

COUNCIL - 19 OCTOBER 2017

**SUPPLEMENTARY REPORT**

**RECOMMENDATIONS OF THE EXECUTIVE AND COMMITTEES**

**Summary**

Set out below are the recommendations before the Council as set out in the minutes of the meetings of the Executive held on 14 September, the Licensing Committee held on 10 October and the Executive held on 12 October 2017.

**EXECUTIVE – 14 SEPTEMBER 2017**

**1. PRIVATE RENTED SECTOR ACCESS SCHEME POLICY**

The Executive received a report which recommended to Council the adoption of the Private Rented Sector Access Scheme Policy. Councillor C S Kemp, Portfolio Holder for Private Sector Housing, explained that the Policy set out how the Council intended to assist homeless households access accommodation in the private rented sector to prevent and relieve homelessness, as well as encouraging landlords to engage with the Council. Following a question regarding the impact on existing tenants and bond holders from April 2018, it was noted that tenants with bonds would be given advice. The Portfolio Holder confirmed that a holistic approach would be taken when assisting tenants. The Executive was advised that the report would be reviewed by the Overview and Scrutiny Committee at its meeting on 18 September 2017. EXE15-110

**RECOMMENDED to Council**

- That (i) **the Private Rented Sector Access Scheme Policy, as set out in the Appendix to the report, be adopted;**
- (ii) **the Strategic Director for Housing be delegated authority to agree leases with private landlords for accommodation to be used in accordance with the Policy;**
- (iii) **the Strategic Director for Housing be delegated authority to make minor amendments to the Policy (specifically including changes to the scope and level of incentives) in consultation with the Portfolio Holder;**
- (iv) **the Council's Allocation Policy be amended such that existing tenants accommodated through the Council's existing Private Rented Sector Access schemes cease to be eligible to apply for the Council's Housing Register after 31 March 2018; and**
- (v) **the Flexible Homelessness Support Grant be used to provide the additional £95k budget provision required to deliver the Let's Rent Connect scheme and £10k for the Let's Rent Complete scheme.**

## Recommendations of the Executive and Committees

Reason: The adoption of a policy ensures that the Council acts consistently in providing incentives and other activities to procure private rented accommodation for homeless households. It also provides private landlords with transparent information on how the Council intends to work with them in helping homeless households secure accommodation and assists in marketing the Council's schemes to private landlords. The policy also ensures that the Council's offer to private landlords is competitive within the marketplace and that wherever possible homes across the Borough are secured for local families rather than homeless households from other local authority areas.

### **2. LICENSING PRIVATE RENTED ACCOMMODATION - PROPOSAL TO MAKE A SELECTIVE LICENSING DESIGNATION IN PART OF CANALSIDE WARD**

*(Note: A supplementary report in respect of this item has been circulated.)*

The Executive received a report which recommended to Council the proposal to introduce a selective licensing scheme in part of Canalside Ward. It was noted that the scheme aimed to deliver improvements to the management of private rented accommodation through the imposition of licence conditions. The Portfolio Holder for Private Sector Housing, Councillor Kemp, reported that there would be opportunities for landlords to join the proposed scheme without paying a fee. Councillor Kemp advised that the report would be reviewed by the Overview and Scrutiny Committee, at its meeting on 18 September 2017, which would provide an opportunity for Members to go through the proposal in detail. Concern was expressed about the suitability of the scheme, the cost of the scheme, the potential impact on tenants and the consultation responses to the proposal. Councillor I Johnson commented that information on the schemes used by other Borough's would be useful when the matter was discussed further at the Overview and Scrutiny Committee.

EXE17-041

#### **RECOMMENDED to Council**

- That (i) **the Head of Democratic and Legal Services be delegated authority to designate a selective licensing designation under the Housing Act 2004 within the area of Canalside Ward set out in the report and at Appendix 1 and Appendix 2 to the report;**
- (ii) **the selective licensing designation come into force on 01 March 2018;**
- (iii) **the selective licensing designation cease on 28 February 2023;**
- (iv) **the fee structure for the selective licensing scheme set out in Appendix 9 to the report be adopted and subsequently reviewed as part of the Council's fees and charges setting process;**
- (v) **the Strategic Director for Housing, in consultation with the Portfolio Holder, be delegated authority to amend the Council's Houses in Multiple Occupation Licensing Policy to incorporate the introduction of selective licensing and rename as the Housing Standards Licensing Policy; and**

## Recommendations of the Executive and Committees

- (vi) the Strategic Director for Housing, in consultation with the Portfolio Holder, be delegated authority to make minor amendments to the Housing Standards Licensing Policy.**

Reason: Following completion of the public consultation in respect of the proposal to introduce a selective licensing scheme in part of Canalside Ward, it was now appropriate for a decision to be made whether to proceed with the scheme.

