

Response: 9 staff

3. How many staff in grades TC1 to TA2 accepted job offers from the council in the year April 2021 to March 2022?

Response: 10 staff

4. How many staff in grades TC1 to TA2 accepted job offers from the council in the year April 2022 to present (End August 2022)?

Response: 9 staff

5. How many staff in grades TC1 to TA2 have already received an increment since April 2022 or are expected to receive an increment before end March 2023?

Response: 62 staff (57 full time equivalent) received increments on 1st April

6. What is the value of the increment in terms of the mean value, the mode value i.e. the value of the most common increment and the median value i.e. the value at which half are above and half are below this value?

Response: Mean: £758; Mode: £732; Median £732

7. How many positions in grades TC1 to TA2 are expected to go under the Future Tandridge Program?

Response: Staffing structures will emerge from forthcoming Committee decisions on service reviews. At this stage it would not be possible to quantify the number of posts in these grade ranges expected to be affected.

Supplementary question from Councillor Gillman

I understand the response to Q7 above, but is there an indication of the possible number of posts likely to be affected, e.g. 1 to 10 or higher?

Response and response from the Chief Finance Officer: It is genuinely very difficult to provide an estimate at this stage, so I don't want to speculate at the moment.

TANDRIDGE DISTRICT COUNCIL

COUNTY DEAL WORKING GROUP

Minutes of the meeting of the Working Group held in the Lyndsay Narcisi Room on the 9th August 2022 at 3.30 pm.

PRESENT: Councillors Bloore, Cooper, C.Farr, Gray, Langton, Pursehouse and Sayer.

APOLOGIES FOR ABSENCE: Councillor Botten.

1. APPOINTMENT OF CHAIR FOR THE REMAINDER OF 2022/23

Councillor Sayer was appointed Chair of the Working Group for the remainder of the 2022/23 municipal year.

2. SCC's INVITATION TO SUBMIT PROPOSALS FOR INCLUSION WITHIN A COUNTY DEAL FOR SURREY

The Leader of Surrey County Council (SCC) (Councillor Tim Oliver) had invited Districts and Boroughs to submit proposals for potential inclusion within a 'Level 2 County Deal for Surrey' (i.e. in line with the 'Level 2' powers defined within the Levelling Up White Paper Devolution Framework, which would rely on effective partnership working between existing local authorities, with no change to the structure of local government throughout Surrey). The text of Councillor Oliver's letter of invitation is attached at Annex A.

The minutes of the 4th July Surrey Delivery Board meeting (attended by SCC and District / Borough Leaders and Chief Executives) relating to the County Deal initiative was also circulated. These confirmed that Districts and Boroughs were "*encouraged to engage in the process and bring forward suggestions for ways in which available funds could go further across the three tiers of local government. A formal proposal for a Level 2 Plus bid would be drawn up, despite the indications from the Government [that it would not consider such bids which would involve powers beyond those set out in the Levelling Up and Regeneration Bill] as there were other areas where opportunities existed ...*"

Councillor Sayer updated the Group regarding current dialogue with other Leaders. Members discussed what they thought Tandridge District Council (TDC) should be seeking from a County Deal, both in terms of additional powers and the retention of control and influence over other things. At this stage, as far as TDC was concerned, the Group considered that the following elements should be reflected within a proposed County Deal submission to Government:

- (i) to be devolved from Surrey County Council to TDC :
 - power to set priorities for local highways projects within an agreed proportion of the total SCC highways budget (that reflects the District's total road mileage) and to commission the implementation of the prioritised highways work from SCC
 - power to determine planning applications for developments in the District relating to land and property owned by SCC;
- (ii) TDC to be able to influence:
 - the provision and co-ordination of SCC's public transport services within the District
 - decisions regarding changes of use or development of SCC owned land and assets within the District;
- (iii) TDC to retain:
 - access to funding which is currently allocated to Local Economic Partnerships and similar bodies to distribute
 - control and authority over:
 - housing and planning functions
 - the allocation of proceeds from the Community Infrastructure Levy or successor schemes
 - on-street parking enforcement.

3. NEXT MEETING*

This was scheduled for Monday, 19th September at 4.00pm (Lyndsay Narcisi Room).

The meeting closed at 4.40 p.m.

*The meeting referred to in item 3 above was subsequently cancelled.

Text of a letter dated 28th July 2022 from Councillor Tim Oliver, Leader of Surrey County Council, to the Leaders of the eleven Surrey Districts / Boroughs

Dear Leader,

Following our discussions at the last Surrey Delivery Board about delivering a County Deal for Surrey, I would like to invite district and borough councils to put forward their proposals for consideration and inclusion under a Level 2 County Deal for Surrey. I am sure you will appreciate the need for us to base our suggested proposals on the key challenges and opportunities we face within the county, and to align with the Levelling Up White Paper and Devolution Framework.

