

TANDRIDGE DISTRICT COUNCIL

COMMUNITY SERVICES 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 15 June 2023 at 7:30pm.

PRESENT: Councillors Wren (Chair), Shiner (Vice-Chair), Bilton, Black, Crane, Lee, North, Patel, Pinard and Windsor

PRESENT (Virtually): Councillor Sharp

ALSO PRESENT: Councillors Moore, Allen, Chris Farr, Sue Farr, Gray and Sayer

ALSO PRESENT (Virtually): Councillor Evans

APOLOGIES FOR ABSENCE: Councillor O'Driscoll

25. MINUTES OF THE MEETING HELD ON 9 MARCH 2023

The minutes were confirmed and signed as a correct record.

26. MINUTES OF THE MEETING HELD ON 25 MAY 2023

The minutes were confirmed and signed as a correct record.

27. TO DEAL WITH QUESTIONS SUBMITTED UNDER STANDING ORDER 30

One question had been submitted by Councillor Bilton. The question and response is provided at Appendix A to these minutes.

28. ELECTRIC VEHICLE CHARGING

The Committee received a report seeking approval for the Council to enter into a contract to deliver electric vehicle (EV) charging infrastructure. This followed officer discussions with Surrey County Council and other District and Borough Councils about the delivery of EV charging points across the county.

A contract had been signed between Surrey County Council and Connected Kerb Ltd to deliver publicly accessible on-street charging point infrastructure across Surrey. The District Council had been invited to enter into a 15-year contract with Connected Kerb to allow EV charging points to be installed in its car parks and other suitable Council owned land. This would allow the Council to benefit from economies of scale provided by the overall contract with Surrey County Council. The Council would be a member of the Operations Board and Strategic Management Board overseeing the contract. The Council could, alternatively, seek another supplier but there were limited resources to deliver this type of project.

It was explained that:

- it was not clear yet how many charging points would be installed as this would depend on the existing power network.
- Officers would work with Connected Kerb to agree the design and locations of the chargers.
- funding would be available for two years from the Government. Following that, an administration fee would be payable to Surrey which would be agreed by the Strategic Management Board.
- Connected Kerb built accessibility into its projects and aimed to make one in five chargers fully accessible. It had worked with organisations to refine the design of its network and accessible bays.

During the debate, Members asked several questions and Officers responded by explaining that:

- the contract would allow other public sector organisations within Tandridge to have access to the same terms and conditions.
- Connected Kerb would maintain the chargers and ensure they were fit for purpose.
- the contract would ensure less profitable sites would be included, with more commercial sites subsidising the less lucrative sites.
- there would be mixed designs between slower and faster chargers, but it would not be possible at this stage to identify the costs charged to users.
- there would be a further round of consultation to consider the most appropriate locations. This would include dialogue with other tiers of local government.
- the contract included a break point at years 5 and 10 where installation of new chargers or removal of existing chargers could be considered.
- the Chief Finance Officer was seeking clarification from Surrey County Council on the likely exposure from the risk that the administration fee, chargeable after two years, may exceed income. Negotiations on the contract would include liaising with other Districts and Boroughs in Surrey.

RESOLVED – that the Council enters into a contract with Connected Kerb Ltd to deliver electric vehicle charging infrastructure in its car parks and any other suitable council owned land, on terms acceptable to the Head of Legal Services and the Chief Finance Officer.

29. RESULT OF THE CONSULTATION ON APPOINTING A STAND FOR HACKNEY CARRIAGES AT STATION ROAD EAST, OXTED

The Committee was asked to consider the comments received during the consultation period to determine the appointment of a stand for Hackney carriages on the public highway at the

proposed site on Station Road Easy, Oxted. This followed Committee approval of the consultation advert at the meeting of the Committee on 17 January 2023.

Seven comments were received, five against and two in favour. It was explained that Surrey County Council had already approved the rearrangement of the area following consultation in February 2022. The District Council was able to appoint the stand and could take action if a vehicle other than a Hackney Carriage were to use it.

The Committee noted the opposition of the appointment of the stand by the Oxted Business Improvement District, who had suggested an alternative parking arrangement.

Councillor Shiner proposed, and Councillor Black seconded, the following motion:

That the decision to appoint a stand for Hackney Carriages be deferred whilst Surrey County Council are requested to consider the alternative proposal from the Business Improvement District to introduce herringbone parking in the area.