If it was agreed that the scheme be introduced, the Council was required to make a designation for the scheme and delegated authority was required for that purpose.

The introduction of the scheme would also require amendments to the Council's Houses in Multiple Occupation Licensing Policy to incorporate the selective licensing scheme, and it was proposed that the policy be renamed. The provision of delegated authority to make minor amendments to the policy would ensure that the policy could readily be updated to reflect minor legislative change.

### **3. MAJOR WORKS AFFECTING LEASEHOLDERS AND ARRANGEMENT FOR THE PAYMENT OF SERVICE CHARGES**

The Executive received a report which recommended to Council proposed updates to the procedure for consulting Leaseholders for major works and approval for an updated scheme for recharging major works service charges. It was noted that Leaseholders had been consulted via the Leaseholder Forum held on 6 September 2017. EXE17-045

#### **RECOMMENDED to Council**

- That (i) the consultation procedure and payment plan arrangements for Leaseholders outlined in the report be adopted; and**
- (ii) delegated authority be given to the Strategic Director for Housing to make minor changes to the policy in consultation with the Portfolio Holder for Housing.**

Reason: To update the existing procedures to ensure the Council consults effectively with Leaseholders and in doing so, complies with the statutory legal duty to notify Leaseholders of works and additionally, provide financial payment options that can assist Leaseholders to meet their commitments whilst adopting a sympathetic approach.

**LICENSING COMMITTEE – 10 OCTOBER 2017**

**4. REVIEW OF SCHEME OF DELEGATIONS**

Joanne McIntosh introduced the report which proposed that the Scheme of Delegations be updated to delegate powers to the Legal Services Manager to ensure that the Licensing team could carry out their daily duties.

Authority was sought for named officers of the Licensing team to be “authorised persons” for the purposes of the Licensing Act 2003, which would enable them to carry out a variety of routine functions including the right to request Premises Licences, Club Premises Certificates and Temporary Event Notices. The officers would also be able to enter premises with a view to seeing whether licensable activities were taking place.

Further authority was sought for named officers of the Licensing team to be “authorised persons of the Council” for the purposes of the Local Government (Miscellaneous Provisions) Act 1976. Officers would have the right to request the proprietor of any Hackney Carriage or Private Hire taxi driver licenced by the Council to produce their vehicle licence, drivers licence and insurance documents. The officers would also have the right to inspect and test any vehicle to ascertain its fitness and if deemed necessary suspend the licence forthwith.

Cllr Eastwood agreed that the delegated powers should be adopted as the drivers would have the right of appeal to a licence revocation. Joanne McIntosh reported that the Legal Services Manager post currently held delegated authority to revoke and suspend licences, due to there being insufficient time for a Sub-Committee to be arranged to determine the urgent matters. Since Licensing had moved to become under the remit of Democratic and Legal Services in November 2015, there had been 24 revocations and suspensions for reasons including Home Office information on immigration; drivers being medically unfit to drive; driving standards such as the use of mobiles and not wearing seatbelts whilst driving; and notifications from Surrey Police regarding criminal investigations.

Cllr Pengelly stated that it was important for the Committee to be aware of decisions taken under delegated authority to ensure that Members were aware in the event that they were contacted by taxi drivers or local residents, and that the level of usage of delegated authority should be considered at a future meeting of the Committee. Joanne McIntosh reported that it was proposed for the Licensing Committee to receive an annual report containing anonymised data on delegated activity over the past year. Cllr Kingsbury agreed that either all Members of the Committee or the Chairman should be kept informed of delegated decisions. The Committee was advised that all revocation and suspension decisions were currently undertaken in consultation with the Chairman, or in their absence the Vice-Chairman, of the Committee. The notification would depend on the level of urgency and would usually involve a telephone call followed by an email containing a detailed report. The Chairman added that no notification was received of licence refusals which could be an area to consider for the future.

Cllr Howard stated that he agreed with the report and that officers should have the further powers, subject to consultation with the Chairman.

Cllr Eastwood asked as to the level of information which could be released by email to the Committee on the background of revocations and suspensions. Joanne McIntosh stated that it would depend on the situation as information relating to Police investigations could not be released, and undertook to investigate the matter in consultation with the Chairman and advise the Committee outside of the meeting.

## **Recommendations of the Executive and Committees**

The Chairman asked the Legal Services Manager to outline the process followed by a taxi driver on suspension or revocation of a licence. Joanne McIntosh advised that there was a strict legal process to provide the taxi driver with 21 days to appeal to the Magistrates' Court. For matters which were not deemed to be serious enough for immediate revocation or suspension officers could consider whether to call a Sub-Committee to determine the matter. Following a question by Cllr Kingsbury, it was noted that there had been three recent appeals to the Magistrates' Court, which had all resulted in the Council's position being upheld and significant costs awarded.