A County Deal for Surrey will deliver devolved powers/functions and has the potential to give us greater control and influence over some of the key decisions and resources that shape our county, to the benefit of our residents, our economy, our environment and our communities and ensure that no one is left behind. Crucially, it is an opportunity for local government and key stakeholders in Surrey to come together and develop collective and collaborative approaches and solutions that utilise the additional powers/functions we secure. My sincere hope is that through this process we can forge stronger and closer partnerships and more effectively deliver on the priorities of the residents we jointly serve.

We have some time in the coming months to consider and develop our ideas about how we might use newly devolved powers/functions under a Level 2 County Deal for Surrey. We are intending to bring a report to our Cabinet on 25th October setting out our initial draft proposals for a County Deal for Surrey. Further to our previous requests of you, which I fully appreciate you have needed some time to respond to, it would be extremely helpful if you could provide us with your suggestions and thoughts on initial proposals for consideration and inclusion in a County Deal for Surrey by Monday 3rd October, which will enable us to take them into account. I would emphasise that at this stage, draft proposals will be just that, draft, and that as we look to enter into negotiations with Government, hopefully early next year, there will be opportunities to amend, refine and add to them.

I look forward to hearing from you on this critically important matter as we develop a suite of proposals that will deliver for the whole of Surrey.

Yours sincerely,

Tim Oliver
Leader of the [Surrey County] Council

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TANDRIDGE DISTRICT COUNCIL

HOUSING COMMITTEE

Minutes and report to Council of the meeting of the Committee held in the Council Chamber, Council Offices, Station Road East, Oxted on the 4 October 2022 at 7:30pm.

PRESENT: Councillors Pursehouse (Chair), Lockwood (Vice-Chair), Gaffney, Groves, Montgomery, Robinson, Shiner, Stamp, Lee (substitute in place of Evans), O'Driscoll (substitute in place of Hammond) and Pinard (substitute in place of Swann)

ALSO PRESENT (Virtually): Councillors C.Farr, S.Farr and Sayer

APOLOGIES FOR ABSENCE: Councillors Evans, Hammond and Swann

125. DECLARATIONS OF INTEREST

Councillor Shiner declared a non-pecuniary interest in agenda item 5 (Appropriation of Land for Council House Building – Minute 127) on the basis that she lives in Wolfs Wood and had taken part in the public consultation.

126. MINUTES OF THE MEETING HELD ON 21 JUNE 2022

The minutes were approved and signed as a correct record.

127. APPROPRIATION OF LAND FOR COUNCIL HOUSE BUILDING - WOLFS WOOD - NEXT STEPS

The Committee received a report seeking the appropriation of land at Wolfs Wood for planning purposes. This would facilitate the redevelopment of the land once planning permission was granted. Beneficiaries of any third party rights that may have been interfered with would be able to claim compensation but would not be able to hinder the development.

A consultation on the appropriation of the land was run concurrently with a consultation on the development proposal in May and June. No comments were received in relation to third party rights or the appropriation of the land. Appropriation does not guarantee planning permission would be granted.

In response to questions from Members, it was confirmed that:

- There would be opportunity for comments on the development proposals during the planning process.
- It was unlikely there would be any significant claims for third party compensations.
- Construction vehicles would access the site using the existing roadway and via the garage site. Agreement had been reached with a resident for using part of their garden to access the site. A traffic management plan would form part of the planning application.

RESOLVED – that:

- A. the land at the proposed development site indicated in the plan at Appendix A to the report, being the garage site and 106-128 (even numbers) Wolfs Wood be appropriated for planning purposes to facilitate the redevelopment of the land for the proper planning of the area and contribute to its economic, social and/or environmental wellbeing;
- B. the Council seek the consent of the Secretary of State for the appropriation of housing land for planning purposes by demonstrating that the land is not required for the purposes for which it is currently held and that the use of the power of appropriation is in the public interest;
- C. delegated authority be provided to the Executive Head of Communities, at the appropriate time to sign a memorandum stating that the land is appropriated from planning purposes to housing.

128. COUNCIL HOUSE BUILDING PROGRAMME - PELHAM HOUSE

The Committee considered a report which sought approval for Officers to prepare detailed proposals for the redevelopment of Pelham House in Caterham. This followed approval of a planning pre-application budget for redevelopment of the sheltered housing scheme by the Committee at its meeting on 24 March 2022. Officers had commissioned surveys and worked with Planning officers to develop a proposal for the demolition of the existing block of 12 one-bed flats and studios, and the development of 6 x three-bed houses, 2 x two-bed flats and 2 x one-bed flats.