This motion was passed. The Chair explained that the appointment of the stand must be agreed or rejected during the meeting. The Committee considered a motion to reject the proposal to appoint the stand for further consideration by the Licensing team and Surrey County Council.

RESOLVED – that the proposed appointment of the proposed Hackney carriage stand be rejected because the Business Improvement District had an objection and had come up with an alternative that should be considered.

30. HACKNEY CARRIAGE AND PRIVATE HIRE TRADES LICENSING POLICY - CONSULTATION

A report was submitted recommending the approval of a draft Hackney Carriage and Private Hire Trades Licensing Policy for consultation. This report followed the publication of the Statutory Taxi and Private Hire Vehicle Standards by the Department for Transport in July 2020, which required all Licensing Authorities to review their Licensing Policy in respect of Hackney Carriage and Private Hire licensing.

The new policy would incorporate additional requirements within the standards. The Department for Transport had stated that the Council must merge all existing policies into one policy to provide clarity and guidance to members of the trade and the public. The policy had to be subject to consultation in order to ensure views had been taken into account.

Officers explained that:

- the policy would be subject to review every five years. It would incorporate several new considerations that Licensing Authorities must take into account as outlined in paragraph 7 of the report.
- as a result of the Shared Service with Mole Valley District Council, the intention was to implement the same policy for both councils.
- the consultation would run for 12 weeks.
- licence holders would receive a three year licence, regardless of when in the year they applied for it.

RESOLVED – that the revised draft Licensing Policy for Hackney Carriage and Private Hire be approved for consultation seeking the views of the licensed Hackney Carriage and Private Hire trade and relevant stakeholders.

31. REVIEW OF DOG WALKING POLICY

The Committee considered a report seeking approval to undertake a six-week public consultation on the introduction of a Public Spaces Protection Order (PSPO) for the control of dogs. This followed the tragic death of a dog walker at Caterham Viewpoint in January 2023.

Once implemented, a PSPO would impose legally enforceable restrictions on certain activities. Any breaches of the PSPO would be enforced by the issuance of a £100 Fixed Penalty Notice.

Hayley Herbert-Hamilton, the owner and founder of a pet care business, addressed the Committee (as permitted under Standing Order 31). Hayley explained that the vast majority of dog walkers operated safely and responsibly. However, the licence scheme did not offer dog walkers anything in return and it was important that arrangements did not pass the buck to other local authorities. The issue was not the number of dogs being walked, but ensuring that people operated safely in line with their experience.

Hayley suggested that a licence should be something to be desired by dog walkers. This could be achieved by licenced walkers being added to a Tandridge list of recommended walkers and being provided with an armband and vehicle sticker, and the introduction of a star rating system. Raising awareness of the requirements for dog walkers and dog owners looking for walkers was imperative, as was an opportunity to report poor practice to the Council for follow up.

During the debate, Members made the following comments:

- The consultation must be wider than the four points in the report and ensure experts are given the opportunity to respond.
- There was a risk that new requirements would make dog walking financial unviable and could lead to good dog walkers being put out of business.

In response, Officers confirmed:

- The consultation would allow people to give their opinions freely. There would be some specific questions about dog friendly areas.
- Officers would seek legal advice on whether a PSPO would cover other land owners. They would also consider the geographical extent of a PSPO.
- The consultation would seek views on all dogs being kept on leads in specific open spaces.

The Chair, Councillor Wren, seconded by Councillor Lee, proposed that recommendation B be amended to: “*The proposals for Dog Control (as outlined in the report and other matters as agreed by the Chair) be approved for inclusion in the consultation.*”

RESOLVED – that:

- A) A six-week period of public consultation on the Draft Public Spaces Protection Order be undertaken.
- B) The proposals for Dog Control (as outlined in the report and other matters as agreed by the Chair) be approved for inclusion in the consultation.
- C) A further report be presented to a future meeting of the Community Services Committee detailing the results of the consultation exercise and recommending the introduction of a PSPO at the earliest possible date.

In accordance with Standing Order 25(3), Councillor North wished it recorded that she voted against the resolutions.