The Chairman put the resolution set out in the report to the Committee and it was,

### **RECOMMENDED TO COUNCIL**

**LIC17-003**

**That authority be delegated to the Legal Services Manager to:**

- (i) authorise named officers of the Licensing Team to be "authorised persons" for the purposes of the Licensing Act 2003; and**
- (ii) authorise named officers of the Licensing Team to be "authorised officers of the Council" for the purposes of the Local Government (Miscellaneous Provisions) Act 1976.**

### **EXECUTIVE – 12 OCTOBER 2017**

#### **5. THE TRANSFORMATION AGENDA – MANDATORY TRAINING PROGRAMME FOR ELECTED MEMBERS**

Councillor C S Kemp, Lead Member for Elected Member Development, introduced the report which recommended to Council the introduction of mandatory training for Elected Members as part of the Council's Learning and Development Programme for Councillors from May 2018 onwards. It was noted that the Overview and Scrutiny Committee had supported the development of a mandatory training programme at its meeting in February 2017. Members discussed the proposed topics for the mandatory programme and it was commented that some topics could be incorporated in order to reduce the time burden for Members and simplify the programme. Councillor Kemp agreed to discuss the suggestion with Officers.

Councillor I Johnson, Chairman of the Overview and Scrutiny Committee, welcomed the proposed Scrutiny Training and asked for Officers to explore whether such training could be incorporated into the next meeting of the Committee on 27 November 2017.

Following a question regarding IT Training, Councillor Kemp advised that IT Training was not part of the mandatory programme due to the individual IT skill levels of Councillors. It was noted that IT Training would continue to be part of Induction Training and that there was an expectation that Councillors would take responsibility for their development and attend one to one sessions if required.

Regarding Planning Training, it was highlighted that the Conservative Group was of the opinion that all Members should attend Planning Training once every four years. The importance of arranging Planning Training immediately after Elections was highlighted in order to ensure that Planning Committee Members attending the first Planning Committee of the Municipal Year had attended the relevant training.

## **Recommendations of the Executive and Committees**

The Executive welcomed the greater use of online training proposed in the report. Equality of representation was also highlighted, namely the need to encourage people from different backgrounds to stand for election, and it was commented that the time burden of training should not be prohibitive.

Regarding Finance Training, it was considered important that all Councillors had an awareness and understanding of the Council's business and that such training was required more than once during each four year term of office. Councillor Kemp commented that Councillors did receive a briefing on budgets each year and that broadening that briefing could be explored in the future.

The Executive supported the adoption of a mandatory programme of training and development for Elected Members, noting it would improve the quality of democratic decision making. EXE17-055

### **RECOMMENDED to Council**

**That a programme of mandatory training for Elected Members be introduced as part of the Council's Learning and Development Programme for Councillors from May 2018 onwards as outlined in Section 3.0 of the report.**

Reason: To establish a mandatory training programme for Elected Members to ensure that Members have a clear understanding of their roles and responsibilities and are aware of any significant risks including any corporate or personal liabilities.

## **6. ADOPTION OF ORDINARY WATERCOURSE BYELAWS**

The Executive received a report which recommended to Council a proposal to make land drainage byelaws in order to assist the Council in its role to help reduce the risk of flooding for local communities. A map setting out the location of ordinary watercourses within Woking was displayed at the meeting, along with a leaflet entitled "Riparian Owners – rights and responsibilities". The Executive was advised that the Council would use the legally enforceable model land drainage byelaws, as set out in Appendix 1 to the report, and that the byelaws would be translated into plain English. Following a question regarding riparian owners, the Portfolio Holder for Environment and Sustainability, Councillor Mrs B A Hunwicks, advised that the Council would inform riparian owners of their responsibilities. Katherine Waters, the Council's Drainage and Flood Risk Engineer, informed the Executive that ordinary watercourses would appear in search packs and property deeds. In addition, where the ordinary watercourse was known, the Council would send out a letter with the riparian owner leaflet and Officers would meet with any owners who had questions and explain to them their riparian responsibilities.