The existing residents had been informed of the proposals and the Council's obligation to find suitable alternative accommodation. There had been no objections to the proposals and Officers would continue to work with existing residents to address any concerns. The budget had been calculated using current build costs and included costs of building to net zero carbon and additional build cost inflation.

It was confirmed that the decision did not require ratification by Full Council. The Chair therefore proposed that the wording of recommendation D end after the word 'commence'. This was agreed.

In response to a Member question, the Committee were provided with information about the 2017/18 review into sheltered housing. This review sought to ensure accommodation was provided in appropriate areas of the District, including sites near local amenities. The review reduced the number of units from 600 to 333 and had earmarked a number of schemes for development, including Pelham House. The development of Bronzeoak House made it possible for the redevelopment of Pelham House as residents from Pelham House could be moved into nearby suitable accommodation. There had also been new schemes at Shallcross, Warlingham and The Greenway, Hurst Green.

RESOLVED – that:

- A. Officers prepare detailed proposals for the development of Pelham House in Caterham for a mix of 3 bedroom houses and 1 and 2 bedroom flats for affordable rent and submit a planning application to develop the site and approve a budget of £3,667,926 for the project;
- B. authority be delegated to the CEO in consultation with the Council’s Leadership (as detailed in Standing Order 46 of the Council’s Constitution) to procure and award a contract for the proposed development to the most economically advantageous tenderer, subject to the outcome of the planning process and construction costs being within the approved budget;
- C. the above approval to proceed includes the appointment of an architect, Employers Agent and other specialist consultants and surveyors to act for, or advise, the Council and the commissioning of necessary reports to take the schemes forward through to completion, all subject to the Council’s Standing Orders and Financial Regulations;
- D. should approval be given to proceed with the redevelopment scheme, work to rehouse residents displaced by the redevelopment will commence.

129. ADOPTION OF PRIVATE SECTOR HOUSING ASSISTANCE POLICY

The Committee received a report recommending the adoption of the Private Sector Housing Policy. The Committee had approved a draft policy for consultation at its meeting on 21 June 2022. A public consultation had since been held, and several amendments made to the policy as set out in the report.

Clarion Housing Association had agreed to contribute to adaptations in their homes. Officers would continue to have discussions with other housing providers about their provision of a financial contribution to major works.

Officers explained that the approach to major adaptations would be shared with the Surrey wide Aids and Adaptions Group as other authorities were interested in implementing a similar approach.

Councillor Gaffney proposed the following additional recommendation. Councillor Lee seconded.

‘Officers will review the policy in six months and twelve months, and present a report of the findings to the Committee.’

This was agreed.

RESOLVED – that:

- A. the Private Sector Housing Assistance Policy at Appendix A to the report, be adopted.
- B. Officers will review the policy in six months and twelve months, and present a report of the findings to the Committee.

130. GARAGE MANAGEMENT UPDATE

The Committee received a progress update on the delivery of the garage management strategy which was first presented to councillors in March 2021. The annual equivalent income had improved by approximately £68,000 since March 2021. However, it would be a challenge to maintain income levels due to the rising cost of living. A number of tenants were in arrears or terminating their rental agreement as a result.

It was noted that the sale of the stand-alone garage mentioned in paragraph 5 of the report had been completed. Further sales were expected, and it was recommended to delegate authority to the Executive Head of Communities to negotiate the terms and proceed with the sale of garages where a long-leasehold sale would be considered advantageous.

In addition to the garages listed in the report, garages at Lagham Road, South Godstone had also been condemned and would be demolished.

In response to questions from Members, Officers confirmed that they would consult Members and residents on sites at Drivers Mead and Clifton Close which were due to be considered for alternative use. It was noted that there had been no concerns raised by residents about the demolition of garages at Rochester Gardens, Auckland Road or Windmill Close.

RESOLVED – that:

- A. the report be noted and the progression of work in line with the site-specific recommendations of Appendix A to the report be approved;
- B. authority be delegated to the Executive Head of Communities (in consultation with the Chair and Vice-Chair of this Committee), where a long-leasehold sale of the garage at Ward Lane or the garages at Clifton Close is considered advantageous, to negotiate the best possible terms and proceed to sell these properties.