32. UK SHARED PROSPERITY FUND UPDATE

The Committee received a report outlining the proposed approach to allocating the Government's UK Shared Prosperity Fund (UKSPF). The UKSPF, which totalled £1m of funding for Tandridge, would play a key role in providing investment in the Council's Open Space Strategy. The Strategy, approved in 2021, outlined 249 projects and programmes totalling £4.7m of expenditure. Work had been undertaken prioritising these projects through a scoring matrix to ensure the £1m UKSPF funding would have the highest impact. The report contained a shortlist of projects which were recommended for approval due to their low cost and high score. It was noted that line 20 (arts projects and statues) was to be removed. It was necessary to approve these projects at this stage to ensure the Council met the funding profile of the UKSPF.

Officers also recommended the establishment of a Member Working Group to consider and recommend the allocation of funding to future projects to the Committee. It was proposed that the Working Group would take account of geographical balance, and would be made up of 4 Resident's Alliance Members, 2 Liberal Democrat Members, 2 Conservative Members and 1 Independent Group Member.

Members made the following comments during the debate:

- The extra resource used to fund the Open Space Strategy was welcome. It was noted that the mechanism for funding it through the UKSPF meant differences in priorities to those set out in the Strategy.
- Parish Councils should be involved in decision making Officers agreed to consider the mechanism of engaging them via the Working Group.

Officers confirmed the Working Group would be given a copy of the full list, which had been published as a background paper to the report.

RESOLVED – that:

- A) the programme of projects for expenditure under the Tandridge UKSPF programme at Annex A to the report (excluding line 20), be approved.
- B) a Member Working Group to discuss and approve the further programme of projects to commit full expenditure of the Council's UKSPF Allocation, be formed.
- C) next steps and further reporting to this Committee, be noted.

33. 2022/23 BUDGET OUTTURN - COMMUNITY SERVICES

The Committee received a report outlining the full-year outturn of the Committee's 2022/23 Revenue and Capital budgets.

The full-year Revenue outturn was a net spend of £4,156k against the budget of £4,051k. There was a full-year overspend of £105k. The key area of revenue variance was the Waste service which was overspent by £243k as a result of the impact of inflation on the contract. There was also a shortfall in expected income of £167k and offsetting underspends of £238k. Full-year savings of £157k were delivered, against a target of £177k, with the remaining £20k target expected to be delivered in 2023/24.

The Capital Outturn spend was £579k against the budget of £1,839k, an underspend of £1,260k. This was due to a number of schemes being put on hold until service reviews had been concluded.

The Council's overall 2022/23 position, a total surplus of £595k, would be reported to the June meeting of the Strategy & Resources Committee.

In response to a question from Councillor Lee, it was confirmed that Key Performance Indicators would be reported quarterly at future meetings of the Committee alongside budget monitoring. Work was being done to ensure there was an evidence based approach to performance.

RESOLVED – that the Committee's Revenue and Capital Outturn positions as at Quarter 4 / M12 (March) 2023 be noted.

In accordance with Standing Order 25(3), Councillors Bilton, Lee and Patel wished it recorded that they voted against the resolution.

34. CONSIDERATION OF MOTION PRESENTED TO COUNCIL BY COUNCILLOR O'DRISCOLL

The Committee received a report following a motion brought by Councillor O'Driscoll to the meeting of Full Council on 9 February 2023. The motion sought Council commitment to *“support local sports clubs across Tandridge by highlighting grants available to them and providing advice on how to apply for grants.”*

The Council did not have a dedicated resource available to assist clubs to apply for grants. However, it did work in partnership across a number of workstreams and systems to support the community and voluntary sector. The report highlighted a number of ways the Council did that through its rental grant subsidy policy, the Tandridge Together Community Fund and partnership working with Active Surrey and Tandridge Voluntary Action.

RESOLVED – that all local sports clubs across the District be signposted to the Tandridge Community Lottery and Tandridge Voluntary Action who can provide advice on how to apply for grants.

35. PROPOSED TRANSFER OF FUNCTIONS TO THE LICENSING COMMITTEE

The Committee received a report recommending arrangements to enable the Council's licensing functions to be administered through a single Licensing Committee. The Licensing Committee would act as the appropriate statutory committee to deal with relevant licensing matters. Responsibility for several functions of the Committee would pass to the Licensing Committee as set out in the report.