EXE17-065

### **RECOMMENDED TO COUNCIL**

**That (i) the proposal to make drainage byelaws, as set out in Appendix 1 to the report, be endorsed;**

**(ii) the Council consult with Defra, Natural England and the local navigation authority on the Council's proposal to make the drainage byelaws;**

## Recommendations of the Executive and Committees

- (iii) subject to there being no objections by Defra, Natural England and the local navigation authority to the informal consultation the byelaws be made;
- (iv) the Assistant Director (Place), in consultation with the Portfolio Holder, be authorised to consider and seek to resolve any objection to the said byelaws being made (including amending the proposed byelaws);
- (v) the byelaws be submitted to the Secretary of State for confirmation with or without any outstanding objections (as the case may be); and
- (vi) in the event these byelaws are adopted by the Council, authority be delegated to the Assistant Director (Place) to authorise or refuse any applications for consents submitted under the said byelaws.

Reason: A decision is sought to allow the process of making land drainage byelaws to begin and to agree to make byelaws in connection with drainage matters to assist the Council in its role to help reduce the risk of flooding for local communities.

### **Background Papers:**

None.

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### **Date Published:**

19 October 2017

REPORT ENDS

## Equality Impact Assessment

The purpose of this assessment is to improve the work of the Council by making sure that it does not discriminate against any individual or group and that, where possible, it promotes equality. The Council has a legal duty to comply with equalities legislation and this template enables you to consider the impact (positive or negative) a strategy, policy, project or service may have upon the protected groups.

		Positive impact?			Negative impact?	No specific impact	What will the impact be? If the impact is negative how can it be mitigated? (action) <b>THIS SECTION NEEDS TO BE COMPLETED AS EVIDENCE OF WHAT THE POSITIVE IMPACT IS OR WHAT ACTIONS ARE BEING TAKEN TO MITIGATE ANY NEGATIVE IMPACTS</b>
		Eliminate discrimination	Advance equality	Good relations			
<b>Gender</b>	Men						Any implications arising from the proposals have been identified in the reports considered by the Executive and the Licensing Committee.
	Women						
<b>Gender Reassignment</b>							
<b>Race</b>	White						
	Mixed/Multiple ethnic groups						
	Asian/Asian British						
	Black/African/Caribbean/Black British						
	Gypsies / travellers						
	Other ethnic group						



		Positive impact?			Negative impact?	No specific impact	What will the impact be? If the impact is negative how can it be mitigated? (action) <b>THIS SECTION NEEDS TO BE COMPLETED AS EVIDENCE OF WHAT THE POSITIVE IMPACT IS OR WHAT ACTIONS ARE BEING TAKEN TO MITIGATE ANY NEGATIVE IMPACTS</b>
		Eliminate discrimination	Advance equality	Good relations			
<b>Disability</b>	Physical						Any implications arising from the proposals have been identified in the reports considered by the Executive and the Licensing Committee.
	Sensory						
	Learning Difficulties						
	Mental Health						
<b>Sexual Orientation</b>	Lesbian, gay men, bisexual						
<b>Age</b>	Older people (50+)						
	Younger people (16 - 25)						
<b>Religion or Belief</b>	Faith Groups						
<b>Pregnancy &amp; maternity</b>							
<b>Marriage &amp; Civil Partnership</b>							
<b>Socio-economic Background</b>							

The purpose of the Equality Impact Assessment is to improve the work of the Council by making sure it does not discriminate against any individual or group and that, where possible, it promotes equality. The assessment is quick and straightforward to undertake but it is an important step to make sure that individuals and teams think carefully about the likely impact of their work on people in Woking and take action to improve strategies, policies, services and projects, where appropriate. Further details and guidance on completing the form are [available](#).

## Sustainability Impact Assessment

Officers preparing a committee report are required to complete a Sustainability Impact Assessment. Sustainability is one of the Council's 'cross-cutting themes' and the Council has made a corporate commitment to address the social, economic and environmental effects of activities across Business Units. The purpose of this Impact Assessment is to record any positive or negative impacts this decision, project or programme is likely to have on each of the Council's Sustainability Themes. For assistance with completing the Impact Assessment, please refer to the instructions below. Further details and guidance on completing the form are [available](#).

<b>Theme (Potential impacts of the project)</b>	<b>Positive Impact</b>	<b>Negative Impact</b>	<b>No specific impact</b>	<b>What will the impact be? If the impact is negative, how can it be mitigated? (action)</b>
Use of energy, water, minerals and materials				
Waste generation / sustainable waste management				
Pollution to air, land and water				
Factors that contribute to Climate Change				
Protection of and access to the natural environment				
Travel choices that do not rely on the car				
A strong, diverse and sustainable local economy				
Meet local needs locally				
Opportunities for education and information				
Provision of appropriate and sustainable housing				
Personal safety and reduced fear of crime				
Equality in health and good health				
Access to cultural and leisure facilities				
Social inclusion / engage and consult communities				
Equal opportunities for the whole community				
Contribute to Woking's pride of place				