131. HOUSING REVENUE OUTTURN 2021/22

The Committee received the Housing Revenue Outturn 2021/22 report. There had been an overall underspend of £523k in 2021/22, the reasons for which were set out in section 3 of the report and the appendix. The underspend was ring-fenced to the Housing Revenue Account (HRA) and had been transferred to HRA reserves for specific uses in the future.

In relation to the HRA Capital Programme, there was an underspend of £5.719m, of which £5.370m had been agreed to carry forward into 2022/23 by the Strategy and Resources Committee on 1 June 2022.

RESOLVED – that the Housing Revenue Account's Revenue and Capital outturn positions for the year 2021/22 be noted.

132. QUARTER 1 2022/23 BUDGET MONITORING - HOUSING COMMITTEE

The Committee received a report outlining the financial position of the Revenue and Capital budgets for the Committee, including Housing Revenue Account, as of Quarter 1 2022/23. Officers explained the budget monitoring position would be reported to the four policy committees on a quarterly basis.

The report set out a projected forecast of a nil variance overall for the full year of the Housing general fund as of the end of June. However, there was an offsetting variance on two individual budget lines:

- There was a forecast underspend of £80k for homelessness. A regular grant was received for homelessness. However, the budget did not reflect that this was funded this way as opposed to through the revenue budget.
- There was a forecast overspend of £80k on housing benefits. This was as a result of the government subsidy not being designed to meet the full costs to the Council of providing housing benefit.

There was an assumption that these lines would offset each other and this would be kept under review throughout the year.

In terms of the Housing Revenue Account (HRA), it was assumed there would be a nil variance overall at this relatively early stage of the year.

In terms of the Capital Programme, there were some minor changes to individual budget lines within the HRA but there was no variance forecast. The position did not reflect the more recent pressures in the construction industry however, and this would be kept under review. There was a minor variance on the disabled facilities grant as it was not expected to expend the full budget.

In response to Member questions, it was confirmed that:

- The revenue risks outlined in the report would be reviewed in light of rising build costs. Officers would report to the Committee the particular aspects which would make up any variance as a result of building cost inflation. The house building business plan for 2023/24 would be drafted earlier to give visibility to estimated inflation. There may be an impact on the revenue account if there were delays to expected tenancies.
- In terms of the Westway Centre, Caterham, Officers were in discussions with the board on lease arrangements, and the Council was taking a flexible approach. A lease was needed in order for the board to receive grant funding. Members expressed a desire for Council partners to also provide funding to the Westway Centre.
- The Council had properties which had asbestos in and is required to hold an asbestos register. These were identified in stock condition surveys, and removals took place where necessary or recommended by third party contractors.

RESOLVED – that the Committee’s forecast Revenue and Capital budgets positions as at Quarter 1 / M3 (June) 2022 be noted (including Housing Revenue Account).

133. HOUSING COMMITTEE – FUTURE TANDRIDGE PROGRAMME UPDATE - SEPTEMBER 2022

The Committee received an update on the Future Tandridge Programme for services within the scope of the Housing Committee. The review was looking at statutory housing services and the Council's landlord service separately. However, there were a number of cross cutting areas under consideration, with the aim of providing a holistic housing service. Housing repairs and building maintenance reviews formed part of the operational services and asset management reviews which would be presented to Community Services Committee on 18 October 2022. It was expected that significant savings would be made as a result of this review, as well as improvements to service delivery.

The landlord service review was considering alternative delivery options for the management of the Council's housing stock. It did not include housing allocations. An options appraisal was set out in the report, alongside the course of action to be undertaken over the next year. A new structure was to be put in place, supported by an improvement plan focused on data and benchmarking, compliance and co-design of policies and procedures.

Officers confirmed that:

- Work was forthcoming on the development of a resident engagement strategy and a resident engagement post. Scheme coordinators would also be tasked with resident engagement.
- The Housing department did not currently have the skillsets to manage outsourced contracts and this would be addressed over the course of the review. Further investment in capacity and experience to manage outsourced contracts would be necessary. Data would be collated over the year so that meaningful benchmarking against other providers could be undertaken. This data, along with cost and consideration of the service residents would receive, would inform the decision on which option would be pursued.
- The programme included the review of Housing policy and processes, including the homelessness strategy. A report would be presented to the committee on the homelessness strategy action plan at the November meeting. Officers were working to increase the amount of temporary accommodation that was available to limit the number of people being temporarily accommodated in hotels.

RESOLVED – that

- A. the progress of both the Housing Statutory and Housing Landlord service reviews outlined in Appendix A be noted;
- B. it be noted that an update on the outcomes of the Housing restructure will be presented to the Housing Committee in September 2023
- C. the direction of travel on the Housing repairs and maintenance service, which is included within the scope of the Operational Services review, be noted.

134. EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED – that the press and public be excluded from agenda items 14, 15 and 16 in accordance with Section 100A (4) of the Local Government Act 1972 (as amended) on the grounds that:

- i) the item involves the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Act; and
- ii) the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

135. COUNCIL HOUSE BUILDING PROGRAMME - OPEN MARKET LAND PURCHASE

The Committee received a verbal update on the proposed purchase of land as part of the Council House Building Programme.

136. UPLANDS - CONFIRMATION OF DECISION TAKEN UNDER URGENCY POWERS (STANDING ORDER 35)

RESOLVED – to note the decision taken in relation to the Uplands under urgency powers (Standing Order 35).

137. BRONZEOAK HOUSE - CONTRACT UPDATE

RESOLVED – that the recommendations in the report be approved.

Rising 9.00 pm

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TANDRIDGE DISTRICT COUNCIL

PLANNING COMMITTEE

Minutes and report to Council of the meeting of the Committee held in the Council Chamber, Council Offices, Station Road East, Oxted on the 6th October 2022 at 7:30pm.

PRESENT: Councillors Blackwell (Chair), C.White (Vice-Chair), B.Black, Botten, Chotai, C.Farr, Gray, Lockwood, Moore, Prew and Cooper (substitute in place of Steeds)

ALSO PRESENT: Councillors S.Farr and Montgomery

ALSO PRESENT (Virtually): Councillor Gillman

APOLOGIES FOR ABSENCE: Councillor Steeds

138. DECLARATIONS OF INTEREST

Councillor Farr stated that, whilst he was not declaring a pecuniary interest, in respect of agenda items 5.1 (minute number 141) and 5.2 (minute number 142), he is a Godstone Ward District councillor. Both applications were located either wholly or partly in his Ward. He confirmed that he is also a Godstone Parish councillor. However, is not a member of the Parish Council Planning Committee and had not been present at any meeting where the applications were discussed. Consequently, he had no predisposition or predetermination in the matters to be decided by the Committee.

Councillor White informed the Committee that Councillor Farr's declaration also applied to him.

Councillor Moore stated that she was a qualified diver but had no links with the applicant for agenda item 5.1 (minute number 141).

139. MINUTES FROM THE MEETING HELD ON THE 28 JULY 2022

The minutes of the meeting were confirmed and signed by the Chair.

140. INTERIM CHIEF PLANNING OFFICER UPDATE ON THE PERFORMANCE OF THE COUNCIL'S PLANNING APPLICATIONS WEB PAGE

The Interim Chief Planning Officer informed the Committee that he was hopeful that all of the issues that had been affecting the website over the past weeks had now been identified and a significant improvement in performance levels should be seen from next week.

The Planning Department would now be focussed on reviewing application timescales with applicants, clearing the backlog of validations and introducing new procedures for redacting documents before they were published on the website.

It was acknowledged that the last few weeks had been trying for anyone who had been trying to access the website and apologies were given on behalf of the Council to anyone who had been affected by this situation.

141. 2022/841 - DIVERS COVE, NORTH PARK LANE, GODSTONE, RH9 8ND

The Committee considered a variation of conditions that would extend the opening times attached to planning application 2015/1122 for the "Change of use of land to diving centre (Class D2) with associated ancillary portacabins and car parking".

The Officer recommendation was to permit, subject to conditions.

Anne Appleyard, an objector, spoke against the application.

Tom Baker, the applicant, spoke in favour of the application.

Councillor Farr proposed a motion that the item be deferred as there was a lack of clarity on a number of key aspects of the application, including the actual hours of operation applied for. Councillor Chotai seconded the motion. Upon being put to the vote, the motion was carried.

RESOLVED – that the application be deferred

142. 2021/75 - OLDENCRAIG, TANDRIDGE LANE, LINGFIELD, SURREY, RH7 6LL

The Committee considered whether to agree to a Deed of Variation to a Section 106 Agreement that was associated with a planning permission for the demolition of existing buildings and the erection of 22 dwellings with associated parking and amenity space.

The Officer recommendation was to agree to the Deed of Variation to the Section 106 Agreement.

Following a lengthy debate, the Interim Chief Planning Officer recommended that the item be deferred so further enquires could be made as to whether the Planning Committee was the correct forum for agreeing the Deed of Variation. Councillor Farr proposed a motion to defer the item. Councillor Botten seconded the motion. Upon being put to the vote, the motion was carried.

RESOLVED – that the item be deferred

Rising 9.04 pm