The Committee would retain responsibility for the provision of taxi ranks, fees and fares for taxis and setting fees for various types of licences. It would also retain responsibility for the conclusion of the Hackney Carriage and Private Hire Trades Licensing Policy.

COUNCIL DECISION

(subject to ratification by Council)

RECOMMENDED – that subject to the current review of hackney carriage and private hire trades licensing policy being completed by the Community Services Committee, the following amendments be made to the scheme of delegation to Committees (Part E of the Council's constitution) so that responsibility for all licensing functions is undertaken by a single Licensing Committee and its Sub-Committee:

Community Services Committee

a) removal of the following clause (vi) within its terms of reference:

Determination of licence applications for hackney carriage / private hire vehicles; animal welfare; pollution control; house to house and street collection licences; street trading; scrap metal dealing; sex establishments and other premises requiring licences /registration/ permits for purposes other than alcohol, entertainment or gambling.

b) Abolition of the Regulatory Sub-Committee (which has previously been constituted to undertake any licensing hearings in connection with (a) above).

Licensing Committee

New Terms of Reference to be in accordance with Appendix B to these minutes.

36. SUPPORT FOR FREEDOM LEISURE

The press and public were excluded from this item 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.

The Committee received an update on the Leisure Partnership Agreement with Freedom Leisure by way of a report and presentation.

RESOLVED – that:

- A) the contents of the presentation be noted; and
- B) Officers prepare a draft leisure strategy with agreed outcomes in partnership with Freedom Leisure for consideration at a future meeting of this Committee.

Rising 10.19 pm

Appendix A

Community Services Committee – 15 June 2023

Agenda Item 5 – Question submitted under Standing Order 30

Question from Councillor Bilton

Councillors in Caterham are receiving regular complaints from both residents and hirers of Queens Park about the new grass cutting schedule.

Put simply, 4 weekly cuts are not frequent enough. I understand we are trialling longer intervals, but so far feedback from all users is that this is insufficient. Hirers are of the opinion that the facility they are paying to hire is not fit for purpose most of the time and being asked to pay over and above their hire fee for the facility to become fit for purpose is wholly unreasonable. I have to say I agree with them.

Over and above this, we are no longer providing safe space for our residents, particularly those with small children. It's bad enough that the play park equipment is closed until the summer holidays, but families are now not even able to kick a ball about for fear of their children treading in something unpleasant, or standing on broken glass or cans, that can't be seen because the grass is too long.

At what point do we accept that the trial is failing and reinstate fortnightly grass cutting?

Response from the Deputy Chief Executive

We are aware of several groups who use Queens Park, however none actually hire and pay to use the park.

The street cleaning team have been out to Queens Park on a daily basis, and there have had no concerns raised by them or to them of broken glass and cans on the grass. The Park was mown earlier this week. I would encourage residents and Councillors to notify us of any issues as soon as possible, so that we can get teams out to assess and clear directly. This can be done through Tandridge.gov.uk under 'Report' or through calling Customer Services.

We very much appreciate families' frustration with the play area being closed and thank residents for their patience.

Due to age, the playground bark is deemed unfit for purpose as a safety surface under the playground units within Queens Park, Mint Walk, Whyteleafe Rec, and Jenners Field and a programme of work has been set up, so the old playground bark is being replaced. We have now completed the procurement and appointed a company to progress.

As agreed by this committee, we have made provision to do additional grass cuts or provide some flexibility in the schedule when requested by hirers. We have responded to a couple of requests to date, for example Bushy Croft Playing Field (in old Oxted) was mown a week earlier than normal for a football tournament. And the Colin Anderson Playing Field (in Dormansland) in which the contractor mowed the field and the grounds staff cleared the excess grass laying on the field.

In terms of the length of the trial, we need to continue this for the grass cutting season, so that we can measure the full impact over that timescale.

Appendix A

Supplementary question from Councillor Bilton

In terms of the bark, should this not have been replaced in advance as we would have known the age of it?

Have the additional cuts that have been requested been paid for by those who have requested them or are they just an additional cut?

Response from the Deputy Chief Executive

The additional cuts are where hirers have requested it because it has stopped them playing sport. It is not an additional fee on top of their hire fee.

Lessons have been learnt in terms of playgrounds and in the autumn we will be looking more strategically at all our play areas to understand the works that need to be undertaken on them.

LICENSING COMMITTEE

(proposed new text in bold italics)

1. TERMS OF REFERENCE

- 1.1 To be responsible for exercising regulatory and policy functions under the relevant legislation concerning the determination of licence applications, as and when necessary, relating to the following activities:
- (i) Alcohol and regulated entertainment
 - (ii) ***Other activities under the jurisdiction of the Council as the licensing authority, including those in connection with hackney carriage / private hire vehicle operations; gambling and racing licence applications; animal welfare; pollution control; house to house and street collection licences; street trading; scrap metal dealing; sex establishments and other premises requiring licences.***
- 1.2 ***The Committee shall act as the statutory committee under the Licensing Act 2003 (Section 6) when dealing with licensing policy matters in connection with 1.1(i) above. As such, the Committee shall comprise between 10 and 15 members.***
- 1.3 ***The Committee shall act as an 'ordinary committee of the Council' as defined by the Local Government Act 1972 (Section 101) when dealing with licensing policy matters in connection with 1.1(ii) above. As such, the Committee shall also be subject to the political balance requirements of the Local Government & Housing Act 1989.***

2. TO RECOMMEND

- (i) New policies or changes in licensing policy.
- (ii) Changes to the Committee's Terms of Reference.
- (iii) Other matters under the Committee's jurisdiction which, by virtue of statutory provision, must be determined by full Council.

3. DELEGATION TO THE LICENSING SUB-COMMITTEE

- (i) Determination of licence/registration applications and enforcement action ***relating to the activities defined in 1.1 above***, referred by:
- (a) any Member of the Council; or
 - (b) the Chief Executive or Deputy Chief Executive, including:
 - instances where they are minded to refuse a licence application; and
 - referrals arising from the scheme of delegation for alcohol and regulated entertainment licensing (see Annex 1 to these Terms of Reference).
- (ii) The Licensing Sub-Committee shall comprise three members drawn from the parent Committee. In the event of one or more of the three principal members being unable to attend a hearing, their places shall be filled by selecting substitutes from the Licensing Committee. (*Membership of the Licensing Committee does not preclude Members from attending a hearing as the local Ward Member and undertaking a representative role as an interested party within the meaning of the Licensing Act*).

4. DELEGATION TO OFFICERS

1. To the Chief Executive and other Management Team Members the power to implement Council/Committee policies and deal with the day to day management of services relevant to this Committee, including the discharge of all functions of the Council, except for those which are identified above as reserved for determination by the Council, Committee or Sub-Committee.
2. The Officers named in 1. above to have the power in turn to delegate to other Officers of their choice the power to deal on their behalf and in their name with any of those functions. Such delegation shall be in writing and signed by the relevant MT Member and may contain such limitations or be subject to such conditions as that Officer shall decide.
3. For the purposes of Alcohol and Entertainment licensing, delegation shall be exercised in accordance with the scheme of delegation recommended by the Secretary of State in section 182 of the Licensing Act 2003 Guidance as refined by Minute 162, 2004/05 (Licensing Committee – 25th November 2004) (see Annex 1 to these Terms of Reference on the following page) and section 154 of the Gambling Act 2005.

ANNEX '1'

ANNEX '1'

Licensing Committee Scheme of Delegation regarding alcohol and regulated entertainment licensing

The Authority will exercise and delegate functions in accordance with this table.

Matter to be dealt with	Licensing Sub-Committee	Officers
Application for personal licence	If a Police objection	If no objection made
Application for personal licence with unspent convictions	All cases	
Application for premises licence/club premises certificate	If a relevant representation made	If no relevant representation made
Application for provisional statement	If a relevant representation made	If no relevant representation made
Application to vary premises/club premises certificate	If a relevant representation made	If no relevant representation made
Application to vary designated premises supervisor	If a Police objection	All other cases
Request to be removed as designated personal licence holder		All cases
Application for transfer of premises licence	If a Police objection	All other cases
Application for Interim Authorities	If a Police objection	All other cases
Application to review premises licence/club registration certificate.	All cases	
Decision on whether a complaint is frivolous, vexatious etc		All cases in consultation with Members in accordance with Standing Order 46 of Part B of the Constitution.
Decision to object when Local Authority is a consultee and not the relevant authority considering the application	All cases	
Determination of a Police representation to a temporary event notice.	All cases	

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